

**Testimony of  
Rev. Jill Job Saxby, Executive Director  
Maine Council of Churches  
Before the  
Senate Judiciary Committee  
Subcommittee on the Constitution, Civil Rights and Human Rights  
Hearing on Reassessing Solitary Confinement  
June 19, 2012**

Mr. Chairman, Members of the Subcommittee, thank you for this opportunity to submit testimony on behalf of the Maine Council of Churches concerning the harmful use of solitary confinement in our nation's federal prisons, jails, and detention centers. We are encouraged by the remarkable progress made here in Maine by our own Department of Corrections and that a growing number of states across the nation are reassessing this practice and implementing policies to limit its use. In light of the high cost of solitary confinement and its diminishing returns, we are grateful for the Subcommittee's timely review of the federal system's use of isolation today.

The Maine Council of Churches is a 74 year old, statewide ecumenical association of Maine's Evangelical Lutheran, Episcopal, Presbyterian Church (USA), Religious Society of Friends (Quakers), Roman Catholic, Swedenborgian, United Church of Christ, United Methodist and Unitarian Universalist denominations, representing over 500 congregations. Our mission is to "unite people of faith in good works that promote a culture of justice, compassion and peace."

While the Maine Council of Churches has a long history of advocacy for prison reform and restorative justice, for the past two years we have specifically focused these efforts on reducing the use of solitary confinement in Maine's prisons. We have worked with a coalition of organizations such as the National Religious Coalition Against Torture and local prison reform advocates to advocate for changes to state laws. While the law we advocated for in 2010 (which would have, among other things, reduced the use of solitary to no more than 45 days) did not pass, the legislature did order a working group to study the issue. The resulting in-depth report provided a set of guidelines for addressing the mental health and human rights concerns we and many others share for those who are confined to small cells for indefinite periods for 23 hours a day.

In 2011 and 2012, Commissioner Joseph Ponte of the Maine Department of Corrections has introduced new practices, standards, training and expectations about the use of solitary that, together, address many of the issues raised in the working group's report. As a result, there has been a significant decrease in the use of solitary confinement in our two prisons with special management units, the Maine State Prison and the Maine Correctional Center.

The Maine Council of Churches has sponsored three visits to these two prisons for clergy and other lay leaders over the past year and a half. Those of us who attended all three visits noticed not only a significant decrease in the use of the solitary cells but perhaps just as importantly, a change reported by management and staff in the approach to situations which might in the past have resulted in a prisoner being confined to solitary for long periods. At the Maine State Prison we were told on a recent visit that the use of the "special management unit" had been reduced by more than 50%. At the Maine Correctional Center, a recent report showed the solitary units for women had not been used at all in 2012.

Staff training in de-escalation techniques, the institution of treatment plans and the use of behavioral therapy techniques that incentivize appropriate behavior have all made a noticeable difference, as has what seems to be an attitudinal shift to thinking of the use of “segregation” or “special management” as a last resort and something to be avoided if at all possible.

While the changes are not yet codified into state law, we have observed here in Maine that significant changes to the use – and cultural acceptance in the corrections community – of solitary confinement as a routine prisoner management technique are possible, and within a very short period of time, with the right leadership from the top, with changes in training, and with outside advocates expressing their concern.

As faith leaders in Maine, our reasons for opposing the routine and prolonged use of solitary confinement are rooted in our shared moral values which derive from the Hebrew and Christian scriptures. In the words of Jesus to his disciples in Matthew 25:44-45: “Then they also will answer, ‘Lord, when was it that we saw you hungry or thirsty or a stranger or naked or sick or in prison, and did not take care of you?’ Then he will answer them, ‘Truly I tell you, just as you did not do it to one of the least of these, you did not do it to me.’”

Our moral opposition to the prolonged and widespread use of solitary confinement, with all its attendant ill effects, is rooted in this understanding of who God is, but also in our understanding of God’s will for human community and in the idea of the common good and our duties to one another. When society decides it must imprison a human being because of his or her crimes, that person’s basic human needs and welfare become part of our collective responsibility.

Too often, the use of solitary as a punishment not only fails to meet the basic standards of human rights, it fails as a tool for managing the behavioral problems and/or underlying mental illness that caused it to be used in the first place. Many studies have documented the detrimental psychological and physiological effects of long-term solitary confinement, including hallucinations, perceptual distortions, panic attacks, and suicidal ideation. Considering this severe harm, we strongly believe prolonged solitary confinement is a violation of the inherent God-given dignity in every human being.

The use of solitary confinement has increased dramatically in the last few decades. The Commission on Safety and Abuse in American’s Prisons noted in their report, *Confronting Confinement*, that from 1995 to 2000, the growth rate of segregation units significantly surpassed the prison growth rate overall: 40% compared to 28%. Rather than a last resort, solitary confinement has become a default management and discipline tool.

The drastic rise in solitary confinement has cost us financially. Super-max prisons cost much more expensive than standard facilities to build. Additionally, the daily cost per inmate in a solitary confinement unit far exceeds the costs of housing an inmate in lower security facility since solitary confinement units require individual cells and significantly more staff.

Our experience here in Maine has shown that solitary is not the only, or best, option and that there are safer – and we believe, more moral, alternatives. In an interview with the National Religious Campaign Against Torture, Maine Department of Corrections Commissioner, Joseph Ponte explained, “Over time, the more data we’re pulling is showing that what we’re doing now [through greatly reducing

the use of solitary confinement] is safer than what we were doing before.” Further, we must not neglect the larger public safety impact. The negative effects of prolonged solitary confinement harm our communities. Prisoners who are freed directly from solitary confinement cells are significantly more likely to commit crimes again. Successful reentry of these citizens to our local communities requires preparation for release while they are still incarcerated.

Mr. Chairman, Members of the Subcommittee, the Maine Council of Churches believes strongly that the United States should do everything it can to reverse our nation’s harmful and expensive reliance on solitary confinement. We have a moral obligation to uphold the dignity and the mental health of those currently incarcerated. To that end, we would strongly support your leadership in sponsoring legislation that would limit the use and length of solitary confinement. We implore you to immediately take steps to end the use of prolonged solitary confinement. Your hearing today is a very important effort in doing that, and we thank you for the opportunity to contribute to it.