



Building a Successful Statewide Legislative Campaign to Limit the Use of Solitary Confinement: Lessons from Maine in 2010

During the 2010 legislative session (January-April), the National Religious Campaign Against Torture (NRCAT) joined the Maine Council of Churches as part of a broader coalition of groups working to pass legislation that would have limited the use of solitary confinement in Maine prisons. The bill was authored and advanced by the Maine Prisoner Advocacy Coalition (M-PAC), a group comprised of “Maine prisoners, their friends and families, and others committed to ethical, positive, and humane changes in Maine's prison system.” Isolation is used as punishment in the Special Management Unit (SMU) of the Maine State Prison. Prisoners in the SMU are confined in a cell by themselves for 23 hours a day and only allowed physical exercise in a small cage outdoors for one hour, five days a week*. Some prisoners are kept in these conditions for over two years. Alarming, some are released from this unit directly to their communities when they complete their prison sentence.

The original bill supported by the coalition would have required the Department of Corrections (DOC) to review all solitary confinement placements at 45 days and to release to general population all prisoners whom the department could not prove presented a continued risk. While that version of the bill did not pass, the Legislature did pass a "resolve" requiring the state Department of Corrections and its overseers to review the use of solitary confinement and present the findings to the Criminal Justice Committee in January 2011.

The resolve's passage was a moral victory and reflected a growing shift in public awareness of the conditions in the SMU. Throughout the public debate preceding the Legislature's action, the word “torture” became increasingly heard in the news media. Two days after the resolve's approval, the *Portland Press Herald* and its sister newspapers in Augusta and Waterville editorialized sympathetically that its passage “should not be the end of action on this issue.” The editorial noted: “In the eyes of many around the world, excessive isolation is seen as torture.”

Grassroots organizing and lobbying efforts will continue to press for legislative restrictions on the use of solitary confinement during the 2011 legislative session. In the meantime, NRCAT, in collaboration with the American Civil Liberties Union (ACLU), is drawing upon the experience in Maine to develop model legislation and other resources to support the development of coalitions in other states. This document provides some guidelines for such coalitions, based largely on lessons learned in Maine.

While the focus of this document is on building a legislative campaign, it must be emphasized that regulatory reform and legislative strategies are intertwined. A legislative campaign should always begin with a thorough review of the current regulations. There may be opportunities to press for better compliance with existing regulations even as the coalition works for legislative reform.

* In response to the publicity engendered by the legislative campaign, the Department of Corrections implemented an incentive program in the SMU, increasing time out-of-cell to 5 hours a day for those prisoners approved for this program.

Organizational Structure

- An essential component of the Maine campaign was coupling community leadership (provided by M-PAC) with institutional leadership from organizations with extensive policy advocacy experience, resources and a good reputation with the media and the legislators. Having one or two organizations able to devote a significant amount of professional staff time and energy for publicity, organizing and lobbying can be a key factor in securing passage of legislation. The Maine Civil Liberties Union (MCLU), with active support from the Maine Council of Churches (MCC), provided such leadership for the coalition in Maine.
- In addition to providing both the resources and staffing to insure strong campaign “infrastructure,” the lead organization can help to convene an organizing committee that includes representatives of key constituencies and meets regularly to make strategic decisions and coordinate the campaign.
- It will also be important to establish good collaboration with the medical community early in the campaign. In Maine, coordination with the Maine Association of Psychiatric Physicians and Maine Psychological Association yielded expert testimony at the public hearing for the bill. National experts like Dr. Stuart Grassian or Dr. Terry Kupers may be able to connect you with state experts. Coordinating early with mental health experts will provide time to make sure those experts can visit solitary confinement units prior to testifying on the bill.
- In addition to working with established organizations, it is important to include voices from the affected community – prisoners and their families. Actively work with groups that have relationships with current and former prisoners to ensure their presence in the process.
- A strong, well-prepared and well-coordinated group of volunteers is essential. Among the many tasks volunteers can do, it will be important to have at least a few people who have the ability to give many hours for daily lobbying and grassroots outreach, supported by a much larger number of people who can participate in more limited ways (e.g. show up for key hearings and events; e-mail legislators; provide leadership to committees; make phone calls; etc.).
- If you have enough volunteers, it will be useful to organize the work into specialized committees: publicity, research, lobby days, prisoner outreach, etc.

Introducing Legislation and Developing a Campaign Strategy

- Consult with policy advocates in your state about how to adapt the model legislation developed by NRCAT and the ACLU so that it best meets the needs and political circumstances in your state.
- It will be important to study carefully the existing statutes and their implementing regulations to understand what aspects of current law might need to be changed and to ensure that any proposed legislation addresses those concerns without weakening or undermining any positive aspects of current law. Understanding the existing statutes may also help you identify aspects of current law that are not being enforced. A campaign to hold officials accountable for full implementation of existing laws and regulations could result in improvements in conditions even before the coalition wins passage of new legislation. For further guidance on drafting legislation, contact the National Prison Project at the ACLU.
- Working with the policy advocacy staff of the lead organization(s), identify likely allies in the legislature and determine who might be the most strategic sponsor(s) of the legislation.
- A comprehensive legislative campaign strategy will involve lobbying key legislators and committees, organizing in preparation for public hearings, and creating other opportunities for public dialogue and debate. While all such campaigns will have similar elements and characteristics, the details of committee structure, key powerbrokers, parliamentary procedure,

legislative calendar, etc., will be unique to each state. You will need to rely heavily on the expertise and guidance of experienced policy staff in the lead organization(s) coupled with the counsel of community members experienced in public policy reform.

- Aggressive grassroots and media outreach campaigns will be equally important. A broad-based coalition that can mobilize different constituencies across the state to call or write local legislators will be important. A coordinated effort to produce letters-to-the-editor and op-ed articles, to recruit experts willing to be interviewed by reporters, and to organize educational events in local communities can help secure media coverage and influence public opinion. All of these aspects of the campaign will have to be tailored to the specific state or region. The voices of national experts will be most effective if their testimony is connected to the realities of local conditions. Usually, the state capitol press corps will be crucial in getting news coverage. It's important that advocates know the key reporters and how best to approach them.

Key Allies and Voices of Support

- Key members of the coalition in Maine were the Maine Prisoner Advocacy Coalition (M-PAC), the Maine Civil Liberties Union (MCLU) and the Maine Council of Churches, with support from the National Prison Project of the American Civil Liberties Union (ACLU) and the National Religious Campaign Against Torture (NRCAT). Other important groups included the American Friends Service Committee (AFSC), the Portland NAACP, the Roman Catholic Diocese of Portland, Amnesty International, Maine Association of Psychiatric Physicians, Maine Psychological Association, Maine Disability Rights Center, the National Association of Social Workers, Human Rights Watch, and the National Alliance on Mental Illness.
- It is essential to work closely with organizations with longstanding advocacy efforts and relationships within the Department of Corrections. In Maine, these organizations included M-PAC, AFSC and the Portland NAACP.
- The testimony presented by the Maine Association of Psychiatric Physicians and the Maine Psychological Association (and individual members of those organizations) was a powerful factor. Their testimony would have been much stronger, however, if those presenting had had direct experience within the isolation units in Maine. It is important for such experts to try to gain access to prisoners in the isolation units, so their attempts to evaluate the conditions in the state's segregation units can be referenced in their testimony.
- Testimony from former penal employees can provide an important voice. If you can't identify such people in your state, there are national reformers who might work with you. Again, it would be best if their testimony can be linked with voices from within your state. Meeting with a prison guard union early in the campaign might provide connections to such individuals.
- Testimony from prisoners who are or have been in solitary was helpful. Gathering such testimony can be very time-consuming, requiring concerted outreach to and correspondence with prisoners. Starting early and being persistent are important. Priority should be given to securing testimony from prisoners who have been held in isolation in the local prison system.
- The MCLU and AFSC each sponsored a statewide speaking and media tour for a nationally known, articulate former prisoner who had significant experience with solitary confinement. The meetings were well attended, and the press either covered them or conducted interviews with the speakers.
- Prisoners' families could also be an important source of testimony and support. This testimony can be offered in a variety of ways: through letters, videotaped testimony, and most effectively, directly from well-prepared family members who participate in meetings with legislators. It is

crucial to prepare these family members to answer the inevitable questions about the crimes that put their loved ones in prison.

- Relationships with reporters, including investigative reporters, should be cultivated as a part of an effective media strategy. These individuals are often a useful source of information, and their articles can be helpful in informing the public about the issue and the actions of the campaign. Care should be given to make sure that the campaign is working with a number of reporters so that the voices of the journalists remain independent.
- Testimony – in person or in writing – provided by legislators from other states (e.g., Maine) who are familiar with the issues could be another way to influence your legislators.

Organizing the Religious Community

- The Maine Council of Churches (MCC) and NRCAT played a significant role in the 2010 legislative campaign in Maine:
 - Educated NRCAT’s 600 partners in Maine about the need to reduce significantly the use of the isolation units and solitary confinement and the importance of the bill. It sent five email action alerts to its partners in Maine and provided them with model emails that they could send to their state representatives and state senators on this legislation.
 - Generated a significant amount of media coverage, including several editorials supporting the legislation published in newspapers around the state.
 - The staff of the MCC and NRCAT engaged in direct lobbying with legislators on the bill.
 - The MCC and the Catholic Diocese of Portland (representing the largest faith group in the state) gave testimony before the Maine legislature’s Criminal Justice Committee. The MCC and the Diocese of Portland spoke on why people of faith believe solitary confinement is an issue of torture, and consequently is a moral issue.
 - The following week, people of conscience, including many from the faith community, gathered to learn more about isolation in Maine prisons and to prepare themselves to lobby for the bill. NRCAT’s Executive Director, Rev. Richard Killmer, was the keynote speaker at a public event, after which participants visited their elected officials in the State House to encourage them to support the bill. Rev. Killmer was able to articulate the moral struggle of people in Maine within the context of the international struggle to end all forms of torture.
- In an effort to allow more religious leaders to speak about solitary confinement based on first-hand knowledge, the MCC organized a “clergy bus tour” in October 2010, providing 15 clergy from key legislative districts with an opportunity to tour the Special Management Unit and ask questions of the prison staff. A debriefing session after the tour allowed the clergy to process the experience with experts and prisoner advocates. The MCC worked closely with the NAACP in organizing the tour, building on the NAACP’s longstanding relationships within the DOC.
- The MCC was perceived as a trustworthy and “moderate” group, facilitating their efforts to gain access to the prison and to work with the DOC.
- Another group within the religious community that should not be overlooked is the state’s prison chaplains. They could be a tremendous resource, and reaching out to them early in the campaign to understand their perspectives and experience will be important. In Maine, a former chaplain — who is also a former legislator — became an outspoken opponent of solitary confinement.
- Organizers should give particular attention to faith communities most directly affected by the prison system. In the U.S., that will most often mean faith communities of color, and your outreach should include Islamic Centers and mosques. In states like Maine, where there is a large Native American population, you should also reach out to tribal communities and spiritual

leaders. Advocates will need to be attentive to the intersection of race and racism with prison reform issues.

Study the Opposition and Look for Potential Allies

- The State Department of Corrections will likely strongly oppose the legislative reform. However, you may be able to identify allies within the system, including specific guards, chaplains and wardens who would also like to see changes made. While they may not be prepared to formally support the full extent of your proposal, they may still be willing to speak informally about the need for reforms and help to undermine the appearance of a unified opposition. You can provide these allies with data from other states demonstrating reductions in violence and increased safety for Corrections officers in prisons that have instituted reforms. Asking these potential allies for input on the draft legislation may also help identify “sticking points” and potential compromises.
- The testimony of former Corrections employees can also serve to counter the voices of current employees, who may be concerned about keeping their jobs. However, it is very important when using former Corrections employees that the campaign understand their relationship with the DOC and evaluate whether an individual’s voice will help or harm the campaign.
- If one political party is most strongly opposed to the reforms, you may be able to identify specific legislators in that party who are more “open-minded” as a result of having constituents whose loved ones are held in solitary confinement.

Public Relations and Messaging

- In Maine, the religious groups, especially NRCAT, sanctified, so to speak, the use of the word “torture” to describe solitary confinement. Advocates, prisoners, the MCLU and others continued to use this term in the media and with legislators. Although the DOC, the governor’s office, and some legislators reacted very strongly, the use of the word “torture” was helpful because it put the issue in the starkest, clearest terms. With religious leaders speaking so clearly and forcefully on the issue, the public, legislators, and the media had to look at solitary confinement as a moral issue. That was a big achievement.
- Similarly, coalition advocates insisted on using the term “solitary confinement” rather than “segregation,” the term much preferred by the DOC. That was a strategic decision to frame the issue in a way that more clearly raised questions about inhuman treatment.
- You can make effective use of statistics and other factual information on solitary confinement and its effects on individuals and on the prison system. Many national experts on solitary confinement may be willing to testify in person, but you must be prepared for legislators who oppose the bill to challenge them as “outsiders” with limited knowledge of local facilities or policies. If possible, arrange for such experts to visit a local prisoner in solitary confinement and to talk with local prison staff. At a minimum, be certain that the expert knows the basic facts about your state’s use of solitary confinement. Local statistics should be highlighted wherever possible, but some comparisons with data (on implementation and outcomes) from countries that have banned prolonged isolation may also prove helpful.
- Creative visuals for hearings and public gatherings can help move the debate beyond concept and generalizations to the plight of actual people. Enlarged quotations from prisoners printed on placards, photographs of isolation cells or a mock cell are some possibilities. Supporters of the bill could wear the same color shirt, ribbon or sticker to signify their support.

- Demonstrating powerful support through numbers at the public hearing is essential. Even if individuals do not feel comfortable testifying before the committee, it's important for them to attend and show their support by being present.

Connecting with Prisoners

- Often, there will be existing groups with contacts among prisoners and their families. Keeping their voices in the center of the public debate can help to give the issue a “human face.” The strongest voices are the voices of family members who have had to re-integrate a family member who has spent an extended period of time in solitary confinement.
- A newsletter produced for the prisoners by the Maine Prisoner Advocacy Coalition, although frequently stymied in its delivery to the prisoners, stimulated inmates to write letters about their experience in solitary - letters which could then be quoted as testimony.