



JANET T. MILLS  
GOVERNOR

STATE OF MAINE  
DEPARTMENT OF CORRECTIONS  
111 STATE HOUSE STATION  
AUGUSTA MAINE  
04333-0111

RANDALL A. LIBERTY  
COMMISSIONER

**TESTIMONY OF**  
**RANDALL A. LIBERTY, COMMISSIONER**  
**DEPARTMENT OF CORRECTIONS**

**Opposition to**

**LD 696 An Act to Prohibit Solitary Confinement in Maine's Corrections System**

**Before the**  
**Criminal Justice Public Safety Committee**  
**February 9, 2022**

Senator Deschambault and Representative Warren and other distinguished members of the Criminal Justice and Public Safety Committee, I am Randall Liberty, Commissioner of the Maine Department of Corrections providing testimony in opposition to the most recent version of LD 696.

What you've heard today is not illustrative of today's Maine Department of Corrections.

I agree with the research that clearly states solitary confinement leads to long term physiological and psychological distress and does not support recovery or balanced wellness. Because I accept the negative impact of solitary confinement as fact, the Maine Department of Corrections does not utilize the practice of solitary confinement.

Therefore, this bill is an answer to a problem that does not exist in Maine.

Deputy Commissioner Dr. Ryan Thornell and I actively speak out against the practice of solitary confinement and offer correctional facilities across the country and national audiences' humane ways to deal with the most violent and dangerous residents.

One such way is by housing the residents who present a sizeable threat to the safety and security of others in a unit of their own, which is not solitary confinement, rather than placing them with the general population. In a unit like this, managed properly, we have success providing programs and services, education, and recreational activities, alongside behavioral health resources, in a safer, controlled manner. All while granting adequate time out of cell in order for these therapeutic and rehabilitative services to take place.

Today, out of the nearly 1,600 residents served by the Department, there are just seven residents in this housing unit. While many states and jurisdictions grapple with this issue, Maine does not.

The seven residents who are in what we call the Administrative Control Unit (ACU), which again, is not restrictive housing, are offered opportunities to be out of cell four plus hours a day. They have



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regular contact and interaction with peers (as appropriate), and staff. These residents receive programming, including education, job training, behavioral health, as well as recreation time. Residents in this unit can watch television in their cells, make phone calls, use the computer tablet system (which allows for text messaging), and make commissary purchases. They are also able to take on a paying unit job (as appropriate). More recently, they have benefited from new opportunities for peer mentoring engagements. All of this occurs in an environment well-suited for small populations, controlled interactions, and opportunities for behavior change.

Furthermore, residents in this unit are afforded due process protections, like all residents. It is meaningful and accountable, for both the residents and the Department. Residents are returned to general population as soon as it is reasonably safe to do so.

What makes this unit so vital is that it ensures the safety and security of the other 1,600 residents and hundreds of staff, volunteers and visitors.

It is no small feat to end up in the Administrative Control Unit, a unit designed for security and targeted programming. Our preference is that when a resident engages in behavior that may result in restriction to their facility movement, like presenting a direct threat to residents or staff, or being found guilty of a major disciplinary violation, we keep them in general population and work to defuse the conflict or investigate further. And we make every attempt to do so. In fact, a majority of incidents or situations in our facilities are effectively managed in general population. However, the few individuals who make it to the Administrative Control Unit have committed violent acts, at times quite gruesome, often premeditated, resulting in near fatal, and fatal injuries of residents and staff. Often those who have ended up in the ACU have planned highly detailed attacks on staff, complete with weapons and hostage plans, for the sole purpose of carrying out violent crimes including stabbings. One resident ended up in the ACU after meticulously planning the kidnapping and brutal murder of a staff member, targeted because the staff member was seen an easy victim due to his non-security position. Another man ended up in ACU after he brutally attacked another resident in the night, leaving the resident bloodied to the point staff could not recognize him. The perpetrator claimed he only stopped attacking the other resident because he thought he'd already killed him.

One resident in the Administrative Controls Unit was convicted of a double homicide, stabbing his victims to death. Each time that he is released into the general population, he has stabbed other residents. Most recently he stabbed an officer. I personally have witnessed these violent acts. The individuals assigned to the ACU are unsafe in the general population and for the safety of our officers and of the other residents in our care, these small few must be separated. But again, this is not the same thing as solitary confinement.

A correctional facility must have the ability to remove these violent individuals from the general population. Removing residents from general population in order to ensure the safety of staff and other residents is not akin to solitary confinement.



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Our trouble with the amended version of LD 696 is not that it seeks to end solitary confinement. As I said, we do not practice solitary confinement. We're with you there. Our opposition to this bill is that it is exceedingly far reaching while ignoring the experience and expertise of correctional professionals, including those appointed by the Governor and those voted in by the public, the Sheriffs. This amendment attempts to micromanage solutions to a problem that doesn't exist. The amendment is so overreaching that it will, inevitably, put lives at risk, reduce programming and services, and create a level of chaos that does not exist. These unintended consequences cannot be overlooked.

That said, we remain committed to working with Representative Lookner and others on the topics of improved conditions to ensure all residents are safe and secure, able to attain good health, wellness, and personal growth.

I ask you to vote no on this bill.

Randall A. Liberty  
Commissioner  
Maine Department of Corrections