

Exclusive Interview

REDUCING SOLITARY CONFINEMENT

HOW MAINE'S CORRECTIONS COMMISSIONER DROPPED SUPERMAX NUMBERS BY 70 PERCENT . . . AND BECAME A NATIONAL LEADER IN PRISON REFORM (IF ANYBODY FOLLOWS)

BY LANCE TAPLEY

➤ Installed by conservative Republican Governor Paul LePage last winter, Maine's new corrections commissioner, Joseph Ponte, 64, immediately set about reforming the prison system. His priority was the Maine State Prison's often-full-up, 132-cell solitary-confinement "supermax" unit — a/k/a the Special Management Unit, SMU, "segregation," or "seg."

It was notorious for abusive treatment of prisoners, many mentally ill. The long terms of solitary, often for discipline, damaged inmates' minds, and "cell extractions" of disobedient inmates by guards damaged their bodies.

But now, on a recent day, only 34 prisoners were in solitary, about 30 percent the number often in isolation before Ponte took over — and most are there for brief stays. Cell extractions have dropped to almost none.

In the supermax's 32-bed Mental Health Unit, Ponte has ended solitary confinement (half its inmates were frequently kept in solitary). He is instituting more humane discipline throughout the Warren prison and the state's other correctional facilities.

Future reforms, Ponte says, include "more effective interaction at the street level" with offenders on probation to keep more out of prison. Half the inmates in prison are there because of probation revocations.

Ponte also has made the prisons more transparent. He appointed prisoner-rights advocates to a department committee designing the reforms and recently gave some of them a lengthy tour of the state prison, including the supermax. They met with dozens of inmates and staff.

The tour "lifted away more shadows that have covered dysfunctional practices at the prison for decades," says Judy Garvey of the Maine Prisoner Advocacy Coalition.

Garvey cautions, however, that "inmates, staff, and advocates agree it's too early to weigh the results of change, and that tensions can be high as new policies are implemented." Still, she's hopeful Maine will become "a model for treatment of prisoners for the rest of the country."

YOU'VE MADE BIG CHANGES — ESPECIALLY IN THE SPECIAL MANAGEMENT UNIT AND THE MAINE STATE PRISON AS A WHOLE. IS THIS SOMETHING THAT YOU

'Segregation tends not to fix the problem that the inmate needs to address.'

—Joseph Ponte

HOW DO YOU KNOW IT'S WORKED? We have 60 beds that have been closed for three or four months. We're utilizing about 40-something beds on any given day. So inmates that were typically locked up in segregation are now being managed in general population. Segregation tends not to fix the problem that the inmate needs to address.

We had to measure the outcomes. Did we increase inmate violence? And every measure we've had, first in segregation — the acting out, the use of chemicals, the use of force, use of restraint chair — those numbers have dropped significantly, so segregation is a better place. And then we took those same measurements and looked at them in population — inmate assaults, staff assaults, use of force — did they increase after we limited the use of segregation to the more violent offenders? All of our data show us that the situation actually has improved and not gotten worse.

HOW DO YOU ACCOUNT FOR THE IMPROVEMENT IN GENERAL POPULATION? The effectiveness of our staff interacting with inmates and changing behavior. Locking them up in segregation didn't change the behavior. Instead, we do informal sanctions, like you lose your recreation time, or you lose your commissary privileges, or you're locked in your cell for a period of time.

PEOPLE WHO WERE PUT INTO SEGREGATION BECAUSE THEY WERE ALLEGED TO BE VIOLENT, YOU'RE NOW PUTTING THEM INTO GENERAL POPULATION, AND YOU'RE SAYING YOU'RE ACTUALLY GETTING LESS VIOLENCE NOW? That's correct.

WHAT CAUSES THAT? Face-to-face interaction starts the process — where the officers know the offender, they know what the issues are, they work on the issues. An inmate fight would be a good example. It used to be they would go to seg. They would do their disciplinary time in seg. It might take two or three months, that whole process. Now an inmate gets into a fight, they'll go to seg and be evaluated. We would decide, after talking with the inmate and staff, can these guys go back in population. If they had a little disagreement and there were no serious injuries, they'll probably go back either in the same housing unit or in some cases the fighters will be separated.

WANTED TO DO BEFORE YOU CAME TO MAINE? No. It was waiting for me when I arrived. There had been threats of lawsuits by the ACLU. A substantial committee had been put together that had worked for a good amount of time to develop what the concerns were. So I put a group together — led by Rod Bouffard from the Long Creek youth facility — to make the changes. And you're right, there have been substantial changes. It is a big deal. It's a lot for a staff to adjust to. It's a whole different way of doing business.

I get asked the question: Do you get a lot of staff resistance? Well, we had trained staff for many, many years to do business a certain way, and now we're telling them here's another way of doing business. It took a good deal of leadership by Warden [Patricia] Barnhart and Charlie Charlton, the SMU unit manager, to convince staff there is another way, and try this, and it's worked.



LEADING THE WAY Maine Corrections Commissioner Joseph Ponte is moving his prison staff in a promising new direction.

HOW HAVE THE INMATES IN THE GENERAL POPULATION REACTED TO THIS NEW SET-UP? I HEARD THERE WAS NERVOUSNESS AT FIRST THAT SOME OF THESE PEOPLE IN SEGREGATION WERE COMING BACK. Right. There was a nervousness in staff and inmates. Some inmates thought that this was a weakness in the sense now is the time to start misbehaving because you're not going to get locked up. But we're letting people know that if you do something serious you're going to get locked

up for a substantial amount of time. But for the everyday things as long as we can safely manage them in the population we're going to manage them in the population. It's a lot more work for the staff. It's a lot easier for the officers to take somebody who's acting out or being a pain to lock them up in seg. He's out of their hair. But now you've got to deal with this guy every day, talk to him every day to convince him of the right thing to do.

Praise for the reformer

A SELECTION OF REVIEWS OF PONTE'S WORK

◆ "The reduction in the use of solitary confinement is just one example of the positive management changes he has made. I agree with the commissioner that, whenever possible, it is best to treat people in a more civil manner. The changes that have been made will reduce costs and lead to better outcomes."

—Governor Paul LePage

◆ "Commissioner Ponte has taken an extraordinary step. He has reduced the solitary-confinement population in Maine's prisons by 70 percent. It is the right time for state legislators, governors, and directors of corrections in other states to do the same."

—Reverend Richard Killmer, Executive Director, National Religious Campaign Against Torture

◆ "Commissioner Ponte has achieved extraordinary reforms to limit solitary confinement — effectively, torture — at the Maine State Prison. By treating prisoners like human beings, he is giving them a chance at turning their lives around in prison and when they return to our communities."

—Shenna Bellows, Executive Director, American Civil Liberties Union of Maine

IN THE PAST MANY PEOPLE PUT IN THE SUPERMAX WERE CLASSIFIED BY THE DEPARTMENT AS MENTALLY ILL. ARE YOU STILL PUTTING MENTALLY ILL PEOPLE THERE? The people that are mentally ill should not be placed in segregation. One, there is no evidence that supports that they're ever going to get better there. Two, we're probably doing more harm to do that. We're still refining that policy. One of the things that we were struggling with is when we've got an inmate in the Mental Health Unit and he acts up, he's violent, well, do we put him in seg? That's a problem for us because it's a safety issue for the inmate and for staff. But, clinically, we're standing on firm ground saying "No, you can't." We're going to manage him in the Mental Health Unit because he's mentally ill. Putting him in seg does not accomplish anything for us. It doesn't make him better. It doesn't solve the violence problem.

SO TO DO THIS DO YOU NEED MORE RESOURCES IN THE MENTAL HEALTH UNIT? I think it's more of a change in philosophy and mind-set on how we're going to do it than resources. We've added some resources. We're going to have a recreation therapist in there. We've just added a clinical director there who comes from Long Creek. If you look at the change in juvenile corrections, we went from a custody operation to a treatment operation. So the focus in the Mental Health Unit is going to be a treatment focus, not a custody focus.

SO WHY DO PEOPLE GO INTO SOLITARY CONFINEMENT NOW? IS IT DISCIPLINARY? When the inmate is a threat to himself or others, he can be placed in segregation. It could be a number of reasons why that occurs. A disciplinary report doesn't get you into segregation unless we can prove that you are in fact a threat to yourself or others. And that could be a very temporary placement.

SO YOU'RE NOT USING SEGREGATION AS REGULAR DISCIPLINE? No. That's exactly what we got away from.

PREVIOUSLY THERE WAS SOMETHING CALLED "ADMINISTRATIVE SEGREGATION"? They had a high-custody classification. We've done away with that.

YOU'RE TRYING TO KEEP PEOPLE THERE IN SUCH SHORT STAYS THAT THEY'RE NOT GOING TO BE DRIVEN CRAZY BY SOLITARY CONFINEMENT, I TAKE IT? That's our hope. And we're trying to put some program pieces into segregation. If the inmate's behavior is relatively good, we now give them TVs, radios, commissary privileges. It's not disciplinary. If you've got a serious assault where somebody's injured and you've got a weapon involved, you're probably going to do your disciplinary time down there. There will be many more factors to be investigated to make a decision on when and if we can bring them back.

HOW ABOUT CELL EXTRACTIONS IN THE SMU? THE LAST TIME I CHECKED A MONTH OR TWO AGO THERE HADN'T BEEN ONE IN FIVE WEEKS. We've got one particular inmate that's been real difficult to manage. He continues to do things to harm himself. From recent memory, that's really the only one that we've had to take out of his cell.

YOU'VE MENTIONED THAT IN THE STAFF THERE WAS SOME RESISTANCE AT FIRST TO ALL THE CHANGES. HAVE YOU GIVEN A LOT OF TRAINING TO THE STAFF? We've done some training. We've trained on the change in the policies. We have substantial training coming up on mental health. We've got a substantial amount of training to do on the segregation side. As staff adjusts to these things, staff usually finds better ways to do the things that we'd like to see done.

IS THE WARDEN GOING ALONG WITH THE CHANGES? SOME OF THE ADVOCATES FOR PRISONERS THINK THAT SHE'S A LITTLE RELUCTANT, THAT SHE SEEMS MORE PASSIVE THAN ACTIVE. I think that for a lot of people who have worked

with prisoners for a period of time we kind of learn one way of doing business and this is a substantial change. I don't think she's reluctant. I think as we try new things we're not positive of the outcome. But we've proven in the juvenile setting that it's possible to get everybody on board.

DO YOU FEEL SHE'S COMING ALONG?

Absolutely. I don't see reluctance. I just see "cautious." A lot of this stuff is new to her as it is to the staff.

WHAT HAS BEEN THE REACTION IN THE CORRECTIONS COMMUNITY NATIONALLY TO YOUR REFORMS, ESPECIALLY TO THE REDUCTION OF THE SUPERMAX POPULATION? Nationally, we're one of two or three states that have done that — Mississippi has done the same thing. We've had more reaction from colleagues locally. The commissioner in Rhode Island is amazed at what we're able to do here. I don't know if we'll be followed. Maine is different in a lot of ways. I've worked in California, and their gang issues are just off the chart — very severe, very difficult to manage. I don't think if we had those kinds of issues in Maine we could have been where we are today in segregation.

SO SOME STATES MIGHT BE ABLE TO DO WHAT YOU'VE DONE AND SOME WOULD FIND IT MUCH HARDER? Yes. In some states it's not impossible, but much more difficult, more complex.

WHAT'S GOVERNOR LEPAGE'S REACTION TO WHAT YOU'VE DONE? He's told me he's very happy where we're at. What he said to me coming in was he thought the department had issues and problems that needed to be addressed. He still wants safe, secure facilities. He wants our inmates to be safe. He wants them well treated. He wants our staff to be safe. And if we can save money in the process, as difficult a fiscal situation as we are in, I'm sure he's happy in that regard.

I THINK PEOPLE WERE SURPRISED THAT YOU DID WHAT YOU DID IMMEDIATELY HERE IN TERMS OF FIXING SOME OF THE PROBLEMS. YOU CAME FROM THE CORRECTIONS CORPORATION OF AMERICA, WHICH IS A GOBLIN TO PRISONER-RIGHTS ADVOCATES. BUT YOU SEEM TO BE HEEDING A LOT OF WHAT THE ADVOCATES ARE SAYING. PERSONALLY, WHAT HAPPENED? I changed jobs enough that I never come in with the mentality that I know what to do here. I come in and look at what's happening and make my best judgments. One of the things I've learned in 42 years in this business is that I don't know it all, and that others' opinions probably have some valid points. I've come in with an open mind. Developing new, creative responses to things has always been something that keeps me enthusiastic.

RECENTLY THE UN CHIEF OFFICIAL ON TORTURE IN ESSENCE ACCUSED AMERICAN SUPERMAXES OF BEING TORTURE CHAMBERS. RECENTLY YOU ALLOWED THE NATIONAL RELIGIOUS CAMPAIGN AGAINST TORTURE TO INTERVIEW YOU. DO YOU FEEL COMFORTABLE WITH THAT WORD "TORTURE" TO DESCRIBE WHAT HAS HAPPENED IN MANY SUPERMAXES? I don't think what we have here is a supermax. I've seen some where the isolation is not only within the cell, but within the corridor. I think long-term confinement in segregation has negative effects. But in some cases you've got very violent, dangerous people. I'm not sure how to fix that. I always use the example of someone who comes into prison with a murder charge and then kills an inmate. At what point do you put that guy back out?

BUT ISN'T LONG-TERM SOLITARY CONFINEMENT OF PEOPLE TORTURE? I don't believe administrative segregation is torture. At some point, I guess, if it goes on long enough and the isolation is severe enough it could be. My concern is what we have here in Maine, and I don't see that here. ☉

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