

HOUSE BILL 775

E4

9lr2880

By: **Delegate Bartlett**

Introduced and read first time: February 8, 2019

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Correctional Services – Maryland Correctional Institution for Women – Reforms**

3 FOR the purpose of stating the intention of the General Assembly that the Department of
4 Public Safety and Correctional Services implement certain reforms at the Maryland
5 Correctional Institution for Women; stating the intention of the General Assembly
6 that certain reforms be implemented by taking into consideration a certain report
7 and within a certain time period; and generally relating to the Maryland
8 Correctional Institution for Women.

9 BY adding to

10 Article – Correctional Services

11 Section 10–802

12 Annotated Code of Maryland

13 (2017 Replacement Volume and 2018 Supplement)

14 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
15 That the Laws of Maryland read as follows:

16 **Article – Correctional Services**

17 **10–802.**

18 **IT IS THE INTENTION OF THE GENERAL ASSEMBLY THAT THE DEPARTMENT**
19 **IMPLEMENT THE FOLLOWING REFORMS AT THE MARYLAND CORRECTIONAL**
20 **INSTITUTION FOR WOMEN (MCIW):**

21 **(1) ADOPT STANDARDS ENDORSED BY THE NATIONAL COMMISSION**
22 **ON CORRECTIONAL HEALTH CARE TO PROHIBIT PLACEMENT OF INDIVIDUALS WITH**
23 **SERIOUS DISABILITIES IN RESTRICTIVE HOUSING, EXCEPT IN LIMITED EXIGENT**
24 **CIRCUMSTANCES WHEN REASONABLE ALTERNATIVES ARE NOT AVAILABLE AND**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **THERE IS ACTUAL OR THREATENED IMMINENT HARM;**

2 **(2) REDUCE PERIODS OF ADMINISTRATIVE SEGREGATION AND**
3 **DISCIPLINARY SANCTIONS AND PROBATE EXISTING SEGREGATION TIME TO**
4 **CONFORM TO NATIONALLY AND CLINICALLY ENDORSED STANDARDS;**

5 **(3) DEVELOP ALTERNATIVES TO RESTRICTIVE HOUSING FOR**
6 **INDIVIDUALS WITH SERIOUS DISABILITIES;**

7 **(4) IMPLEMENT A MANDATORY PRESCREENING EVALUATION**
8 **PROCESS BEFORE PLACEMENT IN RESTRICTIVE HOUSING TO IDENTIFY INDIVIDUALS**
9 **WITH SERIOUS DISABILITIES, DIVERT THOSE INDIVIDUALS FROM RESTRICTIVE**
10 **HOUSING UNITS, AND MATCH THOSE INDIVIDUALS TO ALTERNATIVES;**

11 **(5) SUBJECT TREATMENT PLANS TO EXTERNAL REVIEW TO ENSURE**
12 **THE PLANS COMPLY WITH PROFESSIONAL STANDARDS OF CARE;**

13 **(6) MODIFY THE CONTRACTS OR POLICIES THAT ALLOW**
14 **UNACCEPTABLE CONDITIONS IN THE INPATIENT MENTAL HEALTH TREATMENT**
15 **UNIT, INCLUDING SEVERE RESTRICTIONS ON TIME OUT OF CELL, LACK OF**
16 **CONFIDENTIAL ENCOUNTERS WITH HEALTH PROFESSIONALS, AND INADEQUATE**
17 **TREATMENT PLANS;**

18 **(7) AUTHORIZE THE USE OF MEASURES SUCH AS LACK OF CLOTHING**
19 **OR PERSONAL PROPERTY, LACK OF BEDDING, LACK OF PROGRAMMING, AND**
20 **24-HOUR ILLUMINATION IN CELLS ONLY IF REQUIRED BASED ON INDIVIDUALIZED**
21 **ASSESSMENT;**

22 **(8) REPLACE PLEXIGLAS WINDOWS THAT LIMIT VISIBILITY;**

23 **(9) OBTAIN SUICIDE-RESISTANT MATTRESSES AND UTENSILS;**

24 **(10) MODIFY THE CONTRACTS OR POLICIES THAT ALLOW SUCH**
25 **UNACCEPTABLE CONDITIONS IN THE INFIRMARY AS RESTRICTIONS ON TIME OUT OF**
26 **CELL, LACK OF ACCESS TO NATURAL LIGHT, LACK OF ACCESS TO RECREATION, AND**
27 **LACK OF ACCESS TO COMMISSARY FOOD ITEMS;**

28 **(11) MANDATE EXTERNAL REVIEW OF SITUATIONS REQUIRING**
29 **EXTENDED STAYS IN THE INFIRMARY AND STAYS IN THE INFIRMARY FOR**
30 **NONACUTE CARE;**

31 **(12) REVISE POLICIES REQUIRING ALL PREGNANT WOMEN TO BE**
32 **PLACED IN THE INFIRMARY TO DECISIONS BASED ON CHOICE OR MEDICAL**

1 NECESSITY;

2 (13) REEVALUATE THE CENTRALIZED HIRING PROCESS TO ALLOW
3 VACANCIES TO BE FILLED MORE QUICKLY, ESPECIALLY FOR HEALTH CARE
4 POSITIONS;

5 (14) DEVELOP A METHOD TO ADDRESS THE MENTAL HEALTH NEEDS OF
6 WOMEN WHO REQUIRE INTENSIVE SERVICES BEYOND WHAT CAN BE PROVIDED AT
7 MCIW;

8 (15) PROVIDE EDUCATION AND WRITTEN MATERIALS TO STAFF AND
9 INCARCERATED WOMEN ON THE AMERICANS WITH DISABILITIES ACT AND
10 PROCESSES FOR REQUESTING ACCOMMODATIONS;

11 (16) OFFER MORE OPPORTUNITIES FOR INDIVIDUALS IN RESTRICTIVE
12 HOUSING TO SPEND TIME OUT OF THEIR CELLS AND TO HAVE ACCESS TO ACTIVITIES
13 SUCH AS MEDITATION EXERCISES, MUSIC, AND TELEVISION WHEN IN THEIR CELLS;

14 (17) CONSIDER ALTERNATIVE PLACEMENTS FOR INDIVIDUALS WHO
15 CONTINUE TO DETERIORATE OR HAVE EXTENDED TIME IN THE INPATIENT MENTAL
16 HEALTH TREATMENT UNIT OR INFIRMARY, AND WHO MAY BENEFIT FROM SERVICES
17 BEYOND WHAT IS AVAILABLE AT MCIW;

18 (18) EXPAND THE USE OF MEDICAL PAROLE;

19 (19) ENSURE THAT POLICIES REGARDING THE USE OF RESTRAINTS
20 REQUIRE THAT AN INDIVIDUAL BE RELEASED ONCE THE INDIVIDUAL IS CALM OR
21 HAS STABILIZED;

22 (20) ENSURE THAT CLINICAL ENCOUNTERS ARE OFFERED IN A
23 CONFIDENTIAL SETTING;

24 (21) REVIEW SEGREGATION AND LOG SHEETS TO ESTABLISH
25 COMPLIANCE WITH RECORD-KEEPING AND SUBSTANTIVE PRISON POLICIES;

26 (22) ALLOW WOMEN TO COPY THEIR HEALTH CARE RECORDS WITHOUT
27 CHARGE, WITH NARROW EXCEPTIONS;

28 (23) COMPLETE ANTILIGATURE ASSESSMENTS AND IMPLEMENT
29 NECESSARY CHANGES FACILITY-WIDE;

30 (24) ELIMINATE PHYSICAL BARRIERS THAT PREVENT PERSONS USING
31 WHEELCHAIRS FROM ACCESSING THE GYMNASIUM;

1 **(25) DEMOLISH THE OLDER HOUSING UNITS;**

2 **(26) CONSTRUCT ALTERNATIVES TO RESTRICTIVE HOUSING UNITS;**

3 **AND**

4 **(27) DEVELOP CONTRACTS WITH MARYLAND'S ANCHOR HEALTH CARE**
5 **INSTITUTIONS OR UNIVERSITIES TO RUN HEALTH CARE OPERATIONS AT MCIW.**

6 SECTION 2. AND BE IT FURTHER ENACTED, That it is the intention of the
7 General Assembly that in implementing the reforms outlined in § 10-802 of the
8 Correctional Services Article, as enacted by Section 1 of this Act, the Department of Public
9 Safety and Correctional Services:

10 (1) take into consideration the recommendations of Disability Rights
11 Maryland in its report entitled "Segregation and Suicide: Confinement at the Maryland
12 Correctional Institution for Women"; and

13 (2) begin taking action to implement the reforms as soon as possible after
14 the effective date of this Act.

15 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
16 October 1, 2019.