

MARYLAND ALLIANCE FOR JUSTICE REFORM

Working to end unnecessary incarceration and build strong, safe communities



January 28, 2022

Chairman Luke Clippinger
House Judiciary Committee
House Office Building, Room 101
Annapolis, MD 21401

**RE: House Bill HB 067 – Support
Written Testimony - Olinda Moyd, Esq.**

Dear Chairman Clippinger and Judiciary members:

The Maryland Alliance for Justice Reform supports a favorable report of HB 067.

One critical requirement of the bill is to mandate a step-down regimen before release for people in restrictive housing. The requirements for the step-down process are spelled out in the bill. Foremost, it will end direct release to the community from restrictive housing.

Because the pandemic has resulted in wide-spread, prolonged restrictive lockdown throughout Maryland institutions, the issue has become even more critical. As a Prisoner's Rights attorney, I have had the unfortunate experience of witnessing the damage that results from prolonged placement of human beings in solitary confinement AKA restrictive housing. Transition from solitary is a process worthy of planning and careful orchestration. No one should ever be released directly from restrictive housing back into the community; these transitions cannot be successfully accomplished without an assessment of the individual's needs. Unfortunately, this happens all too often with those who the correctional staff stigmatizes as "problem inmates". If a person is difficult to manage – which may range from being non-communicative to being too verbose – it's easier for the staff to place this person in restrictive housing and leave them there. But let's remember that no-touch torture can be as brutal as physical torture.

This bill calls for a step-down process that includes a prescreening evaluation, monthly evaluations, gradual increases in out-of-cell time and the ability to interact with others. This step-down process would be guaranteed to every person within 180 days of release, unless they pose a grave risk of harm to others or are a flight risk. People subjected to long periods of solitary confinement often experience severe anxiety, depression, suicidal thoughts, and other mental health issues. These symptoms are further exacerbated in people who already exhibit symptoms of mental illness or impaired mental capacities before the period of solitary confinement began.

During my tenure as a Public Defender in DC, I represented Mr. JK. When he was 4 years old his mother, who was holding him in her arms, was shot and killed. He suffered brain injury, had limited cognitive abilities and developed paranoid schizophrenia. When he was at the jail for petty theft the staff did not have the patience to deal with his nightmare outbursts, so he was routinely placed in restrictive housing. He would leave the jail with a 7-day supply of medication and no ability to follow-through with mental health treatment, so the cycle would repeat itself. His story is not unique. Unless there is a step-down program in place to help people like him, the cycle will repeat itself.

Black men and women behind bars are disproportionately impacted by the overuse of solitary confinement. A report by The Sentencing Project concluded that Black women are overrepresented in solitary confinement.¹ They found that among the 40 jurisdictions providing data, Black women constituted 24% of the total female incarcerated population, but comprised 41% of the female restricted housing population. An analysis from the Association of State Correctional Administrators and Yale Law School, concluded that there is a link between race and solitary confinement and that men of color are also overrepresented in isolation.² The Human Rights Council has urged the U.S. to adopt policies and practices for the use of solitary confinement with principles similar to those outlined in this bill – decreasing sensory deprivation, gradual increased interactions and incremental earning of privileges.³

We are all too familiar with the heart wrenching story of Kalief Browder, who, at 16 years old, spent three years on Rikers Island without being charged with a crime. He spent the last 17 months in solitary confinement – the Central Punitive Segregation Unit. Six months after he left Rikers he attempted suicide for the first time on the outside and eventually he succeeded. His family contends that solitary confinement is what destroyed Mr. Browder.

We urge a favorable report on this bill to protect persons similarly situated in Maryland's prisons. Maryland must cease the practice of releasing people from restrictive housing without first securing a clear release plan that includes access to services for proper and proper socialization.

Thank you.

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¹ Race & Justice news: Black Women Overrepresented in Solitary Confinement, December 16, 2016.

² Liman Center Releases Updated Report on Solitary Confinement, Yale Law School, September 14, 2020.

³ Abuse of the Human Rights of Prisoners in the United States: Solitary Confinement, ACLU.