



MONTGOMERY COUNTY, MARYLAND
WOMEN'S DEMOCRATIC CLUB

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Senate Bill 459
Correctional Services – Restrictive Housing – Limitations (Maryland Mandela Act)
Judicial Proceedings Committee – March 8, 2023
SUPPORT

Thank you for this opportunity to submit written testimony in support of **SB0459**, the **Correctional Services – Restrictive Housing – Limitations (Maryland Mandela Act)**. Passage of this legislation in the 2023 legislative session is a priority for the **Montgomery County Women's Democratic Club (WDC)**.

WDC is one of Maryland's largest and most active Democratic clubs with hundreds of politically active members, including many elected officials. We thank Delegate Bartlett for her leadership in sponsoring this bill and we urge a favorable report.

Senate Bill 459 limits the use of restrictive housing in Maryland prisons, a practice that is as counterproductive as it is inhumane. Solitary confinement, or restrictive housing as it is called in Maryland, includes isolating a person in a cell for upwards of 22 hours a day, for days, weeks, months, and often years. The impact of days in solitary can be devastating to mental and physical health; people locked up in this way suffer depression and anxiety, and they are far more likely to mutilate themselves or die by or attempt suicide. Solitary confinement destroys people: it has been described as permanently damaging the mind, body, and soul of those who experience it.

As the name of this bill references, the United Nations included strict limits on the use of solitary in its revised Minimum Standards for the Treatment of Prisoners, known as the Nelson Mandela Rules. The standards demand that, at a minimum, all nations restrict their use of solitary to no more than 15 days, and ban it altogether for children, pregnant people and new mothers, individuals with mental illness and physical disabilities, and other vulnerable populations. New York recently passed legislation, known as the HALT Act, which comes close to meeting this floor. This bill is similarly influenced, although its 30-day restrictive housing provisions for serious infractions exceed the Mandela standard.

The general populations in Maryland prisons suffer bad food, filth, fledgling rehabilitative services, and inane, nerve-wracking rules. You might expect that a person in this environment who is then sent to solitary confinement to have done something terrible to deserve the decidedly worse treatment. This is not so. People are placed in solitary for running afoul of administrative rules, for mental health issues, for their own protection, because of sexual orientation - things that have nothing to do with violent acts that might arguably lead officials to

engage in such an extreme and damaging response. The last report on the use of solitary confinement in Maryland prisons was fiscal year 2021, DPSCS Report on Restrictive Housing – Fiscal Year 2021 (pursuant to Correctional Services Article, § 9-614). It revealed that 8,577 people were placed in restrictive housing, with 52% of those placements being administrative, as opposed to disciplinary. The average length of confinement reported was just under 60 days.

As with incarceration overall in the state, the vast majority of people placed in restrictive housing are Black. According to the DPSCS Report, almost 72% of the men in restrictive housing were Black, while 22% were white. The gap for those in disciplinary segregation is even greater, with over 78% Black and over 16.4% white. For women, almost 51% in restrictive housing were Black and slightly over 45% were white.

DPSCS also reported that overall it reduced its use of restrictive housing in 2021 by 15.6%. This is good news. However, it does not change the fact that this is an inhumane and destructive practice. Reporting that usage is down does not change the fact that the practice should be avoided altogether, and that the length of any disciplinary segregation used should be circumscribed to, at a minimum, align with the Mandela Rules.

As Marylanders, we are responsible for what happens to those we place in prison. We need to assure that those we incarcerate are not returned home wounded by the treatment they receive. Restrictive housing is counterproductive and a poor use of our investment as taxpayers in the rehabilitation of people who will inevitably return to our communities. Senate Bill 459 is carefully tailored to narrow the resort to restrictive housing and to encourage the use of more productive approaches to maintaining safety and order in our prisons. While we would like to have seen it go further by prohibiting any use of restrictive housing beyond the 15-day limit under the Mandela Rules, this is a strong and much needed step in the right direction.

We ask for your support for SB0459 and strongly urge a favorable Committee report.

Diana E. Conway
WDC President

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