



SB-459
Restrictive Housing-Limitations

MCAA Position: **OPPOSE**

TO: Judicial Proceedings Committee

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FROM: MaryAnn Thompson, President
Brandon Foster, Legislative Committee
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The use of restrictive housing has long been recognized as a legitimate measure to ensure the orderly operation and safety of correctional institutions. The limitations of the use of restrictive housing outlined in this bill are extraordinarily dangerous and would lead to serious risk of life and limb to all persons working, or confined, in a correctional facility. Never has there been a bill that proposes more intrusiveness into the management of jail/prison operations. Correctional managers' primary duty and responsibility is to provide for the safety and welfare of inmates and employees. The use of restrictive housing is essential to accomplishing that. If this bill were to become law, it would limit correctional managers' decision-making ability and would cause them to be deliberately indifferent to certain risk factors.

There are several specific, problematic issues we have identified in this bill:

- It mandates very time consuming and expensive training for personnel who supervise or care for individuals in restrictive housing;
- It inappropriately and arbitrarily redefines "restrictive housing";
- It gives arbitrary definition to "Serious mental illness" which does not align with the clinical definition in the DSM-5 (Diagnostic and Statistical Manual of Mental Disorders), American Psychiatric Association;
- It gives arbitrary, subjective definition to "Vulnerable individuals" and prohibits their placement in restrictive housing for any reason;
- It requires burdensome administrative requirements, and notifications, for placing in individual in restrictive housing;
- It restricts the number of days an individual can be placed in restrictive housing to no more than 15 days in a 365-day period;
- It places extreme limits and restrictions on disciplinary procedures and the placement of an individual in "disciplinary segregation";

- It prohibits the use of restraints on individuals placed in restrictive housing, which in many instances would be extremely unsafe; and
- It requires unnecessary submission of certain reports to the General Assembly, some of which are already submitted to the Governor's Office on Crime Control and Prevention in accordance with law.

Contrary to the false narratives of many advocacy groups, managing officials of jails and prisons in Maryland **DO NOT** place individuals in dark dungeons and leave them there to deteriorate indefinitely. Decisions to place individuals in restrictive housing are very carefully made, and the least restrictive means are always considered. These decisions are made in accordance with law, State regulations and standards, and best practices. Managing officials give great consideration to physical and mental health of all inmates, especially those placed in restrictive housing, and policy and procedures emphasize the importance of hygiene, recreation, and access to medical and mental healthcare.

The Maryland Correctional Administrators Association strongly opposes this bill and respectfully requests this committee for an unfavorable report on HB-385.