

Testimony. Mandela Bill

Good afternoon and thank you for accepting my testimony, particularly Senator Jeff Waldstreicher from my own district and in Silver Spring. I come here as an active member of the Maryland Alliance for Justice Reform and the Interfaith Action for Human Rights, both strong advocates for this bill.

You will hear many arguments today that this bill extends to local jurisdictional facilities, which it does not. You may hear that it involves millions of dollars of training, which it does not. You may even hear that it abolishes solitary confinement, which is also not true.

So let me tell what we are talking about:

Maryland ranks among the top ten states in the country with prisoners in Solitary Confinement¹. More than two thirds are black or Hispanic – mostly men. Our state's use of solitary is twice the national average. On a percentage basis, that's more than Mississippi, Texas, and Alabama. Really? Of the 19,883 inmates who made up the average daily prison population in Maryland in 2017, 14,578 were placed in restrictive housing, and 10,232 placements were in disciplinary segregation for at least some time during their incarceration The average stay was 51.5 days – some, much longer.² And since the pandemic, the use of solitary confinement grew – I couldn't get exact numbers but it is still higher than it was before COVID.

What we mean by solitary confinement in Maryland is that one person – sometimes two – are placed in a cell the size of a parking space for 22, 23 and sometimes 24 a day. We use euphemisms in Maryland – we call it restrictive housing and administrative segregation – but same-same. Calling it something different doesn't change the situation. In Maryland, if you are placed in solitary

¹ <http://apps.frontline.org/solitary-by-the-numbers/>

² https://www.fredericknewspost.com/news/crime_and_justice/prison/in-maryland-prisons-solitary-confinement-is-common-and-controversial/article_9d4adc7c-657a-5319-8918-962fee6c4e4f.html

confinement, you are most likely denied reading or study material, let alone contact with your family – your future support system. The lights will be on, 24/7. If you are lucky, you may be let outside for a brief respite, but still isolated, without interaction – sometimes in a cage, as we would treat a zoo animal. Showers are usually just twice a week for 15 minutes or less.

The National Religious Campaign Against Torture, a coalition of over 300 religious organizations calls Solitary inhumane treatment, and so do our statewide coalitions that support this bill. So does the UN and countless international organizations. The Vera Institute of Justice cites vast literature on the mental and physical harms of restrictive housing, showing that it often leads to despair and anger, self-harm, and the loss of ability to relate to others.

Do you remember how you felt during the pandemic, particularly those early months when we were told not to leave our homes except in an emergency? We had all the accoutrements known to humankind – spacious living quarters, the internet, interaction with others -- and still many of us felt like we were going stir-crazy.

Solitary confinement does not make someone who is incarcerated into a better person. It does not prepare him for the outside. We accept that it can be used as a very temporary measure for someone's own protection or that of others in the facility. This use will still be allowed in this bill. But solitary confinement should not be used as a tool for management, for repeated or long-term isolation when there is no immediate threat to safety. Above all, the most vulnerable – juveniles, the mentally ill and people engaged in non-violent behaviors – such as substance abuse, petty rule violations or mere gang affiliation – should not be placed in prolonged solitary.

Since the pandemic, the number of persons in extended solitary confinement has grown – almost doubled in this country. Why? Because putting men in long-term or repeated episodes of solitary confinement makes for easier staff management. That is why the DCSPS doesn't want to change things. Out of sight, out of mind.

Until they come out and are back in our communities.

You may not care about these people while they are behind bars -- but most of them will come out of prison some day – making our State and this legislature responsible, at least in part, for the extra-difficult adjustment³ and ongoing violence that many returning citizens experience when they are once again in our communities, on our streets, and living with their families. Returning citizens who experience repeated or extended solitary confinement constitute more danger to our communities than those who are treated with human dignity – as everyone deserves.

Please pass the Mandela Act, SB0459. My son was incarcerated three years ago: not in solitary, but close enough. For me this is a moral issue and it is also deeply personal. Our current situation is embarrassing and inhumane. Think beyond our prison walls: Passage of the Mandela Act is important for the safety of Maryland families and communities – your constituents -- to which our incarcerated citizens will one day return.

³ <https://www.britannica.com/topic/solitary-confinement>