



HB-855
Juvenile Law – Restrictive Housing – Limitations

MCAA Position: **OPPOSE**

TO: Judiciary Committee

DATE: February 20, 2024

FROM: Ryan Ross, President

Lamonte Cooke, Legislative Committee

Mary Ann Thompson, Legislative Committee

The Maryland Correctional Administrator’s Association (MCAA), an organization comprised of our statewide jail wardens and administrators for the promotion and improvements of best correctional practices, appreciates the opportunity to provide information regarding House Bill 855.

Local Detention Centers in the State of Maryland operate in accordance with the Maryland Commission on Correctional Standards (MCCS), which is codified in Title 12 Department of Public Safety and Correctional Services, Subtitle 14 Commission on Correctional Standards, which includes a Housing of Juveniles Standard wherein juveniles must be housed sight and sound separately from the adult incarcerated.

In addition to MCCS, local correctional facilities must comply with federal law. The federal law regarding juveniles under the age of 18 is that detention centers must have an Interest of Justice Order to be held in a local detention center, and the juvenile must have sight and sound separation. Local detention centers were not designed to house juveniles charged as adults nor with the ability for separate programming. As such, to comply with sight and sound separation from adults, the local facilities must put the juveniles charged as adults in restrictive housing. Quite frankly, the local jails do not have dedicated housing or programming areas to put juveniles in the general population and be in compliance with State Standards and Federal Law.

Ideally, the juveniles charged as adults who are committed to a local jail in the interest of justice *after bond review should be forthwith to a juvenile detention facility*. However, juvenile facilities like the state mental hospitals do not have to take incarcerated individuals until they have a bed. So, the juveniles charged as adults, like the mentally ill, are at the mercy of bed availability. A first step in the right direction would be to require immediate transfer to a juvenile facility where the facilities are equipped for incarcerated individuals under the age of 18.

The opportunity to provide information regarding this legislation is greatly appreciated, and the local detention centers look forward to discussion and welcome opportunities to ensure the dignity, safety, and security of all entrusted to our care. The Maryland Correctional Administrators Association strongly opposes this bill and respectfully requests this committee for an unfavorable report on House Bill 855.