



## House Bill 855

### *Juvenile Law – Restrictive Housing - Limitations*

MACo Position: **OPPOSE**

To: Judiciary Committee

Date: February 22, 2024

From: Sarah Sample

The Maryland Association of Counties (MACo) **OPPOSES** HB 855. The bill imposes limitations on the use of restrictive housing for minors, while seemingly applying the same standard to the State's largest facilities and the smallest of county detention centers.

No warden takes the decision to use restrictive housing lightly. In a large-scale state-run facility, there may be multiple options to consider in managing difficult inmate cases. However, in county detention centers – frequently smaller in physical space than state facilities – such options may simply be unavailable due to physical space considerations. HB 855, however, holds both facilities to the same standard.

Counties also go to great lengths to keep incarcerated individuals from any type of nonpunitive isolation. Juveniles are no exception. But the provisions of this bill are in stark contrast to the current mandate of sight and sound separation for minors when housed in predominately adult facilities. At times, the bill mentions sending a minor back to the general population, which is by no means appropriate under any circumstances in a local detention center. In the rare circumstance where a minor is housed in a local detention center, jurisdictions regularly keep in touch with each other, and devise strategies to find alternative local facilities where other minor inmates are held so the individual can relocate to an environment where they are separated from adults, and they can feel safe but also not alone.

Finally, proper protocols should accompany decisions regarding restrictive housing, but those provisions cannot supersede the authority of a warden to maintain order, most often motivated to protect those who would do harm and those in harm's way. If an incarcerated minor presents a danger to officers and staff, then the appropriate measures must be taken to protect both the minor and the employees. The restrictions in this bill would make that nearly impossible and almost certainly would have an adverse effect on staff safety and retention.

While seeking to create a standard of care and a duty to provide practical alternatives to restrictive housing, HB 855 does not take into account the practical effect on smaller facilities in each county, or the current mandate of sight and sound separation for minors held in adult facilities. For these reasons, MACo urges an **UNFAVORABLE** report for HB 855.