



MARYLAND
CATHOLIC
CONFERENCE

February 22, 2024

**HB 855
Juvenile Law - Restrictive Housing - Limitations**

House Judiciary Committee

Position: FAVORABLE

The Maryland Catholic Conference offers this testimony in support of House Bill 855. The Catholic Conference is the public policy representative of the three (arch)dioceses serving Maryland, which together encompass over one million Marylanders. Statewide, their parishes, schools, hospitals and numerous charities combine to form our state's second largest social service provider network, behind only our state government.

House Bill 855 restricts the use of solitary confinement or "restrictive housing" when used solely for the purposes of discipline, punishment, administrative convenience, retaliation or staffing shortages. This legislation also outlines requirements for when youth are subject to restrictive housing, requiring that among other things there be no other reasonable means to achieve mitigation of risk, documentation and notice of the rationale for its use be provided, and that a plan for cessation be in place.

Pope Francis has equated punishment involving external isolation to a form of "torture". He denoted that states should not be "allowed, juridically or in fact, to subordinate respect for the dignity of the human person to any other purpose, even should it serve some sort of social utility." (*Address of Pope Francis to the Delegates of the International Association of Penal Law, October, 2014*) In addition to violating personal dignity, solitary confinement has been shown to cause a variety of physical ailments. In the aforementioned address, Pope Francis also noted, "As shown by studies carried out by various human rights organizations, the lack of sensory stimuli, the total impossibility of communication and the lack of contact with other human beings induce mental and physical suffering such as paranoia, anxiety, depression, weight loss, and significantly increase the suicidal tendency."

Although the Conference maintains that solitary confinement should not be utilized in general, employing such measures on juvenile detainees as if they were fully-formed adults is even more abhorrent. In *Miller v. Alabama*, 132 S. Ct. 2455 (2012), the United States Supreme Court specifically noted that youthful offenders possessed "diminished capacity" and the inability to fully appreciate the risks and consequences of their actions. Accordingly, subjecting youth to such draconian measures by no means outweigh the substantial risk of harm caused by unfettered use of solitary confinement.

Our state must defend the dignity of vulnerable youth who are detained in juvenile facilities. While measures have been taken to strengthen protections for detained youth in recent years, signaling a movement in the right direction, still more can be done. Restricting the use of solitary confinement for juvenile detainees, as well as providing information on its usage, are the next logical steps. We thus urge a favorable report for House Bill 855.

The Church upholds that systems of criminal justice should seek both justice and mercy, with an emphasis upon restoration of communities, victims and offenders as a whole. Restrictive housing is a means toward none of these ends and is a regressive policy. It is thus important that the State of Maryland, at the very least, seriously limit its usage. House Bill 855 is a step in the right direction and we urge a favorable report.