

# **HB0855\_Juvenile\_Law\_Restrictive\_Housing\_Limitation**

Uploaded by: Cecilia Plante

Position: FAV



## TESTIMONY FOR HB0855 Juvenile Law - Restrictive Housing - Limitations

**Bill Sponsor:** Delegates Bartlett and J. Lewis

**Committee:** Judiciary

**Organization Submitting:** Maryland Legislative Coalition

**Person Submitting:** Aileen Alex, co-chair

**Position:** FAVORABLE

I am submitting this testimony in favor of HB0855 on behalf of the Maryland Legislative Coalition. The Maryland Legislative Coalition is an association of activists - individuals and grassroots groups in every district in the state. We are unpaid citizen lobbyists, and our Coalition supports well over 30,000 members.

Restrictive housing, as defined as the practice of housing inmates separately from the general population of a correctional institution, can have disproportionately negative consequences for juveniles. Isolation can impact the mental and physical health of vulnerable youth, who are at a higher risk of suicide. Education is disrupted, hindering growth and rehabilitation.

This bill seeks to limit the use of restrictive housing for juveniles, except when no alternative exists. In contrast, HB0855 also allows a minor to request restrictive housing. A minor might seek this situation as a safety precaution when at physical risk or in danger of contracting a communicable disease.

MLC supports a bill that seeks to lessen the school-to-prison pipeline. There is a greater chance for rehabilitation for the young offender by effectively eliminating the use of solitary except when it might be advantageous for the individual.

We support this bill and recommend a **FAVORABLE** report in committee.

# **HRFK TESTIMONY IN SUPPORT OF HB 855.pdf**

Uploaded by: Emily Virgin

Position: FAV



**HUMAN RIGHTS**  
*for* **KIDS**

---

**TESTIMONY IN SUPPORT OF HB 855 BEFORE  
THE MARYLAND HOUSE JUDICIARY COMMITTEE**

---

*February 22, 2024*

Dear Chairman Clippinger and Members of the Maryland House Judiciary Committee:

Human Rights for Kids respectfully requests a favorable report on HB 855. We are grateful to Delegate Bartlett for her leadership in introducing this bill and we appreciate the opportunity to express our support.

Human Rights for Kids is a Washington, D.C.-based non-profit organization dedicated to the promotion and protection of the human rights of children. We work to inform the way the nation understands Adverse Childhood Experiences (ACEs) from a human rights perspective, to better educate the public and policymakers' understanding of the relationship between early childhood trauma and negative life outcomes. We use an integrated, multi-faceted approach which consists of research and public education, coalition-building and grassroots mobilization, and policy advocacy and strategic litigation to advance critical human rights on behalf of children in the United States.

We are joined in this testimony in support of HB 855 by the following organizations:

**ACLU-Maryland**

**Center for Criminal Justice Reform, University of Baltimore School of Law**

**Justice Policy Institute**

**National Youth Justice Network**

We support HB 855 because it will continue the important work to restrict the use of solitary confinement on children that this body began in 2019 with the passage of HB 1001.<sup>1</sup> In that legislation, the Department of Juvenile Services and the Department of Public Safety and Correctional Services became prohibited from placing a minor in “restrictive housing” unless there was clear and convincing evidence that certain qualifying conditions exist.

While HB 1001 was a positive step in protecting the human rights of children who are detained or incarcerated, HB 855 strengthens those protections in vital ways by placing a specific time limit on any use of solitary confinement, providing a clear path back to the general population for any child who is placed in solitary confinement, guaranteeing mental and physical health evaluations, and better defining when this practice can be used on a child.

### **Summary of HB 855**

HB 855 would place important restrictions on the use of solitary confinement (referred to in Maryland’s statutes as “restrictive housing”) to ensure that a child is held in such placement for the least amount of time possible and only as a temporary response to emergent issues.

The bill does the following:

- Prohibits the use of solitary confinement for punishment, discipline, retaliation, administrative convenience, or as a response to staffing shortages.
- Specifies that a minor may only be placed in restrictive housing as a **temporary** measure and places a strict 6-hour time limit on its use.
- Places greater restrictions on when a minor may be placed in restrictive housing:
  - There must be no reasonable means to eliminate the risk with another measure.
  - It must be used only to the extent necessary to eliminate the risk.
  - It must take place under the least restrictive conditions practicable.
  - The minor must be promptly notified of the rationale for their placement in restrictive housing.
  - A plan must be developed that allows the minor to leave restrictive housing as soon as possible.
- A health care or mental health care provider must conduct a mental health screening within one hour of the minor’s placement in restrictive housing.
- A minor may still be placed in restrictive housing at their request.

### **Solitary Confinement on Children is a Human Rights Violation**

International human rights standards are clear: the use of solitary confinement on children is a violation of human rights. The United Nations Convention on the Rights of the Child (CRC)

---

<sup>1</sup> <https://mgaleg.maryland.gov/mgawebsite/Legislation/Details/hb1001/?ys=2019rs>

requires that children be protected from torture as well as cruel and unusual punishment,<sup>2</sup> and the U.N. Committee on the Rights of the Child has deemed solitary confinement a violation of Article 37 of the CRC.<sup>3</sup>

Subsequent U.N. publications have further noted the harms of solitary confinement on children and reiterated the strict ban on its use.<sup>4</sup> The Committee against Torture and the Special Rapporteur on Torture have also classified the use of solitary confinement on children as cruel, inhumane, and degrading treatment.

### **Effects of Solitary Confinement**

Children placed in solitary confinement can experience profound negative physical, emotional and psychological effects, including but not limited to psychosis, depression, increased aggression and increased risk of suicide. The use of solitary confinement on children can also lead to their failure to develop positive social skills, limited their access to developmental and educational resources, and can cause stunted physical growth due to inadequate diet and exercise.<sup>5</sup> For children who have experienced trauma and abuse prior to their detention, the harmful effects can be even more profound.

Because of its well-documented negative effects of the use of solitary confinement on children, in 2012, the American Academy of Child and Adolescent Psychiatry (AACAP) issued a policy statement stating its concurrence with the United Nations standards and opposing the use of solitary confinement on minors.<sup>6</sup>

### **Bipartisan Efforts at the Federal Level**

In 2016, President Barack Obama instituted a ban on solitary confinement for juvenile offenders in the federal prison system, citing its overuse and “potential for devastating psychological consequences.”<sup>7</sup>

Congress took action to prohibit the use of solitary confinement on children in the federal system through the passage of the First Step Act in 2018 (S. 756) which was subsequently signed into

---

<sup>2</sup> U.N. Convention on the Rights of the Child, opened for signature Nov. 20, 1989, 1577 U.N.T.S. 3 (entered into force Sept. 2, 1990) (“CRC”).

<sup>3</sup> 3 U.N. Comm. on the Rights of the Child, 44th Sess., General Comment No. 10, Children’s rights in juvenile justice, U.N. Doc. CRC/C/GC/10 (2007).

<sup>4</sup> See U.N. Guidelines for the Prevention of Juvenile Delinquency, G.A. Res. 45/112, Annex, 45 U.N. GAOR Supp. (No. 49A), U.N. Doc. A/45/49, at 201 (Dec. 14, 1990) (“The Riyadh Guidelines”) and U.N. Rules for the Protection of Juveniles Deprived of their Liberty, G.A. Res. 45/113, Annex, 45 U.N. GAOR Supp. (No. 49A), U.N. Doc. A/45/49, ¶ 67 (Dec. 14, 1990) (“The Beijing Rules”).

<sup>5</sup> James, K., & Vanko, E. (2021, April). *The Impacts of Solitary Confinement*. Brooklyn, New York: Vera Institute of Justice, 1-3.

<sup>6</sup> [https://www.aacap.org/aacap/Policy\\_Statements/2012/Solitary\\_Confinement\\_of\\_Juvenile\\_Offenders.aspx](https://www.aacap.org/aacap/Policy_Statements/2012/Solitary_Confinement_of_Juvenile_Offenders.aspx)

<sup>7</sup> Eilperin, Juliet (2016, Jan. 26). Obama bans solitary confinement for juveniles in federal prisons. *The Washington Post*. [https://www.washingtonpost.com/politics/obama-bans-solitary-confinement-for-juveniles-in-federal-prisons/2016/01/25/056e14b2-c3a2-11e5-9693-933a4d31bcc8\\_story.html](https://www.washingtonpost.com/politics/obama-bans-solitary-confinement-for-juveniles-in-federal-prisons/2016/01/25/056e14b2-c3a2-11e5-9693-933a4d31bcc8_story.html)

law by President Trump. Delegate Bartlett's HB 855 is modeled after the language in this bipartisan legislation.

### **Conclusion**

Because the use of solitary confinement on children is strictly prohibited as a form of cruel and inhumane treatment under international human rights standards, the practice should be limited as a temporary response and should never be used for punitive reasons. Maryland should strengthen its current statute by adopting HB 855 which would address facility safety concerns by allowing for a "cooling off" period that can be used in extreme cases, but only for as long as reasonably necessary for the child to be reintegrated with the rest of the children in the facility.

Submitted by: Emily Virgin, Director of Advocacy & Government Relations,  
[evirgin@humanrightsforkids.org](mailto:evirgin@humanrightsforkids.org), 405-306-4294.

**MD Catholic Conference\_HB 855\_FAV.pdf**

Uploaded by: Garrett O'Day

Position: FAV





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.

# **HB 855 Limits on Restrictive Housing testimony.pdf**

Uploaded by: Kimberlee Watts

Position: FAV



**NATASHA DARTIGUE**  
PUBLIC DEFENDER

**KEITH LOTRIDGE**  
DEPUTY PUBLIC DEFENDER

**MELISSA ROTHSTEIN**  
CHIEF OF EXTERNAL AFFAIRS

**ELIZABETH HILLIARD**  
ACTING DIRECTOR OF GOVERNMENT RELATIONS

### POSITION ON PROPOSED LEGISLATION

**BILL: HB 855: Juvenile Law- Limits on Restrictive Housing**

**FROM: Maryland Office of the Public Defender**

**POSITION: Favorable**

**DATE: 2/10/2024**

The Maryland Office of the Public Defender respectfully requests that the Committee issue a favorable report on House Bill 855.

I am Office of the Public Defender's Forensic Mental Health Division Chief, and I have been an attorney representing teens for about 25 years.

Over the course of my career, I have worked with many kids who have been placed in "restrictive housing", more commonly called solitary confinement. Children initially charged as adults often spend days in solitary confinement in adult detention centers.<sup>1</sup> Federal law requires adult detention centers housing children to maintain sight and sound separation. Because they are not set up to regularly and consistently house children they frequently use solitary confinement as a means of complying with the Federal Prison Rape Elimination Act. Historically restrictive housing, or solitary confinement, was also colloquially called "23 and 1" because people would spend 23 hours per day in the cell with one hour for recreation time and showering. I had a sixteen year old client who was in solitary confinement for approximately 18 months in the Harford County Detention Center while he awaited trial because the Judge did not transfer him to a juvenile facility. He described it to me as follows "Being on 23 and 1 was mental

---

<sup>11</sup> See *What it's Like for Teens in the Baltimore County Jail*, Rachel Baye, WYPR News, March 30, 2023. <https://www.wypr.org/wypr-news/2023-03-30/what-its-like-for-teens-in-the-baltimore-county-jail>

agony. It's more than being bored. All you can do is write, read, sleep, and do pushups and sit ups. The cell was small- it was a double bunk with a toilet and sink. The door was metal with a small window at about eye level and a slot in the middle for guards to slide food in.”

DPSCS files an annual report on their use of Restrictive Housing, and GOCYVP includes data from local detention centers in it's data dashboard. I could find no similar data for the Department of Juvenile Services, nor was there readily available data on the use of solitary confinement for incarcerated children.

Mental Health Professionals have long known that solitary confinement causes significant harm. The American Psychological Association has come out solidly against the use of prolonged solitary confinement for children.<sup>2</sup> As has the American Academy of Child and Adolescent Psychiatry noting “the potential psychiatric consequences of prolonged solitary confinement are well recognized and include depression, anxiety and psychosis. Due to their developmental vulnerability, juvenile offenders are at particular risk of such adverse reactions. Furthermore the majority of suicides in juvenile correctional facilities occur when the individual is isolated or in solitary confinement.”<sup>3</sup>

Courts have also acknowledged the harms caused by solitary confinement, holding that for inmates already suffering with mental illness it can amount to cruel and unusual punishment.<sup>4</sup>

The use of solitary confinement impedes rehabilitation and is contrary to public safety. Former corrections executives, as amici curiae, have opposed prolonged solitary confinement stating, “Imprisoning people with SMI in solitary confinement is detrimental to their mental and

---

<sup>2</sup> APA Position Statement on Solitary Confinement (Restricted Housing) of Juveniles  
<https://www.psychiatry.org/getattachment/7bc96d18-1e73-4ac1-b6b5-f0f52ed4595a/Position-2018-Solitary-Confinement-Restricted-Housing-of-Juveniles.pdf>

<sup>3</sup> American Academy of Child and Adolescent Psychiatry, Juvenile Justice Reform Committee. Solitary Confinement of Juvenile Offenders (2012).  
[https://www.aacap.org/aacap/Policy\\_Statements/2012/Solitary\\_Confinement\\_of\\_Juvenile\\_Offenders.aspx](https://www.aacap.org/aacap/Policy_Statements/2012/Solitary_Confinement_of_Juvenile_Offenders.aspx)

<sup>4</sup> Palakovic v. Wetzel, 854 F.3d. 209 (2017).

physical health. Further punishing those people with round-the-clock, unrelenting 24/7 solitary confinement and deprivation of exercise as punishment for behaviors caused by their SMI is illogical and counterproductive to the goals of safety, security, and good order of correctional facilities.”<sup>5</sup>

In light of those effects of solitary confinement, it is not surprising that it does not reduce either inmate on inmate violence, or violence against correctional staff. “In fact, solitary confinement does not “inspire even short-term behavioral changes in inmates. On the contrary, prisons with higher rates of restrictive housing had higher levels of facility disorder.”<sup>6</sup>

Increased use of solitary confinement is also linked to worse public safety outcomes. “Research shows a direct correlation between the length of imprisonment in solitary confinement and the odds of recidivism. One metaanalysis found that the longest terms in solitary confinement were associated with the highest rates of recidivism, suggesting that increases in the length of exposure may have deleterious effects.”<sup>7</sup>

**For these reasons, the Maryland Office of the Public Defender urges this Committee to issue a Favorable report on House Bill 855.**

---

**Submitted by: Maryland Office of the Public Defender, Government Relations Division.**

**Authored by: Kimber D. Watts, Supervising Attorney, OPD Forensic Mental Health Division. [Kimberlee.watts@maryland.gov](mailto:Kimberlee.watts@maryland.gov). 410-767-1839**

---

<sup>5</sup> Johnson v. Prentice, et al. in the Supreme Court of the United States. Brief of Former Corrections Executives Martin F. Horn, Scott Frakes, Steve J. Martin, Ron McAndrew, Richard Morgan, Dan Pacholke, Emmitt Sparkman, Phil Stanley, Eldon Vail, and Roger Weholtz as Amici Curiae in support of Petitioner. February 23, 2023, at page 39. [https://www.supremecourt.gov/DocketPDF/22/22-693/255497/20230224114849881\\_2023.02.21%20Amicus%20Brief%20FINAL.pdf](https://www.supremecourt.gov/DocketPDF/22/22-693/255497/20230224114849881_2023.02.21%20Amicus%20Brief%20FINAL.pdf)

<sup>6</sup> Brief of Former Corrections Executives, supra at 19-20.

<sup>7</sup> Id. at 22.

# **HB 855 Restrictive Housing for Juveniles.final.pdf**

Uploaded by: Luciene Parsley

Position: FAV

**House Judiciary Committee**  
**HB 855: Juvenile Law – Restrictive Housing - Limitation**  
February 22, 2024  
**POSITION: SUPPORT**

Disability Rights Maryland (DRM) is Maryland’s state-designated Protection and Advocacy organization, empowered under state and federal law to protect individuals with disabilities from abuse, neglect and civil rights violations. Over the past decade, DRM has advocated for improved conditions for individuals with serious mental illness and other disabilities in state correctional facilities, particularly those housed on segregation (restrictive housing) units. DRM has received many complaints of youth with disabilities being maintained in restrictive housing in detention centers, whether as a means of addressing behavior problems, keeping the youth safe, the need to manage apparent serious mental illness or developmental disabilities, or at the request of the youth who is concerned about violence and victimization if maintained in the general population. DRM agrees with the positions adopted by the National Commission on Correctional Health Care (NCCHC) and the American Academy of Child and Adolescent Psychiatry, that the practice of restrictive housing should not be used with juveniles in corrections. Restrictive housing should never be used as a disciplinary or punitive measure under any circumstances, as a response to minor infractions, because of staffing shortages, for administrative convenience, or for retaliation. DRM supports HB 855 as a means of addressing ongoing and widespread use of restrictive housing for youth in Maryland’s detention centers.

Studies have shown that confining an individual in a cell for 22 hours or more per day is a harmful practice that can cause depression, trauma, paranoia, anxiety, suicidal ideations, and exacerbate existing mental illness. DRM’s investigations in state correctional facilities have revealed that individuals with serious mental illness are placed in restrictive housing at much higher rates and for much longer than persons without serious mental illness. In FY 2022, DPSCS reported that 38.5% of incarcerated individuals with serious mental illness were placed in restrictive housing at some point during the year.<sup>1</sup> Some individuals were placed in restrictive housing multiple times. DRM’s experience and complaints received indicate that restrictive housing is similarly widespread among youth with disabilities in detention centers.

In DRM’s experience, very little, if any, mental health services are provided to individuals in restrictive housing units to mitigate its harmful effects. At least for individuals in state prisons, health care records indicate that some individuals may not receive any structured out of cell services or programming for months at a time. Mental health treatment in segregation is typically limited to psychiatric medication or occasional work

---

<sup>1</sup> DPSCS FY 22 Report on Restrictive Housing, available online at [https://goccp.maryland.gov/wp-content/uploads/MSAR10904\\_FY-22-Restrictive-Housing-Report.pdf](https://goccp.maryland.gov/wp-content/uploads/MSAR10904_FY-22-Restrictive-Housing-Report.pdf).



sheets that must be completed alone in cell. The quality of mental health care in these units is grossly inadequate.

In addition to prohibiting the use of restrictive housing in all cases except where there are no other reasonable means to eliminate the risk of harm, it is essential that detention center staff are well-trained and have adequate resources available to use trauma-informed de-escalation techniques with youth in detention. Facilities that house juveniles should maintain clear policies and procedures around safe, trauma-informed, and developmentally sensitive behavioral management. In the event that a detention center determines there is no other reasonable means to eliminate the risk of harm to the minor or others or to the security of the facility, as soon as the youth is determined to no longer be of risk to self or others, isolation should be terminated. It is essential that notification to the youth under (d)(1)(v) be developmentally and linguistically appropriate. The communication should provide information about why restrictive housing is being used, what specifically is involved in the restriction, and what criteria will be used to end the restrictive housing. This information should be communicated to the correctional staff as well.

The mental health screening done pursuant to (d)(2) should include specific consideration of risks for suicide, trauma, and other underlying medical or mental health conditions. DRM recommends that there be consultation with appropriate medical and mental health professionals when indicated to minimize risk of harm to the youth. An individualized behavioral management plan should be developed for any youth for whom restrictive housing interventions are used more than once in 6 months. Any restrictive housing placement of 4 hours or longer should be considered a reportable event and thoroughly documented. The individualized programming provided for in (d)(4)(iv) should be made available, if needed, regardless of whether the youth is returned to the general population, moved to a mental health facility, or transferred to the medical unit at the facility. Currently that provision reads as individualized programming is only available if the youth is not returned to general population or transferred to a medical facility.

Finally, use of restrictive housing should be tracked to include monitoring for racial disparities and disproportionate use among juvenile detainees with disabilities, including mental health and developmental disabilities. Staff training around use of restrictive housing must include steps to mitigate disproportionate use for racial minorities and youth with disabilities.

The widespread use of restrictive housing in Maryland correctional facilities must change. Given the widespread use of restrictive housing and the well-understood negative health impacts of these practices on youth, DRM urges this committee to issue a favorable report on House Bill 885. Should you have any further questions, please contact Luciene Parsley, Litigation Director at Disability Rights Maryland, at 443-692-2494 or [lucienep@disabilityrightsmd.org](mailto:lucienep@disabilityrightsmd.org).

# **FAV JJMU**

Uploaded by: Nick Moroney

Position: FAV

**CANDACE McLAREN LANHAM**  
*Chief Deputy Attorney General*

**CAROLYN A. QUATTROCKI**  
*Deputy Attorney General*

**LEONARD HOWIE**  
*Deputy Attorney General*



**ANTHONY G. BROWN**  
*Attorney General*

**CHRISTIAN E. BARRERA**  
*Chief Operating Officer*

**ZENITA WICKHAM HURLEY**  
*Chief, Equity, Policy, and Engagement*

**PETER V. BERNS**  
*General Counsel*

**STATE OF MARYLAND**  
**OFFICE OF THE ATTORNEY GENERAL**

**TESTIMONY IN SUPPORT OF HB 855: JUVENILE LAW – RESTRICTIVE HOUSING -  
LIMITATIONS**

***House Judiciary Committee***

**February 22, 2024**

**Submitted by Nick Moroney, Director, Juvenile Justice Monitoring Unit**

---

**The Juvenile Justice Monitoring Unit of the Office of the Attorney General (JJMU OAG) supports HB 855** which, if passed, will place limits on the use of restrictive housing on children and young people held in correctional facilities.

The JJMU OAG was established in the wake of widespread systemic abuse issues in the Maryland juvenile justice system. Unit monitors perform unannounced visits to Maryland Department of Juvenile Services' (DJS') operated facilities to guard against abuse of incarcerated young people and ensure that they receive appropriate treatment and services. (Our public reports can be accessed via the following link: <https://www.marylandattorneygeneral.gov/pages/jjm/default.aspx>).

The proposed legislation is necessary and will benefit incarcerated young people. While DJS policy limits the circumstances and length of time under which separation of a young person from the general population can be used, and mandates medical and mental health services involvement and ongoing documentation of the situation, this departmental policy is not enshrined in statute.

Young people held in non-DJS operated facilities such as local detention centers, jails and prisons are especially in need of the protections proposed in this bill. Use of restrictive housing in prisons and jails further compounds the inherent trauma of incarceration, and the deleterious effect of this practice is particularly harmful to young people. Most of the young people in the juvenile and criminal justice system have been exposed to violence, and justice-involved youth have a high prevalence of traumatic stress and mental health disorders. The utilization of restrictive housing in correctional settings has been shown to both cause acute

mental health problems and exacerbate existing mental health conditions. Furthermore, rather than de-escalate heightened emotions and promote positive behavior, isolation can increase anxiety, agitation and aggressiveness.

In contrast, well-designed intensive and holistic interventions and programming including those that utilize positive behavioral supports, cognitive therapy, and social skills training have been proven to reduce aggressiveness and acting-out behavior and promote positive youth development. HB 855 privileges the use of such programming support over the harmful practice of restrictive housing and will lead to improved safety and better short- and longer-term outcomes for incarcerated young people.

**For all the reasons just given, the JJMU strongly supports this important bill and respectfully urges the committee to give HB 855 a favorable report.**

**HB-855.pdf**

Uploaded by: Daniel Galbraith

Position: UNF



Annapolis  
Hearing 2/22/24  
1:00pm

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

MCAA Position: **OPPOSE**

TO: Judiciary Committee

DATE: February 20, 2024

FROM: Ryan Ross, President  
Mary Ann Thompson, Legislative Committee  
Lamonte Cooke, 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. 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 correctional facilities do not have the housing 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 a bed. 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.

# **MCAA HB 855 Letter Juvenile Restrictive Housing.pdf**

Uploaded by: Mary Ann Thompson

Position: UNF



**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.



**HB0855-JUD\_MACo\_OPP.pdf**

Uploaded by: Sarah Sample

Position: UNF



## 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.

**HB855\_DPSCS\_LOI.pdf**

Uploaded by: Catherine Kahl

Position: INFO



## Department of Public Safety and Correctional Services

### Office of Government & Legislative Affairs

45 Calvert Street, Suite 7A, Annapolis, MD 21401  
(443) 240-8696 • [www.dpscs.maryland.gov](http://www.dpscs.maryland.gov)

STATE OF MARYLAND

WES MOORE  
GOVERNOR

ARUNA MILLER  
LT. GOVERNOR

CAROLYN J. SCRUGGS  
ACTING SECRETARY

JOSEPH SEDTAL  
DEPUTY SECRETARY  
ADMINISTRATION

ANNIE D. HARVEY  
DEPUTY SECRETARY  
OPERATIONS

ANGELINA GUARINO  
ASSISTANT SECRETARY  
DATA, POLICY AND GRANTS

RENARD BROOKS  
ASSISTANT SECRETARY  
PROGRAMS, TREATMENT AND  
REENTRY SERVICES

JANELLE B. MUMMEY  
DIRECTOR

**BILL: HOUSE BILL 855**

**POSITION: LETTER OF INFORMATION**

**EXPLANATION:** This bill provides that a minor may not be placed in restrictive housing solely for the purposes of discipline, punishment, administrative convenience, retaliation, or staffing shortages.

#### **COMMENTS:**

- The Department of Public Safety and Correctional Services' Division of Pretrial, Detention and Services (DPDS) oversees the Youth Detention Center (YDC). YDC is a pretrial facility for male and female juveniles under 18 years of age who have been charged in Baltimore City as adults.

- YDC does not have a restrictive housing unit. DPDS utilizes a Behavior Modification Housing Program as opposed to Restrictive Housing at YDC. Program participation does not involve the juvenile being removed from his/her cell.

- Using a multidisciplinary approach, weekly meetings are conducted with the parent/guardian, the juvenile, Baltimore City Public Schools, Psychology, the Facility Administrator, and Case Management to develop a behavior intervention plan that is used to redirect and encourage positive behavior with established benchmarks and reinforcers.

- The intervention plan emphasizes therapeutic services and includes Thinking for Change, restorative justice practices, as well as trauma informed wrap-around services.

- The behavior modification housing program is focused on providing meaningful support, services and interventions that promote positive growth and development.

**CONCLUSION:** For these reasons, the Department of Public Safety and Correctional Services respectfully asks this Committee to consider this information as it deliberates on House Bill 855.

