



TESTIMONY IN SUPPORT OF HOUSE BILL 1107

CONFINEMENT AND RESTRICTIVE HOUSING - LIMITATIONS

TO: Members of the House Judiciary Committee

FROM: Center for Criminal Justice Reform, University of Baltimore School of Law

DATE: February 24, 2025

The University of Baltimore School of Law’s Center for Criminal Justice Reform (“Center”) is dedicated to supporting community-driven efforts to improve public safety and address the harm and inequities caused by the criminal legal system. The Center offers this testimony in support of House Bill 1107.

House Bill 1107 prohibits the use of solitary confinement for children for the purposes of discipline, punishment, administrative convenience, retaliation, or as a response to staffing shortages. Moreover, when the use of solitary confinement is found to be necessary because there is a substantial risk of physical harm to the child, other incarcerated individuals, or staff, the bill ensures that the child only be placed in restrictive housing as a temporary measure; requires that a health care or mental health care provider conduct a mental health screening within one hour of the child’s placement; and absolutely prohibits the placement of any child in an adult facility.

House Bill 1107 builds on important progress enacted by the Maryland General Assembly in 2019. Under 2019’s HB 1001, the Maryland General Assembly prohibited the Department of Public Safety and Correctional Services and the Department of Juvenile Services from placing a child in “restrictive housing” unless there is clear and convincing evidence that certain qualifying conditions exist. House Bill 1107 strengthens those protections and provides a clear path back to the general population for any child who is placed in solitary. By guaranteeing mental and physical health evaluations, keeping children out of adult facilities, and clearly defining when solitary confinement can and cannot be used on a child, House Bill 1107 will bolster the Department of Juvenile Services’ mission to transform young people’s lives and create safer communities.

Solitary confinement is uniquely harmful to children and its use has been criticized widely, including by the American Academy of Pediatrics,¹ the National Commission on Correctional Health Care,² and the American Academy of Child and Adolescent Psychiatry.³ The negative physical, emotional and psychological effects of solitary confinement are significant and often severely detrimental to human beings of all ages, but are even more amplified in children and can cause psychosis, depression, increased risk of suicide and increased aggression to others. Moreover, solitary confinement profoundly limits children's rehabilitation by weakening the development of positive social skills and limiting youth access to rehabilitative services and resources. This not only harms the child--it undermines public safety for all Marylanders.⁴

In 2012, a task force appointed by the U.S. Attorney General concluded:

Nowhere is the damaging impact of incarceration on vulnerable children more obvious than when it involves solitary confinement.... Juveniles experience symptoms of paranoia, anxiety, and depression even after very short periods of isolation. Confined youth who spend extended periods isolated are among the most likely to attempt or actually commit suicide. One national study found that among the suicides in juvenile facilities, half of the victims were in isolation at the time they took their own lives, and 62 percent of victims had a history of solitary confinement.⁵

Because House Bill 1107 will protect children, promote rehabilitation, and enhance public safety for all Marylanders, we urge a favorable report.

¹ See <https://www.ncchc.org/american-academy-of-pediatrics-endorses-ncchc-position-statement-on-restricted-housing-for-youths/>

² See <https://www.ncchc.org/wp-content/uploads/Solitary-onfinement-Isolation.pdf>

³ See <https://www.ncchc.org/american-academy-of-pediatrics-endorses-ncchc-position-statement-on-restricted-housing-for-youths/>

⁴ See <https://www.ncchc.org/wp-content/uploads/Solitary-Confinement-Isolation.pdf> (“[T]he very nature of [solitary confinement] is antithetical to the goals of rehabilitation and social integration.”)

⁵ See Report of the Attorney General's National Task Force on Children Exposed to Violence, Department of Justice (December 2012) available at <https://www.justice.gov/defendingchildhood/cev-rpt-full.pdf>.