

House Bill 1107

Juvenile Law – Confinement and Restrictive Housing – Limitations

Judiciary Committee – February 26, 2025

FAVORABLE

Thank you for the opportunity to submit written testimony on House Bill 1107.

I am a long-time resident of Montgomery County. I am a retired Federal employee, and I have been serving as a citizen member of the Montgomery County Commission on Juvenile Justice since 2021. The views expressed here are my own.

I strongly support House Bill 1107. This bill recognizes that children who commit crimes are different from adults and are put at even greater risk of mental and physical harm than adults when they are placed involuntarily in solitary confinement in adult facilities after being charged as adults or in adult prisons after being convicted in adult courts.

This is a significant issue in Maryland because it has had the distinction of charging more children as adults per capita than any state other than Alabama because of its out-of-date and harmful legislation that provides for automatic charging of youth as adults. Under current Maryland law, minors who commit any of the thirty-three specified offenses are charged as adults and face the prospect of incarceration in an adult prison if they are convicted and sentenced by an adult court. Proponents of juvenile justice reform have long sought to end this human rights abuse in Maryland and, to date, have had no success.

However, even if the General Assembly were to enact legislation to end automatic charging altogether, there would be children who end up in adult court in those cases in which a State's Attorney successfully persuades the juvenile court to transfer the case to adult court. Moreover, if legislation were enacted to eliminate some, but not all, of the thirty-three offenses that trigger automatic charging, children who commit those offenses would not only be at risk of being incarcerated in adult prison if convicted in adult court but would also be at risk of being held in an adult facility pending trial, as is currently the case.

Children do not belong in adult jails or prisons. There is compelling evidence that placing adolescents in adult correctional facilities is detrimental to their health and developmental well-being. Not only are adult facilities ill-equipped to manage the mental health, physical health, educational, vocational, and developmental needs of youth, there is a risk of physical and sexual assaults when young people are confined with adults in adult facilities.¹

Importantly, HB 1107 recognizes both the importance of keeping children out of adult facilities and not relying on the use of solitary confinement, referred to as "restrictive housing" in

¹ Position Statement: Health Services to Adolescents in Adult Correctional Facilities, National Commission on Correctional Health Care (2024), <https://www.ncchc.org/wp-content/uploads/Health-Services-to-Adolescents-in-Adult-Correctional-Facilities-rev-2024.pdf>

Maryland, to achieve the separation of youth from adults by sight and sound when they are housed in adult facilities.

Placing anyone in solitary confinement is an inhumane practice that causes serious damage to mental and physical health. Under the United Nation's Minimum Standards for the Treatment of Prisoners (also known as "the Mandela Rules"), isolation for more than 15 days is considered torture, permanently damaging the mind, body, and soul of those who experience it. HB 1107 attempts to limit the use of solitary confinement and reduce the harm of solitary confinement by placing restrictions on the number of hours children can be isolated and by including other requirements and limitations relating to its use.

Solitary confinement of young people, at a critical phase of neurological, physiological, and social development, puts them at serious risk of long-lasting psychological, developmental, cognitive, and behavioral impairments. Young people are especially vulnerable to the harm of isolation because their brains continue to develop until at least their mid-twenties. Solitary confinement can cause permanent psychological effects such as major depression and disconnecting from reality. The risk of harm is significantly magnified for young people with disabilities or a history of trauma or abuse. Placement in solitary confinement also increases the risk of suicide.² Solitary confinement is clearly one of the known, inherent dangers that youth face in adult facilities that are not otherwise equipped to provide them with the programs, services, and interactions that are needed to help them become successful adults.

It is important to protect young people from the potentially traumatizing experiences of being detained even temporarily in adult facilities and from the harmful effects of putting young people in restrictive housing at any stage of confinement.

HB 1107 takes a meaningful step toward protecting the human rights of some of Maryland's most vulnerable young people.

For these reasons, I recommend a Favorable report for HB 1107.

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² See The Lancet 391:20131 (2018 April 28) [https://www.thelancet.com/journals/lancet/article/PIIS0140-6736\(18\)30943-7/fulltext](https://www.thelancet.com/journals/lancet/article/PIIS0140-6736(18)30943-7/fulltext); "Alone & Afraid: Children Held in Solitary Confinement and Isolation in Juvenile Detention and Correctional Facilities," ACLU (June 2014), https://assets.aclu.org/live/uploads/publications/alone_and_afraid_complete_final.pdf

