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To: The Honorable Luke Clippinger
Chair, Judiciary Committee

From: Hannibal G. Williams II Kemerer, Legislative Director, Office of the Attorney General

Re: HB 740 Correctional Services – Restrictive Housing – Direct Release (SUPPORT)

House Bill 740 would prevent the Maryland Department of Public Safety and Correctional Services (DPSCS) from releasing inmates directly from solitary confinement to the outside world except in narrowly tailored circumstances. The legislation would prevent DPSCS from placing an inmate in restrictive housing “within 180 days before a release date, unless the warden . . . makes an individualized determination and certifies in writing, based on clear and convincing evidence, that (i) the inmate poses a grave risk of harm to others or the security of the facility and all other less restrictive options have been exhausted; or (ii) the inmate poses an immediate and credible fight risk that cannot be reasonably prevented by other means.” See Proposed Correctional Services Art. Section 9-614.2(e)(1)(i)-(ii).

In 2015, The Marshall Project and NPR reported findings from their 2014 joint investigation into what happens when “prisons across the country send thousands of people directly from solitary confinement back into their communities.”¹ The investigation revealed that in Texas, prisoners released directly from solitary had a 60 percent re-arrest recidivism rate. In Washington and California, “people coming out of segregation cells had recidivism rates as much as 35 percent higher than those leaving the general population.”² A Colorado state

¹ Christie Thompson, *From Solitary to the Street: What happens when prisoners go from complete isolation to complete freedom in a day?*, The Marshall Project (Jun. 11, 2015), available online at:

<https://www.themarshallproject.org/2015/06/11/from-solitary-to-the-street> (last visited on Feb. 24, 2020).

² *Id.*



corrections director, Rick Raemisch, notes that releasing inmates from lengthy segregation to no supervision is “a recipe for disaster.”³ Instead, reforms that include “staged socialization” or “step-down” programs help ease incarcerated individuals’ transition from isolation, to general population, and, ultimately, release.

House Bill 740 codifies step-down programs to reduce recidivism and improve public safety. For these reasons, we urge the Committee to favorably report HB 740.

cc: Members of the Judiciary Committee

³ *Id.*