



**Testimony for the House Judiciary Committee
February 23, 2021**

**HB 851 – Corrections – Restrictive Housing – Serious Mental
Illness**

FAVORABLE

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The ACLU of Maryland supports HB 851, which prohibits placing an incarcerated individual with a serious mental illness into restrictive housing, except if the individual presents an immediate and ongoing threat of imminent harm to themselves or others.

Under § 9-614 of the Correctional Services Article, restrictive housing is a physical separation in which the incarcerated individual is placed in a locked room or cell for approximately 22 hour or more out of a 24-hour period. According to the United Nations Special Rapporteur on Torture, individuals who are mentally ill should never be placed in restrictive housing.¹

Restrictive housing does not keep individuals safe. Even those without mental illnesses are found to suffer physical and psychological harm, including psychosis, trauma, severe depression, serious self-injury, and suicide when placed in restrictive housing. All of these risks are magnified when the individual already has a serious mental illness. Restrictive housing also limits family visits and phone calls, breaking down family ties that are crucial to reentry. And many individuals are released directly from restrictive housing into the community, which presents additional public safety risks.

In recent years, the Maryland General Assembly has taken steps to study and reduce the overall use of restrictive housing, and prohibiting restrictive housing for individuals with serious mental illnesses is the next common-sense reform that Maryland must enact.

For the foregoing reasons, the ACLU of Maryland urges a favorable report on HB 851.

¹ Interim Report of the Special Rapporteur of the Human Rights Council on Torture and other Cruel, Inhuman or Degrading Treatment or Punishment. A/66/268 (August 5, 2011), par. 78.