



Maryland Developmental  
Disabilities Council

EMPOWERMENT • OPPORTUNITY • INCLUSION

House Judiciary Committee

February 23, 2021

HB 851: Corrections – Restrictive Housing – Serious Mental Illness  
(Restrictive Housing Reform Act)

Position: Support with Amendment

The Maryland Developmental Disabilities Council (DD Council), a statewide public policy organization that studies and analyzes issues that affect people with developmental disabilities and their impact, **supports limiting restrictive housing for individuals with serious mental illness, but strongly recommends that the limitation also specifically apply to people with intellectual and developmental disabilities.**

We appreciate that the definition of serious mental illness, includes descriptors that could capture some people with developmental disabilities (page 2, lines 20-28); however, in order to ensure more people are protected from harmful practices, language should specifically include people with intellectual and developmental disabilities.

**WHY is this legislation important?**

- **People with disabilities are overrepresented in jails and prisons across the country, but under identified in Maryland.** According to the Bureau of Justice Statistics, people in state and federal prisons are nearly three times as likely to report having a disability as the non-incarcerated population, while those in jails are more than four times as likely. Cognitive and intellectual disabilities are among the most commonly reported: **Prison inmates are four times as likely and jail inmates more than six times as likely to report a cognitive or intellectual disability as the general population.**
  - Maryland does not know how many people with intellectual and developmental disabilities are currently in the State's jails and prisons because Department of Public Safety and Correctional Services (DPSCS) practices and identification of disabilities vary among facilities.
- **Reports and research consistently find that restrictive housing is harmful, especially for individuals with serious disabilities.** In recognition that even short stays in solitary confinement can have severe and long-lasting consequences for people with disabilities numerous national organizations have adopted standards to limit segregation, including the National Commission on Correctional Health Care.
- **Segregation and restrictive housing can prevent individuals from accessing needed programs, which is especially significant for persons with serious disabilities.**
- **Maryland overuses restrictive housing.** 53.1% of individuals in DPSCS custody were placed in restrictive housing during FY 2018, an increase from the reported 49.8% reported in FY 2017.
  - A 2018 study conducted by the Association of State Correctional Administrators in conjunction with the Liman Center for Public Interest Law at Yale Law School found that Maryland ranked 7<sup>th</sup> out of 43 responding jurisdictions in their use of restrictive housing for at least 15 consecutive days.
- **Research shows that decreasing segregation and limiting the use of restrictive housing actually decreases prison infractions.** Colorado banned segregation for prisoners with serious mental illness and intellectual disabilities and offers 20 hours a week minimum out-of-cell time (10 structured, 10 unstructured). From 2015-2016, staff assaults reduced by half, and forced cell entries reduced by 79%.

Contact: Rachel London, Executive Director: [RLondon@md-council.org](mailto:RLondon@md-council.org)

217 E. Redwood Street, Suite 1300 • Baltimore, MD 21202 • 410.767.3670 • [md-council.org](http://md-council.org)

Kalani Brown, *Chairperson* • Rachel London, Esq., *Executive Director*