



House Bill 851

Corrections - Restrictive Housing - Serious Mental Illness

MACo Position: **OPPOSE**

To: Judiciary Committee

Date: February 23, 2021

From: Michael Sanderson

The Maryland Association of Counties (MACo) **OPPOSES** HB 851. The bill seeks to ensure proper care for inmates kept in restrictive housing – but regrettably imposes untenable mandates on local correctional centers to expand beyond their intended capacity and function.

Maintaining safety and order among inmate populations is a perpetual challenge – and one that is exacerbated when inmates face mental illness that threaten the safety of themselves or others near them. No correctional administrator relishes the use of restrictive housing, but in some situations, it is warranted and required to offer adequate protection. HB 851 seeks to ensure that such situations are accompanied by an array of evaluations and services to limit the duration and severity of such confinement where possible.

Applying these same standards to local correctional facilities sounds superficially appealing, but belies a difficult reality – local jails are, in the main, simply an unsuitable location for such inmates.

Local jails simply lack the proper facilities and staff expertise to deliver appropriate mental health care and screenings. In Maryland’s correctional system, a State facility is clearly the ideal setting for such inmates. However – a lack of available State beds leaves far too many unwell inmates in local care for far too long. The crux of this problem is the insufficiency of the correct facilities for this population.

HB 851 places these full expectations, including staff-dependent services and screening, onto local facilities that simply lack the resources to manage them. The goals of fair and humane treatment of affected inmates would be best served by developing proper facilities where restrictive housing can be replaced by medically supervised, fully appropriate care.

HB 851 places operational practices for special classes of inmates onto local jails that are structurally unable to meet those obligations. Accordingly, MACo requests the Committee give HB 851 an **UNFAVORABLE** report.