



Testimony on HB 917 Corrections – Restrictive Housing – Prohibition
House Judiciary Committee
Support
March 2, 2021

Delegate Clippinger and Members of the Judiciary Committee:

The National Association of Social Workers, Maryland Chapter (NASW-MD) urges you to support HB 917, which prohibits the placement of a certain inmate in certain restrictive housing, with certain exceptions; requiring a certain facility to document the usage of restrictive housing in a certain manner; requiring certain records to be posted on a certain website in a certain manner; defining certain terms; and generally relating to restrictive housing.

NASW is the largest national organization of social workers. There are over 16,000 social workers licensed here in Maryland. The primary mission of the social work profession is to enhance human well-being and help meet the basic human needs of all people, with particular attention to the needs and empowerment of people who are vulnerable, oppressed, and living in poverty. People with serious mental health illnesses are among those that are vulnerable to the detrimental effects of restrictive housing. According to the U.N. Special Rapporteur on Torture, the mentally ill should never be placed in restrictive housing. Despite this, for over three years (2016-2018) more than 550 seriously mentally ill people were placed in restrictive housing in Maryland.

We can no longer allow this fatal practice to continue. Experts find confinement in a cell for 22 or more hours a day causes harm, trauma and risk of harm to individuals, which has a rippling effect that profoundly damages their loved ones, entire communities, and the larger society. Incarcerated individuals suffer physical and psychological harms, as psychosis, trauma, severe depression, serious self-injury, or suicide. Their families and loved ones also suffer when they are unable to visit or call them. This further contributes to the breakdown of family ties which is vital to supporting individuals that are incarcerated with their transition to the community. Society often forgets that most will be released. Many prisoners are released directly from restrictive housing into the community which poses a serious threat to public safety.

Whether we call it solitary confinement or restrictive housing, torture is torture. In a practice described by Supreme Court Justice Sonia Sotomayor as coming “perilously close to penal tombs,” the psychological and physical suffering of the people inside these solitary cells is incalculable. For those without mental health issues, these conditions are breeding ground for the onset of such deterioration. For those with serious mental health issues, this torturous practice amplifies the symptoms of mental illness. It is cruel, expensive and ineffective. It is three times more expensive to hold an inmate in segregation than in the general population.

HB 917 prohibits the placement of individuals with a serious mental illness in restrictive housing except “when the inmate poses an immediate and substantial risk of physical harm to the security of the facility, to the inmate or to others that is not the result of a serious, mental illness; and all other less-restrictive options to address the risk have been attempted and exhausted”. Even so, the bill rightfully discerns that this individual may not “remain in restrictive housing for more than the minimum time required to address the risk and for a period of time that does not compromise the mental and physical health of the inmate.” The United Nations Mandela Rules states that anything beyond 15 days in solitary constitutes torture. We affirm this position alongside Social Workers and Allies Against Solitary Confinement (SWASC). It is a national task force of social workers and allies dedicated to confronting the issue of solitary confinement, both on a macro-level as a core mechanism of our racist and classist system of mass incarceration, and on a micro-level as a practice that social workers in correctional settings actively and passively participate in, while being simultaneously charged with upholding the human rights and dignity of all people. They recommend the “Stepdown Program” which was developed by the Colorado Department of Corrections. Rather than isolating incarcerated individuals into solitary cells, which is proven to increase violence once the individual is released, this program temporarily separates the individual, while simultaneously providing therapeutic mental health support to address underlying issues. The primary goal is for the individual to work from the highest level to the lowest, with the goal of a successful re-entry into General Population and ultimately a successful re-entry into the community.

This legislation is one step closer to a safer and humane justice system that recognizes the risk and harm perpetrated by restrictive housing to individuals, communities, and society. Social workers will support you every step of the way.

We urge you to vote in favor of HB 917

Sincerely,

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