



## SB-704 Children Charged as Adults- Confinement

MCAA Position: **OPPOSE**

TO: Judicial Proceedings Committee

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FROM: MaryAnn Thompson, President  
Brandon Foster, Legislative Committee  
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Currently all local correctional facilities are required to meet the standards set forth for the Maryland Commission on Correctional Standards (MCCS). The standard regarding the housing of juveniles charged as adults is found in Standard **.05 INMATE RIGHTS** which states:

### *M. HOUSING OF JUVENILES*

*The managing official shall have a written policy and procedure which prohibits a juvenile from being detained in or committed to an adult correctional facility unless legal jurisdiction has been waived to the adult authorities or the juvenile is formally charged with having committed an exclusionary offense.*

Included in the Compliance Explanation of this standard is this statement:

*“Every effort should be made to house waived juveniles, regardless of offense, out of sight and sound of adult inmates.”*

Managing officials of local correctional facilities make great efforts to follow this recommendation, but cannot assure sight and sound separation in every case. This bill would mandate it by law (pg. 6, lines 15-22). This is a significant problem for local correctional facilities. Building design, limited space, and lack of resources simply don't allow for such a requirement. In order to achieve full compliance, each local correctional facility would have to construct new male and female juvenile housing units. These units would need adequate space to separate juveniles within, and would need to be distant from adult inmates. The units would also need space for education and recreation. New construction and operational costs would be extraordinary.

In addition to the sight and sound separation problem with this bill, it would also prohibit the “seclusion or isolation” of a juvenile for the purposes of achieving sight and sound separation from adult inmates (pg. 6, lines 16-18). This would be near impossible for most local correctional facilities. Due to a lack of space and facility design, many jails must currently use some form of restrictive housing to accommodate sight and sound separation.

MCAA opposes SB-704 and asks this committee for an unfavorable report.