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1500 Union Ave., Suite 2000, Baltimore, MD 21211

Phone: 410-727-6352 | Fax: 410-727-6389

www.DisabilityRightsMD.org

Maryland Senate Judicial Proceedings Committee – Bill Hearing
Wednesday, March 8, 2023 1:00 PM
Written Testimony in Support of Senate Bill 459

Disability Rights Maryland (DRM) is the state-designated Protection and Advocacy agency authorized under the Protection and Advocacy for Individuals with Mental Illness Act and the regulations thereto to protect and advocate for the rights of individuals with mental illness. DRM has worked to document serious issues in state correctional facilities and advocate for improved conditions, particularly in restrictive housing units. We have toured facilities across the state, reviewed thousands of pages of records, met with wardens, engaged with administrators and representatives of the Department of Public Safety and Correctional Services (DPSCS), and communicated with both incarcerated individuals and correctional staff throughout the State. Our testimony is informed by what we have learned through this work and from those who are directly impacted.

The use of restrictive housing for individuals with serious mental illness is our main focus in state correctional facilities. Studies have shown that confining an individual in a cell for 22 hours or more per day is a harmful practice that can cause depression, trauma, paranoia, anxiety, suicidal ideations, and exacerbate existing mental illness. DRM's investigations have revealed that individuals with serious mental illness are placed in restrictive housing at much higher rates and for much longer than persons without serious mental illness. In FY 2021, DPSCS reported that 22% of incarcerated individuals with serious mental illness were placed in restrictive housing.¹

Very little, if any, mental health services are provided to individuals in restrictive housing units to mitigate its harmful effects. Health care records indicate that some individuals may not receive any structured out of cell services or programming for months at a time. Mental health treatment in segregation is typically limited to psychiatric medication or occasional work sheets that must be completed alone in cell. The quality of mental health care in these units is grossly inadequate.

This bill would prevent the placement of individuals with serious mental illness, individuals with developmental disabilities, those with serious medical conditions that cannot be effectively treated in restrictive housing, and those with significant auditory or visual impairments in

¹ *Department of Public Safety and Correctional Services Report on Restrictive Housing – Fiscal Year 2021 Fulfilling Reporting Requirements of Correctional Services Article § 9-614, December 2021, 12.*

restrictive housing. Many organizations, including the National Commission on Correctional Health Care and the American Public Health Association, have recommended that restrictive housing not be used for individuals with serious mental illness. In cases where restrictive housing is used for anyone, adequate out-of-cell time should be consistently provided. This bill would finally bring Maryland in line with these recommendations.

The widespread use of restrictive housing in Maryland correctional facilities must change. DRM urges this committee to address these issues and provide a favorable recommendation for House Bill 385.

Respectfully,

Em Holcomb
Staff Attorney*
Disability Rights Maryland
1500 Union Ave., Suite 2000
Baltimore, MD 21211
443-692-2536
EmH@DisabilityRightsMD.org

**Authorized to practice under Rule 19-218*