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**TESTIMONY ON SB 459 - FAVORABLE**  
**Restrictive Housing Limitations/Maryland Mandela Act**

**TO:** Chair Smith, Vice Chair Waldstreicher, and members of the Judicial Proceedings Committee  
**FROM:** Bruce H. Turnbull

**My name is Bruce H. Turnbull. I am a resident of District 16. I am submitting this testimony in favor of SB 459, to place restrictions on the use of restrictive housing in Maryland prisons (applying the “Mandela rules” to our state-run prisons). I am writing on my own behalf as a citizen of Maryland but with the background of working with several Jewish and multifaith organizations with respect to needed reforms in our criminal legal system.**

My support for this bill is based on two basic reasons.

First, core principles of my Jewish faith, principles that are largely common to all faiths, include the most basic principle that all persons are made in the image of the divine and must be treated accordingly. Further, my faith tradition is that those who commit wrongs, and those against whom wrongs are committed, must be afforded the opportunity for restorative justice, allowing healing to take place and all affected, including the broader community, to return to the path of righteousness.

The use of “restrictive housing” (Maryland’s euphemistic name for what has long been known as solitary confinement) is fundamentally at odds with the treatment of human beings as in the image of the divine and with the restorative justice that is needed for all.

Second, the international community and the psychological community have found that extended (longer than 15 consecutive days of) solitary confinement is tantamount to torture and results in serious, often permanent, psychological (and sometimes physical) damage.

Based on the terrible experiences Nelson Mandela had in South Africa, the United Nations studied the use of solitary confinement, concluding that its use for longer than 15 consecutive days constitutes torture. The UN’s resolution on this subject emphasized that the use of solitary confinement must be used only in extreme cases and even then only as a last resort for short periods of time. Those who would be subject to such confinement must be afforded an independent review to determine whether such confinement is necessary in the particular case. Those with disabilities (mental or physical) should never be placed in solitary confinement. UN General Assembly, Resolution 70/175 , “[United Nations Standard Minimum Rules for the Treatment of Prisoners \(the Nelson Mandela Rules\)](#)”, January 8, 2016. The resolution was adopted by the General Assembly on December 17, 2015.

From the psychological standpoint, a 2021 report from the Vera Institute of Justice found that the overwhelming evidence, over 150 years of research, shows that solitary confinement “can lead to serious and lasting psychological damage.” The report further found that “negative mental health repercussions can persist long-term” and that among people released from prison, those who spent time in solitary “were 78 percent more likely to die from suicide within the first year of their return to the community than people who had been incarcerated but not placed in solitary.” Kayla James and Elena Vanko, “The Impacts of Solitary Confinement” (April 2021), found at <https://www.vera.org/downloads/publications/the-impacts-of-solitary-confinement.pdf>

In response to comments in relation to the House Judiciary Committee hearing on the companion bill in that body, sponsors and supporters of the legislation have made several amendments.

- The most significant is the exclusion of jails and other detention facilities operated by local jurisdictions.
- Other changes address points that were not clear in the original legislative drafting, including conforming the definition of “severe mental illness” with the one in the Code of Maryland Regulations and enabling prison officials to forgo certain services if there is a genuine threat to the safety of those who are incarcerated or prison guards or other service providers.

**With these amendments in place, it is hard to understand the objections that continue to be raised. The bill would simply ensure that Maryland prisons no longer engage in what is generally agreed to be torture** – keeping an individual in solitary confinement for more than 15 consecutive days or more than 60 days in a year, providing basic, bare minimum due process for someone who is being placed in solitary confinement, and maintaining some level of access to programs and services in the prison. If those requirements are enacted and carried out, Maryland would conform to internationally recognized limits on the use of solitary confinement. Anything less would mean that Maryland would continue to engage in torture.

In the spirit of Governor Moore’s admonition – Maryland must lead, in this area as well as others that he and the legislature are working on.

Thank you for the opportunity to provide this testimony.