

MARYLAND ALLIANCE FOR JUSTICE REFORM

Working to end unnecessary incarceration and build strong, safe communities



RE: House Bill HB 0385 – In Favor Written Testimony - Olinda Moyd, Esq.

The Maryland Alliance for Justice Reform supports a favorable report of HB 0385.

The most critical features of this bill are the mandatory training for staff that interacts with persons on restrictive housing; the establishment of guidelines and procedures for placement in restrictive housing and the mandatory reporting requirements from each facility on a monthly basis.

Because the pandemic has resulted in wide-spread, prolonged restrictive lockdown throughout Maryland institutions, this issue has become even more critical in recent years. As a Prisoner's Rights attorney, I have had the unfortunate experience of witnessing the damage that results from prolonged placement of human beings in solitary confinement AKA restrictive housing. Limiting the use of restrictive housing to 15 days in a 365-day period is critical for the orderly operations of institutions and, more importantly, to limit the impact of isolation on the physical and mental health of the individual subjected to such solitude. Training of staff is critical and transition from solitary is a process worthy of planning and careful orchestration.

The bill also outlines the procedures to be implemented in monitoring when a person is placed in restrictive housing. They are to be provided documentation regarding the basis for the placement; provided an opportunity to contest the restrictive housing placement within 72 hours and every 15 days thereafter; the right to appear and be represented at a hearing; and if the individual disputes the placement as a vulnerable person (typically when a person is isolated "for their own protection") they may request and receive a secondary review of determination. These guidelines and procedures will create structure and standard of expectations so that both the staff and the individuals housed on restriction have the opportunity to state their position and be heard. It will also guard against over use of restrictive housing. Unfortunately, this happens all too often with individuals who the correctional staff stigmatizes as "problem inmates". If a person is difficult to manage – which may range from being non-communicative to being too verbose – it's easier for the staff to place this person in restrictive housing and leave them there. But let's remember that no-touch torture can be as brutal as physical torture.

People subjected to long periods of solitary confinement often experience severe anxiety, depression, suicidal thoughts, and other mental health issues. These

symptoms are further exacerbated in people who already exhibit symptoms of mental illness or impaired mental capacities before the period of solitary confinement began.

Furthermore, Black men and women behind bars are disproportionately impacted by the overuse of solitary confinement. A report by The Sentencing Project concluded that Black women are overrepresented in solitary confinement.¹ They found that among the 40 jurisdictions providing data, Black women constituted 24% of the total female incarcerated population, but comprised 41% of the female restricted housing population. An analysis from the Association of State Correctional Administrators and Yale Law School, concluded that there is a link between race and solitary confinement and that men of color are also overrepresented in isolation.² The Human Rights Council has urged the U.S. to adopt policies and practices for the use of solitary confinement with principles similar to those outlined in this bill – decreasing sensory deprivation, gradual increased interactions and incremental earning of privileges.³

We are all too familiar with the heart wrenching story of Kalief Browder, who, at 16 years old, spent three years on Rikers Island without being charged with a crime. He spent the last 17 months in solitary confinement – the Central Punitive Segregation Unit. Six months after he left Rikers he attempted suicide for the first time on the outside and eventually he succeeded. His family contends that solitary confinement is what destroyed Mr. Browder.

We urge a favorable report on this bill to protect persons similarly situated in Maryland's prisons. Maryland must cease the practice of overusing restrictive housing, properly train staff who interact with individuals on restrictive housing and establish proper safeguard and guidelines for the use of such housing.

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¹ Race & Justice news: Black Women Overrepresented in Solitary Confinement, December 16, 2016.

² Liman Center Releases Updated Report on Solitary Confinement, Yale Law School, September 14, 2020.

³ Abuse of the Human Rights of Prisoners in the United States: Solitary Confinement, ACLU.