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TESTIMONY ON HB 385 - FAVORABLE
Restrictive Housing Limitations/Maryland Mandela Act

TO: Chair Clippinger, Vice Chair Moon, and members of the Judiciary 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 HB 385, to place restrictions on the use of restrictive housing in Maryland jails and prisons (applying the “Mandela rules” to our jails and 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>

HB 385 would apply the international recognized limits on the use of solitary confinement to the Maryland jail and prison system, and require both due process in determining whether an individual must be placed in solitary confinement and certain basic standards of care for those who are in such confinement.

This would bring Maryland in line with a growing number of states that have made significant changes to the use of such confinement (e.g., New York, New Jersey, and Connecticut). I would note that Virginia is reported to be likely to adopt restrictions during this year’s legislative session. <https://www.washingtonpost.com/dc-md-va/2023/02/04/virginia-solitary-confinement-general-assembly/>.

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.