

HB385- Correctional Services - Restrictive Housing - Limitations (Maryland Mandela Act)
House Judiciary Committee
February 14, 2023

Letter of Information

The Arc Maryland is the largest statewide advocacy organization dedicated to the rights and quality of lives of children with adults with intellectual and/or developmental disabilities.

Under this bill, a vulnerable individual may not be placed in restrictive housing.

A vulnerable individual is defined in the bill as a person that has a developmental disability, another disabling condition, has recently given birth, had an abortion, or miscarried, or identifies as a member of the LGBTQIA+ community.

For justification re: why a person with developmental or other disabilities would be at risk if placed in restrictive housing:

A few years ago, Disability Rights Maryland completed an investigative study and subsequently published a report, "Beyond Incarceration: Lock Down for Persons with Disabilities." Some of the more significant findings from their in-depth investigation were that Maryland used segregation excessively, individuals with disabilities were harmed in segregation, individuals with disabilities were routinely subject to discrimination in prison, and individuals with disabilities were disproportionately placed in segregation.

The investigation revealed that Maryland's segregation practices were outliers when compared to national averages. Of note:

- Eight percent (8%) of the prison population was in segregation in Maryland in 2015 compared to the national average of four to five percent (4-5%) of the prison population.
- Seventy Three percent (73%) of Maryland's prison population was in segregation at some point in 2017.
- The average length of stay in restrictive housing was 45 days in Maryland, and
- Individuals with disabilities were disproportionately placed into segregation and remained there for longer lengths of time than persons without disabilities.

We believe this bill would implement protections against segregation for vulnerable individuals, protecting them from the harmful and isolative effects of restrictive housing.

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