



Maryland Chiefs of Police Association

Maryland Sheriffs' Association



MEMORANDUM

TO: The Honorable Luke Clippinger, Chair and
Members of the Judiciary Committee

FROM: Darren Popkin, Executive Director, MCPA-MSA Joint Legislative Committee
Andrea Mansfield, Representative, MCPA-MSA Joint Legislative Committee
Natasha Mehu, Representative, MCPA-MSA Joint Legislative Committee

DATE: February 14, 2023

RE: **HB 385 – Correctional Services – Restrictive Housing Limitations (Maryland Mandela Act)**

POSITION: OPPOSE

The Maryland Chiefs of Police Association (MCPA) and the Maryland Sheriffs' Association (MSA) **OPPOSE HB 385**. This bill sets severe and dangerous limitations on a correctional manager's ability to use restrictive housing.

Restrictive housing is a tool that when carefully and properly used contributes to the safe and orderly operation of a correctional institution. Correctional officials do not make the decision to use restrictive housing lightly. Not only is the decision to use restrictive housing made in compliance with state and federal laws and professional best practices, but it is also made with the consideration of the individual inmate's mental and physical health, hygiene and recreation needs, and access to healthcare. Officials always start with the least restrictive means of housing to protect the inmate, fellow inmates, and correctional officers.

HB 385 sets constraints on the use of restrictive housing that significantly threaten the safety and welfare of inmates and correctional staff. The bill imposes arbitrary definitions, onerous administrative requirements, expensive training, and unreasonable restrictions. For instance, the definition of "serious mental illness" is not in alignment with the clinical definition found in the American Psychiatric Association's DSM-5 (Diagnostic and Statistical Manual of Mental Disorders). Additionally, the definitions of "restrictive housing" and "vulnerable individuals" are overly broad and ill-defined for the circumstances. Limitations on the number of days an individual can be placed in restrictive housing and the limitations on the use of "disciplinary segregation" are unnecessarily extreme. The blanket prohibition on the use of restraints on individuals in restrictive housing is unsafe. These definitions and restrictions do not fit the realities and necessary safeguards taken by correctional professionals when imposing restrictive housing.

While well-intentioned, proponents may misunderstand what constitutes restrictive housing in local jails and prisons which is often negatively and incorrectly portrayed in the media. MCPA and MSA condemn the bad actors that cause distrust and disproportionate limitations on restrictive housing overshadowing its legitimate and necessary uses.

It is very concerning that the requirements in this bill do not allow correctional managers to make restrictive housing decisions in accordance with industry best practices or with flexibility for the specific risks and circumstances they face. It is dangerous to severely limit the responsible use of restrictive housing imposed for the safety of the inmate and others in correctional facilities. For these reasons, MCPA and MSA **OPPOSE HB 385** and request an **UNFAVORABLE** Committee report.