

Date: February 19, 2025
Bill Number/Title: SB 827 - Juvenile Law - Confinement and Restrictive Housing - Limitations
Committee: Judicial Proceedings Committee
DJS Position: Oppose

The Department of Juvenile Services (DJS) opposes SB 827. SB 827 seeks to:

- Limit the utilization of restrictive housing for a minor incarcerated in either juvenile or adult correctional facility; and,
- Prohibit a child from being placed in an adult correctional facility, regardless if the child is subject to the jurisdiction of the juvenile or criminal courts.

First, the provisions of SB 827 that limit the use of restrictive housing are both unnecessary and problematic in their application within the juvenile justice system. There is long-standing law that prohibits DJS from using locked door seclusion as punishment. Md. Code, Human Services, 9-227(2)(i). DJS has further implemented policy and procedures that are consistent with juvenile correctional best practices and only permits the use of seclusion if the youth presents an imminent threat to themselves, others, and/or facility security. DJS policy and procedure clearly outlines preventive interventions that must be taken before the use of seclusion, permits seclusion to be used in only 1-hour increments, requires notification outside of facility leadership for any seclusion that exceeds 4 hours, requires staff to observe the youth every 10 minutes, medical observation must occur within the first 15 minutes, and behavioral health observation within 30 minutes, and lastly the youth shall be released from seclusion as soon as the intervening event or circumstances have been de-escalated. Creating a statutory framework, as contemplated in SB 827, that dictates the process and procedure for the use of seclusion (restrictive housing) will be confusing for staff and eliminates the ability for DJS to make operational changes that are in the best interest of the youth and safety.

SB 827 would also prohibit admitting any child into an adult correctional facility. Although DJS believes no youth should be placed in adult correctional facilities, without other statutory changes the proposed framework will result in overcrowding, and unnecessary delays, and will require DJS to build new facilities. , SB 827 would over-populate DJS detention facilities due to the significant time it takes for a youth's case to process through the adult system requiring DJS to increase detention capacity.

For these reasons, DJS requests an unfavorable report on SB 827.

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