



TESTIMONY BY SAMARIA TAYLOR

Intern, Justice Policy Institute

Senate Bill 827

Juvenile Law - Confinement and Restrictive Housing - Limitations

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Thank you, Chairman Smith and other Committee members, for allowing me to submit written testimony supporting Senate Bill 827. I am Samaria Taylor with the Justice Policy Institute (JPI), a national nonprofit organization founded in 1997 dedicated to developing practical solutions to problems plaguing juvenile and criminal legal systems. With over 25 years of experience, JPI has played a crucial role in national reform initiatives.

JPI supports Senate Bill 827, which would restrict the use of solitary confinement on children. This bill aims to promote fairness and support public safety by ensuring that children are treated justly in our criminal legal system.

A large amount of the work I have done since being at JPI has revolved around juvenile justice, and it is heartbreaking to see how much work we have to do in so many states across this country in order to remotely achieve what justice should be. This bill takes the necessary steps in order to ensure our children experiencing the system in Maryland can achieve the best possible outcome, ensuring their future success down the line as they emerge from the system.

Inhumanity

To begin, I will state the simple fact of the inhumanity associated with solitary confinement. According to the Eighth Amendment, we all have the constitutional right to protect ourselves from cruel and unusual punishment. Solitary confinement arguably violates this protection for adults, but it absolutely violates this right when it comes to minors. The United Nations Convention on the Rights of the Child (CRC) has deemed solitary confinement a violation of Article 37 of the CRC,¹ placing a strict ban on its use.² Additionally, the Committee against

¹ 3 U.N. Comm. on the Rights of the Child, 44th Sess., General Comment No. 10, Children's rights in juvenile justice, U.N. Doc. CRC/C/GC/10 (2007).

² See U.N. Guidelines for the Prevention of Juvenile Delinquency, G.A. Res. 45/112, Annex, 45 U.N. GAOR Supp. (No. 49A), U.N. Doc. A/45/49, at 201 (Dec. 14, 1990) ("The Riyadh Guidelines") and U.N. Rules for the Protection

Torture and the Special Rapporteur have classified the use of solitary confinement on children as cruel, inhumane, and degrading treatment. SB 827 allows us to be steps closer to create a more humane justice system for juveniles in Maryland, that would not violate any of their constitutional guarantees.

Psychological Consequences

Research has repeatedly proven the negative effects of prolonged isolation within prisons, and the toll it takes on the mental health of the people who experience it. In the case of juveniles, the effects of prolonged isolation include depression, anxiety, and psychosis.³ Solitary confinement creates the conditions where mental crises arise, but no one is equipped to treat it.

Young people have reported to organizations like the Human Rights Watch and the American Civil Liberties Union that they were deprived of a significant level of access to: physical and mental health care services; recreation or physical exercise; education, reading, or writing materials; visits, calls, correspondence, or contact with family members and loved ones; and other rehabilitative and developmentally-appropriate programming. Young people report very similar experiences regardless of why they were placed into solitary confinement.⁴ Institutions force these children to be isolated from everything in society, made to feel alone, ultimately creating and/or strengthening mental illnesses, then release them in the conditions to harm either themselves or others.

This country does not do a great job at acknowledging and protecting children suffering from mental health issues, which only worsen as they get older, but with the passage of this bill, we will be able to confidently say that we are improving mental health outcomes for children who are incarcerated. Although merely limiting solitary confinement will not eradicate mental health crises under incarceration, it will force people to address the toll incarceration takes on the mental health of all people incarcerated, but especially children.

Federal and State Levels

In 2016, President Barack Obama instituted a ban on solitary confinement for juvenile offenders in the federal prison system, citing its overuse and its “potential for devastating psychological consequences.”⁵ Support on this bill would allow Maryland to not only join other states taking strides in juvenile justice reform, but it would join on the national level.

of Juveniles Deprived of their Liberty, G.A. Res. 45/113, Annex, 45 U.N. GAOR Supp. (No. 49A), U.N. Doc. A/45/49, ¶ 67 (Dec. 14, 1990) (“The Beijing Rules”).

³AACAP. *Solitary Confinement of Juvenile Offenders*.

https://www.aacap.org/aacap/Policy_Statements/2012/Solitary_Confinement_of_Juvenile_Offenders.aspx

⁴ Rep. *Growing Up Locked Down: Youth in Solitary Confinement in Jails and Prisons Across the United States*, 2012. <https://www.aclu.org/publications/growing-locked-down-youth-solitary-confinement-jails-and-prisons-across-united-states>.

⁵ Eilperin, Juliet (2016, Jan. 26). Obama bans solitary confinement for juveniles in federal prisons. The Washington Post. https://www.washingtonpost.com/politics/obama-bans-solitary-confinement-for-juveniles-in-federal-prisons/2016/01/25/056e14b2-c3a2-11e5-9693-933a4d31bcc8_story.html

In 2018 there was the bipartisan First Step Act, the actual legislation for the ban on solitary confinement for children. Although this act was monumental, the majority of juveniles incarcerated and in solitary confinement are housed in state prisons, not the federal ones. All states individually have to follow the steps to ask for the true abolition of solitary confinement for children. Many states have begun implementing acts and laws to achieve this. Still, we need total abolition in order to say we are truly rehabilitating juveniles and receiving recidivism in all of our communities, which truly protects public safety.

For these reasons, I encourage you to vote for Senate Bill 827.