



February 19, 2025

SB 827

Juvenile Law - Confinement and Restrictive Housing - Limitations

Senate Judicial Proceedings Committee

Position: FAVORABLE w/ Amendments

The Maryland Catholic Conference offers this testimony in support of Senate Bill 827, with amendments. The Catholic Conference is the public policy representative of the three (arch)dioceses serving Maryland, which together encompass over one million Marylanders. Statewide, their parishes, schools, hospitals and numerous charities combine to form our state's second largest social service provider network, behind only our state government.

Senate Bill 827 would build upon two important aspects of youth justice reform: a.) prohibiting youth from being held in solitary confinement and b.) ensuring the youth charged as adults are never held in an adult jail facility. This legislation would ensure that youth are only subject to isolation using the least restrictive means, under the supervision of mental health providers, and never for reasons related to administrative convenience, retaliation, or staffing shortages. Furthermore, this legislation removes exceptions to detaining youth in adult facilities, including DJS capacity exceptions.

While this legislation represents two large steps in the right direction, we acknowledge concerns that removal of the capacity exceptions to youth being held in adult facilities may result in DJS having to open more facilities. Thus, we recommend that this legislation be passed in conjunction of the ending of automatically charging youth as adults, thus freeing up DJS capacity and ensuring the protection of system-involved youth, while (as evidence shows) reducing recidivism and increasing public safety in the long run.

The Conference supported legislation to ensure youth were held in adult facilities in 2014 and 2015, when that legislation was finally passed. The Conference then supported the current restrictions on solitary confinement for youth passed in 2019. While both were exceptional steps in the right direction, youth continue to be held in both solitary confinement and adult facilities to this day.

Pope Francis has equated punishment involving external isolation to a form of "torture". He denoted that states should not be "allowed, juridically or in fact, to subordinate respect for the dignity of the human person to any other purpose, even should it serve some sort of social utility." (*Address of Pope Francis to the Delegates of the International Association of Penal*

Law, October, 2014) In addition to violating personal dignity, solitary confinement has been shown to cause a variety of physical ailments. In the aforementioned address, Pope Francis also noted, “As shown by studies carried out by various human rights organizations, the lack of sensory stimuli, the total impossibility of communication and the lack of contact with other human beings induce mental and physical suffering such as paranoia, anxiety, depression, weight loss, and significantly increase the suicidal tendency.” Although the Conference maintains that solitary confinement should not be utilized in general, employing such measures on juvenile detainees as if they were fully-formed adult is unjust to an even greater extent.

Furthermore, Placing youth in adult jails, rather than the rehabilitative, service-based venue of juvenile detention facilities, poses several developmental issues. This is particularly true considering that some 87% of youth charged as adults either have their cases dismissed entirely or remanded to the juvenile system.

Aside from the fact that youth placed in adult jails are more likely to be repeat offenders, they are subject to violence and possibly gang initiation. Youth placed in adult jails are 36 times more likely to commit suicide. Additionally, although youth inmates only make up one percent of the jail population, they make up twenty-one percent of the total victim pool of inmate-on-inmate sexual violence. Lastly, juveniles housed in adult jail populations spend an average of four months in incarceration, resulting in significant setbacks in their education.

The United States Conference of Catholic Bishops has stated that “society must never respond to children who have committed crimes as though they are somehow equal to adults fully formed in conscience and fully aware of their actions. Placing children in adult jails is a sign of failure, not a solution. In many instances, such terrible behavior points to our own negligence in raising children with a respect for life, providing a nurturing and loving environment, or addressing serious mental or emotional illnesses.” (*Responsibility, Rehabilitation, and Restoration: A Catholic Perspective on Crime and Criminal Justice*, USCCB, 2000)

It is for these reasons that the Maryland Catholic Conference thus urges this committee to return a favorable report with amendments on Senate Bill 827.