

March 4, 2025

Bruce H. Turnbull  
4838 Montgomery Lane  
Bethesda, MD 20814  
[brucehturnbull@gmail.com](mailto:brucehturnbull@gmail.com)

**TESTIMONY ON HB 647 – IN FAVOR**  
**Restrictive Housing Limitations**

TO: Chair Clippinger, Vice Chair Bartlett, and members of the Judiciary Committee  
FROM: Bruce H. Turnbull

My name is Bruce H. Turnbull. I am a resident of District 16 and am pleased to be support HB 647, legislation offered by Delegate N. Scott Phillips. This legislation would place restrictions on the use of restrictive housing in Maryland jails and prisons. I am writing on my own behalf as a citizen of Maryland but with the background of working with several Jewish and multifaith organizations with respect to needed reforms in our criminal legal system.

My support for this bill is based on three basic points:

First, core principles of my Jewish faith, principles that are largely common to all faiths, include the most basic principle that all persons are made in the image of the divine and, accordingly, must be treated with respect and dignity. Further, my faith tradition is that those who commit wrongs, and those against whom wrongs are committed, must be afforded the opportunity for restorative justice, allowing healing to take place and all affected, including the broader community, to return to the path of righteousness.

Second, the international community and the psychology community have found that any extended stay (longer than 15 consecutive days) in solitary confinement is tantamount to torture and results in serious, often permanent, psychological (and sometimes physical) damage.

Third, this legislation would limit the use of restrictive housing to periods that are at least not within the “torture” range as noted above – no more than 15 consecutive days or 20 days in a 60-day period. This would go a long ways toward moving Maryland into the category of not torturing our incarcerated people. If the bill also included a mandate for out

of cell time and at least minimal programming, it would improve the Maryland situation even further.

“Restrictive housing” is Maryland’s euphemistic name for what has long been known as solitary confinement, or isolated housing for cases where two persons are confined to a single cell for virtually all hours of a given day. The use of restrictive housing for longer than 15 consecutive days, especially if there is no provision for out of cell time, is fundamentally at odds with the treatment of human beings with respect and dignity. This is especially true in Maryland, where the use of restrictive housing is among the worst in the entire country. And the Department of Public Safety and Correctional Services has hidden its practices for the past two years. The annual reports, required to be issued by the end of each calendar year for the preceding fiscal year, have not been issued for 2023 or 2024. From the most recent report, for fiscal year 2022, it is clear that Maryland overuses and misuses restrictive housing – with an average length of stay of 42.5 consecutive days.

As you have heard, or will hear, from those who have been directly impacted, the situation in Maryland is a crisis, and it is time that the Maryland legislature moved to alleviate that crisis.

In addition to the above points, I want to address four points that came up during the Senate Judicial Proceedings Committee hearing on the Senate companion bill (SB 702).

- **Coverage of incarceration facilities operated by local jurisdictions.** While the focal point of the legislation has been on state-run facilities, the bill as introduced also covers locally operated facilities. While allowing torture to occur in any facility in Maryland is difficult, in the past two years, amendments have been offered to exempt facilities operated by local jurisdictions from coverage under the bills offered in those sessions. That is a possibility for the sponsors and this Committee to consider.
- **Implications of the definition of “restrictive housing.”** The testimony in the Senate hearing suggested that at least some local authorities and others had apparently misunderstood the bill’s definition of “restrictive housing” - defined as a situation in which a person is housed for at least 17 hours out of a 24-hour period in a locked room or cell - to mean that such a person must be allowed to be outside of such a locked room or cell for 7 hours a day. That is not what the bill says. While some of us believe that an out of cell time mandate is important, the bill as introduced contains no such mandate. The definition simply serves as the mechanism to decide whether a person is in “restrictive housing” at any given time

and, if so, then the bill's other provisions provide for what must be done, such as limiting the person's stay to no more than 15 consecutive days.

- **Meaning of the “least restrictive environment” clause.** The bill requires that “all restrictive housing units shall create the least restrictive environment necessary for the safety of all incarcerated individuals and staff and for the security of the facility.” The fiscal note that accompanies this bill suggests that the Department of Public Safety and Correctional Services, and the Department of Legislative Services, understand this provision to require hiring of additional personnel, and potentially construction of modified or new facilities, in order to comply with this provision. I do not read the provision to require either of those things. Rather, to me, the provision says that within the constraints of the resources and facilities available to the facility, the management must operate its restrictive housing units in accordance with the “least restrictive environment” requirement (taking into account the safety of those in the facility and the security of the facility). Understood that way, the costs projected in the fiscal note would be dramatically reduced, if not eliminated entirely.
- **Fiscal Note.** As noted just above, much of the projected costs in the fiscal note relate to the misunderstanding of the “least restrictive environment” provision. Beyond that, however, the fiscal note fails to take account of the numerous studies that have been done about the effects, or likely effects, of similar laws in other jurisdictions. In all cases, the costs have come down (or have been projected to come down) as a result of having fewer people in solitary confinement (or whatever term is used in the particular states). That is consistent with the **statement of an official of DPSCS to a meeting of a work group of the Maryland Equitable Justice Collaborative on December 3, 2024, when he stated that it costs twice as much to house a person in restrictive housing as opposed to general population of a prison.** Reducing the number of people in restrictive housing would, based on that statement alone, mean that the prison costs would be reduced, potentially significantly.

Thank you for your attention and for what I hope to be your favorable action on HB 647.