

STATEMENT OF
Eric E. Sterling, J.D.¹
SUBMITTED TO
THE MARYLAND HOUSE OF DELEGATES
JUDICIARY COMMITTEE
HON. LUKE CLIPPINGER, CHAIR
HON. J. SANDY BARTLETT, VICE CHAIR
MARCH 4, 2025

**IN FAVOR OF
HB647 – CORRECTIONAL HOUSING**

Chair Clippinger, Vice Chair Bartlett, and Honorable Delegates, thank you for reading my brief statement in strong support of HB647. I urge a favorable report. I heartily commend Delegate Phillips and Senator Love for their leadership in developing this legislation.

HB647 would –

(1) amend the definition of restrictive housing to trigger the review and controls on the use of restrictive housing after a shorter period of placement in a locked cell, i.e., for 17 hours or more out of a 24-hour period, instead the current trigger of “approximately 22” hours;

(2) exclude from the use of restricted housing members of vulnerable populations -- with certain exceptions involving persons who have committed serious “prohibited acts;”

(3) for the general population, limit the potential number of days that they could be subject to restrictive housing in a two-month period; and

(4) direct the Correctional Ombudsman to review, audit and report the use of restrictive housing in years 2027 and 2029.

These provisions are likely to improve the physical and mental health of prisoners in the custody of the Department of Public Safety and Correctional Services (DPSCS); and potentially reduce disciplinary problems, improve staff safety, and reduce personnel turnover. **These measures are likely to reduce the costs of litigation, correctional health care, and staff training due to turnover.**

My relevant background

During my career as a public defender, counsel to the U.S. House Judiciary Committee, and in criminal justice policy, I have gone into many prisons to interview clients and witnesses, and I have worked with many persons who are or who have been imprisoned. In the late 1970s, at the

Delaware County (Pa.) prison I opened an office of the public defender inside the prison and staffed it for 6 months. My spiritual community, the Quakers, had extensive experience with imprisonment when persecuted in the 17th century. In the early 19th century, Quakers advocated for penitentiaries as an alternative to capital and corporal punishment – a well-intentioned reform that has been tragic in its consequences. In more recent decades, Quakers have advocated for correctional reforms. As a young Quaker, I was jailed briefly three times for my non-violent civil disobedience to protest the war in Vietnam and the political persecution of war protestors. I am joining today with Quaker Voice of Maryland in supporting HB647.

The Problems with Restrictive Housing

Restrictive housing, also known as administrative segregation or solitary confinement, is a carceral practice that inflicts enormous pain and trauma on the prisoners subject to its isolation. The research that has been conducted regarding restrictive housing reveals that it often causes serious mental health problems in the prisoners on whom it is imposed and aggravates the mental illness of prisoners with underlying mental health disorders.² A result is that restrictive housing, instead of reducing problematic behavior in a correctional institution, can make it worse and more prevalent.

Importantly, the state has **a responsibility to the men and women who work in our correctional institutions**. Research has documented that the work is highly stressful and produces adverse physical and mental health outcomes. As of 2021, the impact on health of correctional staff assigned to work in restrictive housing has not been well studied, but field reports gathered by the Vera Institute for Justice suggest that correctional staff do not desire such work – some staff have resigned instead of accepting such an assignment, and others report when reassigned from restrictive housing feeling safer and under less stress. Limiting restrictive housing is likely to help such state employees and improve the operation of the DPSCS.

I urge a favorable report.

¹ Eric E. Sterling was Executive Director of the Criminal Justice Policy Foundation (1989-2020). He has lived in Maryland 32 years and the 18th legislative district over 27 years. From 1979 to 1989 he was Assistant Counsel, U.S. House of Representatives Committee on the Judiciary responsible for many criminal justice issues. From 2013 to 2017, on the appointment of Gov. Martin O'Malley, he served on the Maryland Medical Cannabis Commission and chaired its Policy Committee. In Montgomery County, he served for 10 years on the Alcohol and Other Drug Abuse Advisory Council including three years as chair. From 2022 to 2024, he was Chair the Montgomery County Advisory Commission on Policing. He received a B.A. from Haverford College in 1973, and a J.D. from Villanova University Law School in 1976.

² Vera Institute of Justice, Kayla James and Elena Vanko, *The Impacts of Solitary Confinement*, (2021), <https://vera-institute.files.svcdcdn.com/production/downloads/publications/the-impacts-of-solitary-confinement.pdf>