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Patrick Moran – President

HB 647 – Correction Services – Restrictive Housing
Judiciary Committee
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LETTER OF INFORMATION

AFSCME Council 3 represents correctional employees in our state prison system. We offer the following information for the committee when considering this legislation.

Severe staffing shortages persist across our State Prison System

The Department of Public Safety and Correctional Services is critically understaffed. Recent independent analyses, conducted by both management and the union, have concluded that thousands more correctional officer positions are urgently needed to ensure safe staffing levels and meet existing programming mandates. This shortage means that new program mandates will rely on correctional officers working mandatory overtime, which has already reached unsustainable levels. In some state prisons, staffing is so inadequate that incarcerated individuals in general population housing only receive one hour of out-of-cell time per day. Under this legislation, tensions may escalate if restrictive housing units are granted more out-of-cell time than the general population.

Maintaining Protective Custody is Essential for Safety

Due to the outdated and overcrowded infrastructure of our state prisons, there are limited options for housing incarcerated individuals who request segregation from the general population. Our members report that it is not uncommon for individuals to re-offend immediately upon release from restrictive housing, just to avoid being placed back in the general population where they may face threats from enemies. Previous versions of the bill included a clear definition for the use of protective custody within restrictive housing, and we believe it is crucial to retain this definition to ensure the safety of all involved.

Not All Infractions Should Result in the Same Punishment

As currently written, HB 647 fails to consider the disciplinary matrix outlined in the Restrictive Housing COMAR regulations. Restrictive housing is used as a last resort for discipline. In COMAR, [inmate rule violations](#) are categorized from the most severe (Category 1A) to the least severe (Category V). However, HB 647 imposes the same restrictions on the use of restrictive housing for all infraction categories, which could

undermine its effectiveness as a form of punishment reserved for the most serious violations. Our members are concerned that this approach may dilute the impact of restrictive housing, particularly when dealing with heinous offenses like murder, where there are limited alternatives due to aging facility infrastructure and chronic staffing shortages. In such cases, when an incarcerated individual continues to pose a safety threat, statutory deadlines aside, residential mental health units are simply unavailable.

Legislating absolutes around such complex issues can be challenging, as individual circumstances often vary. We commend the sponsor for being open to hearing from our members and gaining a deeper understanding of the limitations faced by a short-staffed and under-resourced prison system when it comes to implementing reforms. Our members are fully committed to creating safe and rehabilitative environments within our state prison system, and we hope they continue to be involved as key stakeholders in the ongoing efforts to make improvements.