

03/04/2025

Richard Keith Kaplowitz
Frederick, MD 21703-7134

TESTIMONY ON HB#0647 - POSITION: FAVORABLE
Correctional Services - Restrictive Housing Registry

TO: Chair Clippinger, Vice Chair Bartlett, and members of the Judiciary Committee
FROM: Richard Keith Kaplowitz

My name is Richard Kaplowitz. I am a resident of District 3, Frederick County. I am submitting this testimony supporting HB#/0647, Correctional Services - Restrictive Housing Registry

This bill attempts to add an acknowledgement that Maryland's criminal justice system is focused more on punishment than rehabilitation.

The American Correctional Association recently defined "restrictive housing" as the confinement of a person to a cell for 22 or more hours per day... [there are] a broader range of restrictive housing types, including any form of housing where a person is held separately from—and in more confining conditions than—a jail's or prison's general population. This includes units where people are held in their cells for 22 or more hours a day, but also less-restrictive units where people may be allowed out of their cells for longer periods or given more opportunities for human interaction.¹

The most commonly used types of restrictive housing are as follows:

- **Disciplinary (or punitive) segregation:** This is used to sanction incarcerated people found guilty of violating facility rules, ranging from minor infractions (like swearing) to serious ones (such as assault). ... Disciplinary segregation sanctions are typically given for set periods of time, such as 30 days, 90 days, or even 180 days. While awaiting a hearing, an incarcerated person is sometimes held in another type of restrictive housing commonly known as "pre-hearing detention."
- **Administrative segregation:** This is housing used to remove people from a jail or prison's general population if they are thought to pose a risk to the safety of others, the security of an institution, or both. ... Placement in administrative segregation can last indefinitely.

¹ <https://www.vera.org/rethinking-restrictive-housing/introduction/types-of-restrictive-housing>

- Protective custody: This is used to remove incarcerated people from a facility's general population when they are thought to be at risk of abuse, victimization, or other harm.

Some people in protective custody are housed in isolating conditions similar to that of typical restrictive housing. Other protective custody units allow for privileges and out-of-cell time like those granted in the general population.

This bill will shift the treatment of people in restrictive housing to a less punitive system. The bill will alter a certain definition of restrictive housing. It will accomplish this goal by limiting the amount of time that an individual may be placed in restrictive housing from approximately 22 hours to 17 hours in a 24-hour period. It will make the moral statement that Maryland is committing to a more humane and judicious use of restrictive housing through requiring all restrictive housing units to create the least restrictive environment necessary for certain purposes. It will also guard against conscious or unconscious bias behind a commitment to use of restrictive housing by prohibiting the placement of a certain member of a vulnerable population in restrictive housing for any period.

Maryland has an incarceration rate of [475 per 100,000 people](#) (including prisons, jails, immigration detention, and juvenile justice facilities), meaning that it locks up a higher percentage of its people than almost any democratic country on earth. This bill can begin Maryland's transition to better ways of treating that population humanely. ²

I respectfully urge this committee to return an favorable report on HB0647.