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POSITION ON PROPOSED LEGISLATION

BILL: SB 908 Correctional Services - Restrictive Housing

FROM: Maryland Office of the Public Defender

POSITION: Favorable

DATE: February 23, 2026

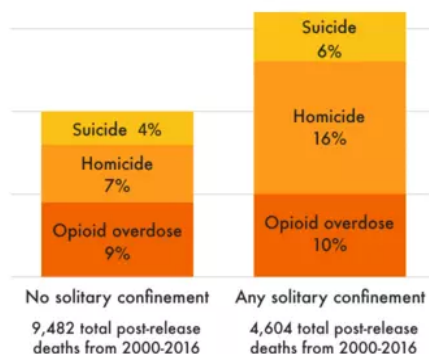
The Maryland Office of the Public Defender respectfully requests that the Committee issue a favorable report on SB 908.

Senate Bill 908 places limits on the amount of time and the frequency a person may be placed in restrictive housing. It also limits the number of people who are eligible to be placed in restrictive housing. Restrictive housing is defined as physical separation in a locked cell for a minimum of 20 out of 24 hours in a day. Senate Bill 908 requires the Correctional Ombudsman to investigate and report on the Department of Public Safety and Correctional Services' adherence to these

regulations.

Solitary confinement increases the risk of premature death after release

Among people who died after release from prison, those exposed to solitary confinement were more likely to die from suicide, homicide, or opioid overdose.



The Office of the Public Defender requests a favorable report on this bill for many reasons. First, restrictive housing has deleterious effects on physical and mental health. Second, restrictive housing serves no rehabilitative purpose, and actually increases the likelihood that a person will have a harder time reestablishing social connections. Third, restrictive housing is a form of psychological torture, to which people should never be subjected.

1. Restrictive Housing Harms People

Restrictive housing has harmful effects on both the mental

Source: Prison Policy Initiative

and physical health of people who spend time incarcerated by this method. Physically, solitary confinement can cause hypertension, headaches, dizziness, extreme weight loss, and decreased brain activity.¹ When a person is subjected to restrictive housing for repeated or extended periods of time, these symptoms are more likely to worsen.² These symptoms occur because of the nature of restrictive housing, which deprives a person's sensory network of the inputs it needs to self-regulate.

Restrictive housing harms mental health even more severely than it does physical health. People placed in restrictive housing have an increased likelihood of experiencing anxiety, depression, anger, cognitive disturbances, perceptual distortions, obsession, paranoia, and psychosis.³ People who entered prison with a diagnosed mental illness experience significantly worse symptoms in restrictive housing than they do in the general prison population. People experiencing mental illness are more likely to decompensate in isolation than they are in the general population.⁴

Worst of all, because of the effect restrictive housing has on mental health, it also increases the likelihood of a person to commit self-harm, including cutting and swallowing foreign objects.⁵ People experiencing restrictive housing are seven times more likely to commit these types of self-harm and are 6.5 times more likely to commit potentially fatal self-harm.⁶ A person who commits self-harm while incarcerated is likely to be placed into suicide watch, another type of restrictive housing, which can exacerbate all of the conditions discussed above.

While incarcerated, failure to quickly comply with orders, which may be related to difficulty processing information or anxiety in high stress situations, can lead to disciplinary reports, and can eventually result in placement in restrictive housing or prolonged sentences.⁷ All of the vulnerable populations protected by this bill have an increased risk of experiencing these physical and

¹ Shalev, Sharon (2014). Prisons in health. Copenhagen: World Health Organization, Regional Office for Europe. pp. 27–35.

² Corcoran, Mary. "Effects of Solitary Confinement on the Wellbeing of Prison Inmates". Applied Psychology Opus. NYU Steinhardt.
https://wp.nyu.edu/steinhardt-appsych_opus/effects-of-solitary-confinement-on-the-well-being-of-prison-inmates/

³ Metzner, Jeffrey L.; Fellner, Jamie (March 2010). "Solitary Confinement and Mental Illness in U.S. Prisons: A Challenge for Medical Ethics". J Am Acad Psychiatry Law. 38 (1): 104–108.

⁴ Id.

⁵ Kaba, Fatos; et al. (March 2014). "Solitary Confinement and Risk of Self-Harm Among Jail Inmates". American Journal of Public Health. 104 (3): 442–447.

⁶ Id.

⁷ Jennifer C. Sarrett, Alexa Ucar, Beliefs about and perspectives of the criminal justice system of people with intellectual and developmental disabilities: A qualitative study, Social Sciences & Humanities Open, Volume 3, Issue 1, 2021, <https://doi.org/10.1016/j.ssaho.2021.100122>.

psychological symptoms because of their heightened vulnerabilities, so no exposure to restrictive housing can be justified.

2. Restrictive Housing Increases Recidivism

Anthony Graves, a man who spent eighteen years in solitary confinement in Texas before being exonerated, described solitary confinement in this way:

Solitary confinement does one thing, it breaks a man's will to live and he ends up deteriorating. He's never the same person again... I have been free for almost two years and I still cry at night, because no one out here can relate to what I have gone through. I battle with feelings of loneliness. I've tried therapy but it didn't work. The therapist was crying more than me. She couldn't believe that our system was putting men through this sort of inhumane treatment.⁸

Restrictive housing serves no rehabilitative purpose, and actually increases the risk of recidivism when a person returns to the community.⁹ The sensory and social deprivation that occurs in restrictive housing causes people to be startled easily, to avoid crowds and public spaces, and to seek out small, confined spaces.¹⁰ These effects, caused by time spent in restrictive environments, increase the likelihood of recidivism by committing a new crime by 132%.¹¹

This bill helps to limit the time people spend in restrictive housing. Thus, it also decreases the likelihood that people commit crimes upon their return to the community. OPD supports all efforts of the legislature and the Department of Public Safety and Correctional Services to reduce recidivism and reduce the use of restrictive housing.

3. Restrictive Housing is Torture

All of the reasons stated earlier help to explain why the level of harm caused by restrictive housing is considered torture.¹² In fact, the United Nations' "Mandela Rules" prohibit placement in restrictive

⁸ Graves, Anthony (19 June 2012). "Testimony Presented to the Senate Judiciary Committee Subcommittee on The Constitution, Civil Rights & Human Rights 'Reassessing Solitary Confinement: The Human Rights, Fiscal and Public Safety Consequences'"

⁹ Mears, Daniel; Bales, William D. (December 2009). "Supermax incarceration and recidivism". *Criminology*. 47 (4): 1131–1166.

¹⁰ Goode, Erica (3 August 2015). "Solitary Confinement: Punished for Life". *The New York Times*.

¹¹ Nguyen, Anh (2018). *The Determinants and Consequences of Solitary Confinement: Risk Factor, Future Criminal Justice Involvement, and Mortality* (Thesis). PhD Thesis, p. 60.

¹² Nambiar, Sridevi (5 December 2014). "UN Committee on Torture Says U.S. Must Reform Its Use of Solitary Confinement". *Solitary Watch*.

housing for more than fifteen days.¹³ This bill brings Maryland into compliance with this internationally recognized maximum for all people, and prevents vulnerable populations from ever suffering this form of torture. Because it forces Maryland to begin treating its incarcerated individuals more humanely, this bill has the support of the Office of the Public Defender.

For these reasons, the Maryland Office of the Public Defender urges this Committee to issue a favorable report on SB 908.

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¹³ "The United Nations Standard Minimum Rules for the Treatment of Prisoners" (PDF). United Nations Office on Drugs and Crime. 2015.