



**Maryland Developmental
Disabilities Council**

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Senate Judicial Proceedings Committee

February 4, 2026

**SB 269: Correctional Services – Restrictive Housing –
Individuals with Developmental or Intellectual Disabilities
Letter of Information**

The Maryland Developmental Disabilities Council (DD Council), a statewide public policy organization that studies and analyzes issues that affect people with developmental disabilities and their impact, **supports efforts to better identify incarcerated people with intellectual and developmental disabilities (IDD); and limits on restrictive housing, but this bill does not do that.**

- The new definition of “restrictive housing” is much narrower than currently in statute and would expand the use of restrictive housing.
- It is also possible that allowing a DPSCS clinical professional to opine that a person with IDD would not be harmed if put in restrictive housing makes it harder to prove the risk of harm from being in segregation.

In order to better support people with disabilities, we recommend changes to the intake process, and required reporting about incarcerated individuals with disabilities. The following is possible language to replace the rest of the bill:

(B) THIS SECTION APPLIES TO A STATE CORRECTIONAL FACILITY.

(C) (1) DURING THE INTAKE ASSESSMENT FOR A NEW INCARCERATED INDIVIDUAL, AN APPLICABLE CLINICAL PROFESSIONAL SHALL:

A. CONDUCT A DISABILITY ASSESSMENT OF THE INDIVIDUAL;

B. RECOMMEND ACCOMMODATIONS NEEDED BY THE INDIVIDUAL; AND

C. PROVIDE INFORMATION ON NEEDED ACCOMMODATIONS TO THE ADA COORDINATOR FOR THE FACILITY.

(D) WHENEVER AN INCARCERATED INDIVIDUAL WITH A DISABILITY IS PLACED IN RESTRICTIVE HOUSING, A CLINICAL PROFESSIONAL AND THE ADA COORDINATOR SHALL DOCUMENT WHAT ALTERNATIVES HAVE BEEN CONSIDERED AND WHY THEY COULD NOT BE USED IN LIEU OF SEGREGATION.

(E) A CORRECTIONAL FACILITY SHALL TRACK THE NUMBER OF INCARCERATED INDIVIDUALS WITH DISABILITIES, DISAGGREGATED BY DISABILITY, AND REPORT THIS INFORMATION PERIODICALLY TO DPSCS IN CONNECTION WITH THE ANNUAL RESTRICTIVE HOUSING REPORT REQUIRED BY § 9-614 OF THE CORRECTIONAL SERVICES ARTICLE.

WHY is this important?

- **People with disabilities are overrepresented in jails and prisons across the country, but under identified in Maryland.** According to the Bureau of Justice Statistics, people in state and federal prisons are nearly three times as likely to report having a disability as the non-incarcerated population,

while those in jails are more than four times as likely. Cognitive and intellectual disabilities are among the most commonly reported: **Prison inmates are four times as likely and jail inmates more than six times as likely to report a cognitive or intellectual disability as the general population.**

- Maryland does not know how many people with intellectual and developmental disabilities are currently in the State's jails and prisons because Department of Public Safety and Correctional Services (DPSCS) practices and identification of disabilities vary among facilities.
- **Reports and research consistently find that restrictive housing is harmful, especially for individuals with serious disabilities.** In recognition that even short stays in solitary confinement can have severe and long-lasting consequences for people with disabilities numerous national organizations have adopted standards to limit segregation, including the National Commission on Correctional Health Care.
- **Segregation and restrictive housing can prevent individuals from accessing needed programs, which is especially significant for persons with serious disabilities.**
- **Maryland overuses restrictive housing.** In FY2024, there were 13,910 placements into restrictive housing, a 25.6% in administrative segregation placements and a 38.4% increase in the use of disciplinary segregation. (December 2024 DPSCS Report on Restrictive Housing)
 - A 2018 study conducted by the Association of State Correctional Administrators in conjunction with the Liman Center for Public Interest Law at Yale Law School found that Maryland ranked 7th out of 43 responding jurisdictions in their use of restrictive housing for at least 15 consecutive days.
- **Research shows that decreasing segregation and limiting the use of restrictive housing actually decreases prison infractions.** Colorado banned segregation for prisoners with serious mental illness and intellectual disabilities and offers 20 hours a week minimum out-of-cell time (10 structured, 10 unstructured). From 2015-2016, staff assaults reduced by half, and forced cell entries reduced by 79%.

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