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Patrick Moran – President

**SB 908 – Correctional Services – Restrictive Housing
Judicial Proceedings
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INFORMATIONAL

AFSCME Maryland Council 3 represents approximately 55,000 public service workers across varying levels of government including city, county, state, and higher education. AFSCME represents thousands of correctional employees throughout our state correctional institutions. Our union offers the following information for the committee when considering this legislation.

I. Severe staffing shortages in our state correctional institutions

The Department of Public Safety and Correctional Services is critically understaffed. Recent independent analyses, conducted by management and the union, have concluded that thousands more correctional officer positions are desperately 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 certain state prisons, staffing is so inadequate that incarcerated individuals in general population housing only receive approximately one hour of out of cell time per day, for activities such as showering or phone calls. Staff shortages may be so severe that the general population cannot access recreational programming during the day. Under this legislation, tensions may escalate if restrictive housing units are granted more out of cell time than the general population.

II. 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Due to the outdated and overcrowded infrastructure of our state prisons, there are limited options for housing incarcerated individuals who request segregation from the general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. 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 other individuals. 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.

III. Concerns with application of the bill and existing Disciplinary Regulations

As currently written, SB 908 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, SB 908 imposes the same restrictions on the use of restrictive housing, 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.

