

HB 786/ SB 539 Correctional Services – Restrictive Housing – Limitations (Talking Points)

What is Restrictive Housing?

Restrictive housing is any form of physical separation in which the inmate is placed in a locked room or cell for approximately 22 hours or more out of a 24-hour period. This includes administrative segregation and disciplinary segregation

MARYLAND OVERUSES AND MISUSES RESTRICTIVE HOUSING

How many people are in restrictive housing?

- Nationally, 4-5% of prisoners are in solitary—Maryland is roughly twice that, 8% of Maryland's prison population is in solitary¹
- During 2017, 73% of Maryland's prison population was placed in restrictive housing at some point.²

For how long?

- According to the U.N. Special Rapporteur on Torture, there should be an absolute prohibition on restrictive housing in excess of 15 days³
- In Maryland, the average length of stay in restrictive housing is 3 times that, about 45 days!

What about re-entry?

- In 2017, 278 persons were released directly to the community.

What about the mentally ill?

- According the U.N. Special Rapporteur on Torture, the mentally ill should never be put in restrictive housing⁴
- In 2017, 216 seriously mentally ill inmates were placed in restrictive housing in Maryland.

What about safety?

- Prisoners who pose a safety risk can be separated from the general population without being put in restrictive housing

#####

¹ Letter from DPSCS to Hon. Bobby Zirkin re: Use of Restrictive Housing in Maryland's Correctional facilities (Oct. 1, 2015)

² Department of Public Safety and Correctional Services—Report on Restrictive Housing—Fiscal Year 2017 (December 2017).

³ Interim Report of the Special Rapporteur of the Human Rights Council on Torture and other Cruel, Inhuman or Degrading Treatment or Punishment. A/66/268 (August 5, 2011), par. 76.

⁴ Interim Report of the Special Rapporteur of the Human Rights Council on Torture and other Cruel, Inhuman or Degrading Treatment or Punishment. A/66/268 (August 5, 2011), par. 78.

OVERUSE OF RESTRICTIVE HOUSING IS UNSAFE

- When a Mississippi facility transferred a large population of segregated prisoners to the general population, statistics showed an almost **70% drop in serious incidents**.⁵
- A study of correctional systems in Illinois, Arizona, and Minnesota found that segregating some prisoners did little or nothing to lower overall violence across the system
- According to a study published by the Federal Bureau of Prisons, “States that have reduced segregation populations have found no adverse impact on institutional safety.”⁶

RESTRICTIVE HOUSING IS EXPENSIVE

- It is **three times more expensive** to hold a prisoner in segregation than in the general population.⁷
- Colorado closed a 316-bed administrative segregation facility, which was projected to **save \$13.6 million** in FY13-14.⁸
- Illinois closed a supermax facility in 2013, saving about **\$26 million per year**.⁹
- In 2007, Mississippi saved about **\$5.6 million per year**—without layoffs or furloughs—when it closed an entire unit after reducing its use of segregation.¹⁰

RESTRICTIVE HOUSING HURTS PRISONERS, FAMILIES, AND COMMUNITIES

Prisoners Suffer. Prisoners in restrictive housing have suffered physical and psychological harms, such as psychosis, trauma, severe depression, serious self-injury, or suicide

Families Suffer. When a prisoner is in restrictive housing, s/he has limited visits and calls from family—this not only punishes families, it breaks down the family ties that are crucial to re-entry.

Communities Suffer. Many prisoners are released directly from restrictive housing into the community—this is not safe. During restrictive housing, prisoners often have limited opportunity to seek support from faith leaders and other sources of support, which may be instrumental in supporting the inmate during confinement, but also for safe re-entry upon release.

#####

⁵ Kupers et al., Beyond Supermax Administrative Segregation: Mississippi’s Experience Rethinking Prison Classification and Creating Alternative Mental Health Programs, p.7 (July 2009), available at https://www.aclu.org/files/images/asset_upload_file359_41136.pdf.

⁶ Federal Bureau of Prisons: Special Housing Unit Review and Assessment (Dec. 2014) (http://www.bop.gov/resources/news/pdfs/CNA-SHURReportFinal_123014_2.pdf)

⁷ Mears, Urban Institute, Evaluating the Effectiveness of Supermax Prisons 20 (2006), available at <https://www.ncjrs.gov/pdffiles1/nij/grants/211971.pdf>.

⁸ News Release, Department of Corrections, The Department of Corrections Announces the Closure of Colorado State Penitentiary II (March 19, 2012), available at <http://www.doc.state.co.us/sites/default/files/Press%20release%20CSP%20II%20close%20%20Feb%201%202013.pdf>.

⁹ Heather Rice: Close Tamms, limit use of solitary confinement, available at <http://www.sj-r.com/x221030937/Heather-Rice-Close-Tamms-limit-use-of-solitary-confinement>.

¹⁰ Vera Institute of Justice Blog, “Mississippi DOC’s Emmitt Sparkman on Reducing the Use of Segregation in Prisons,” October 11, 2011.