



Department of Detention Facilities

Jennifer Road Detention Center
131 Jennifer Road
Annapolis, MD 21401
410-222-7374

Christopher Klein
Superintendent

TO: The Honorable William C. Smith, Jr., Chair and
Members of the Judicial Proceedings Committee

FROM: Christopher Klein, Superintendent

DATE: February 25, 2026

RE: SB908 – Correctional Services – Restrictive Housing

POSITION: **OPPOSE**

Introduction

I respectfully submit this testimony in **opposition to Senate Bill 908**. While the intent of the bill may be centered on reform, as drafted, it presents a physical and operational impossibility for the Anne Arundel County Department of Detention Facilities without significant reconstruction. Furthermore, the bill's logic is fundamentally flawed: if the premise is that an individual should not be restricted for more than 20 days in a 60-day period for safety reasons, it inadvertently suggests that no individual should be incarcerated at all for longer than that window. This bill does not support institutional safety; rather, it undermines it.

1. Public Safety and Institutional Security

SB 908 significantly infringes upon the County's interest in maintaining the safety and security of its correctional institutions.

- **Erosion of Security Management:** By limiting restrictive housing to 15 consecutive days and a 20-day maximum within a 60-day window, the legislature removes a critical tool for managing the most violent or predatory individuals. This mandate ignores established classification processes and essential security considerations.



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- **Conflict with Judicial Precedent:** In *Bell v. Wolfish*, the Courts established that "wide-ranging deference" should be granted to correctional administrators in the execution of policies designed to preserve internal order. SB 908 seeks to replace professional, administrative judgment with rigid, arbitrary statutory limits that jeopardize the safety of both staff and the incarcerated population.

2. Arbitrary and Vague Definitions

The definitions provided in Section 10-1001 are legally vague, creating a landscape of "arbitrary and subjective" interpretation that is impossible to manage consistently.

- **Undefined Timelines (Section 10-1001, Page 6):** The bill includes individuals who have "recently" suffered a miscarriage or terminated a pregnancy as a "vulnerable population." Without a defined timeframe for "recently," this provision is open to inconsistent interpretation and creates a high risk of non-compliance.
- **Subjective Standards of Perception:** The bill includes individuals "perceived to be" part of the LGBTQ+ community. This phrasing is dangerously unclear. Does this refer to perception by staff, other residents, or the individual themselves? Administrators require **objective criteria** to ensure lawful application; subjective "perceptions" invite confusion.
- **Operational Uncertainty (Section 10-1002):** The prohibition of restrictive housing for a period "longer than is necessary" provides no standard for determining necessity. This ambiguity exposes facilities to constant legal challenges and creates a state of permanent operational uncertainty.

3. Fiscal and Legal Liability

By passing a law that is physically and financially impossible to comply with immediately, the State is exposing local county governments to massive civil litigation.

When facilities inevitably fail to meet the strict 4-hour out-of-cell requirement or the 15-day limit due to genuine safety emergencies or lack of infrastructure, the County—not the State—will bear the brunt of the legal fallout. We cannot "build our way" out of this mandate overnight to meet the architectural requirements this bill would necessitate.



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4. Misplaced Focus on Mental Health Responsibility

Rather than restricting the tools used to manage individuals with mental illness within a jail setting, the legislature should focus on holding the **Maryland Department of Health (MDH)** accountable. The MDH continues to cause a crisis in local detention centers by violating the law under Section 3-106. Jails are being forced to act as de facto psychiatric hospitals without the resources or the legal mandate to do so.

Conclusion

SB 908 prioritizes arbitrary numbers over the nuanced reality of institutional safety. I urge the Committee to issue an **unfavorable report** on Senate Bill 908.

Respectfully submitted,

Christopher Klein

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Department of Detention Facilities