

# FREDERICK COUNTY SHERIFF'S OFFICE

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**CHARLES A. JENKINS**  
SHERIFF

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

FROM: Major Timothy Selin, Assistant Corrections Bureau Chief <sup>TS</sup>

DATE: February 25, 2026

RE: SB908 – Correctional Services – Restrictive Housing

POSITION: **OPPOSE**

The Frederick County Sheriff's Office is opposed to SB 908 – Correctional Services – Restrictive Housing. After reviewing the bill in detail, I would like to highlight several areas of concern related to definitions, operational feasibility, inmate safety, and the significant fiscal impact this legislation would impose on our facility.

### **I. Ambiguities in Statutory Language**

#### **Section 10-1001**

**Page 6, lines 7–8:** The bill includes individuals who “*has recently suffered a miscarriage or terminated a pregnancy*” as members of a vulnerable population. The term “recently” is undefined. Without a clear timeframe, this provision is open to inconsistent interpretation and could create compliance challenges.

#### **Section 10-1001**

**Page 6, lines 10–11:** The bill also includes individuals who “*is perceived to be lesbian, gay, bisexual, transgender, or intersex.*” The phrase “perceived” is unclear. Perceived by whom? Administrators of facilities need objective criteria to ensure consistent and lawful application.

#### **Section 10-1002**

**Page 6, line 16:** The bill prohibits restrictive housing for a period “*longer than is necessary.*” Again, the standard for determining what is “necessary” is not defined. This creates operational uncertainty and exposes facilities to potential legal challenges.

## **II. Safety Concerns for Incarcerated Individuals and Staff**

### **Section 10-1003**

**Page 7, lines 5–7:** The bill states that *“a member of a vulnerable population may not be placed in restrictive housing for any period of time.”*

In our facility, **approximately 50% of the inmate population are on psychotropic medication**, and many individuals present with significant mental health instability and violent behavior. Restrictive housing is sometimes the only means to prevent serious harm to staff and other individuals. Eliminating this tool entirely for broad categories of individuals, many of whom may be violent, creates substantial safety risks to staff and other incarcerated individuals.

The U.S. Supreme Court in *Farmer v. Brennan* (1994) held that **correctional officials must take reasonable steps to protect incarcerated individuals from known dangers, including harm from other inmates.**

In Case, v. Beasley, (4th Cir. Feb. 17, 2026) the court recently stated that officers have a **“constitutional obligation to take reasonable action to protect the incarcerated individuals under their watch”**. This bill, as written, restricts our ability to meet that constitutional obligation and opens up all agencies to additional litigation.

Additionally, the Maryland Department of Health is not consistently accepting committed individuals within the required timeframe. We routinely house individuals **an average of 59 days beyond the initial 10-day requirement**, leaving us responsible for managing individuals in acute crisis without the ability to separate them safely.

## **III. Infrastructure Limitations**

Our current facility was built in **1986** and was not designed to meet the requirements outlined in the bill. Key limitations include:

- Current segregation housing uses the same cellblock design as general population (5–12 cells per block). This affords the administration the flexibility to change the classification of areas as needs arise.
- The current layout does **not** allow us to provide the required **4 hours out-of-cell time** for each individual as there is just not enough hours in a day.
- The linear design makes remodeling impractical without major reconstruction.

To comply with the bill, we would need to construct a new segregation wing with:

- 3-cell pods with showers and dayrooms
- Separate male and female housing
- Capacity for **40–50 individuals** at once
  - 40% mental health
  - 25% suicide watch
  - 35% disciplinary

#### **IV. Fiscal Impact**

The construction and staffing costs associated with compliance are substantial:

- **Option 1 = New wing addition to existing facility:** \$20–30 million
  - 3 cells per pod with showers and day rooms to comply with 4 hrs. out of cell and comply with separation reasons
  - Separated outside recreation adjacent to pod
  - Need male and female cells with separation
  - Ability to house 40-50 incarcerated individuals at once
- **Option 2 = New facility (500 beds):** Approximately \$200 million
  - Land acquisition, A&E, and construction: Additional major expenditures
- **Additional staffing:** Significant with either option 1 or 2 but currently unknown cost

These costs far exceed the capacity of local jurisdictions without state support.

#### **Conclusion**

While the goals of SB 908 are understandable and commendable, the bill as written presents serious challenges:

- Ambiguous definitions that hinder consistent implementation
- Safety risks for both incarcerated individuals and staff
- Inability to meet constitutional obligations under *Farmer v. Brennan*
- Infrastructure limitations that make compliance impossible without major reconstruction
- Significant fiscal burdens on local governments

As the current bill is written, the Frederick County Sheriff's Office asks for an unfavorable vote on SB 908.