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SB-459 Restrictive Housing-Limitations

To: Judicial Proceedings Committee

From: Major TD Reece

Administrator, Calvert County Detention Center

Date: March 7, 2023

Subject: OPPOSITION to Senate Bill-459 Restrictive housing-Limitations

Local Jails have no control over who arrives at their door step. They must hold every person ordered held by the Courts regardless of how minor or heinous the crime or their current Medical or Mental Health situation.

A local Jail operates as a microcosm of a community. They are essentially a city within the city.

The state of Maryland has a legal system in place for a reason that is grounded in humanity. Courts, jails and prisons are not in place solely to corral criminals and enforce restitution. They enforce consequences that can lead to changed behavior and new lives. Local Jails provide all sorts of programs and services for those held in our facilities, those who choose to participate, in an effort to begin a positive change. Examples of these programs: GED, Life skills, Parenting, Anger management, Substance Abuse, AA, NA, Religious Services... Genuine change happens in jails and prisons every day. Control and order are absolutely necessary to facilitate these many programs and services offered and to safely and effectively operate a jail or prison.

A simple formula to describe the incarcerated population breaks down something like this:

- 90% of all the inmates held in a local jail are no issue. They know why they are in jail. They accept their situation and will patiently await their court date or expiration of sentence. Some will take advantage of the program and services in an effort to better themselves, other will not. However, they do not want inmates running the facility. They do not want to be threatened, intimidated and or assaulted. They do not want to feel each and every day the stress and the pressure to choose a side for their protection or living conditions. They only want to do their time and not be bothered.
- Approximately 10% of a local jails population wants to continue to operate their hustle or crimes while incarcerated using fear, intimidation or cunning to enact their will over others. They do not like rules and regulations nor are they prone to abide by any.

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- Within this 10% is 3% that are dangerous. They are dangerous to the other inmates as well as the staff. This 3% of the inmate population desires to be in control, to lead the other 7% in bullying, assaulting, stealing, and intimidating the other 90%.
- One major responsibility of a Correctional Officer's job is to ensure this 3% is not successful.
- When this small segment of the population acts out, no matter the degree, there must be a reaction by the staff. The 90% is watching us. Remember they have to live with these inmates. They know it is our job to ensure a controlled and orderly housing unit. They know we the Staff get to leave at the end of our shift. WE cannot turn a blind eye to the majority of our population that is no problem at all. A sound orderly and consistent disciplinary system, that effectively using restrictive housing, shows our support to the 90% that are not a problem. If the 90% believes that we do care about them and we are leaving them to the mercy of the 10%. Then all 100% become a problem to manage. The facility is inefficient and unsafe for everyone.
- The use of restrictive housing is essential tool available to a Shift Supervisor to protect and reassure the 90% that we do care about them and we do appreciate their appropriate behavior. It encourages them to let us handle the problem inmates through use of the disciplinary process. You do not need to handle the situation on your own. This very restrictive Bill will erode control and result in chaos.

The use of a separate location for inmates to be held while serving their disciplinary sanctions began in the 1990's. I was a young CO in the 1980's. The use of these housing units has had a major positive impact on the overall safety and operations within the facilities and greatly reduced liability. I ask that you support MCAA, the Division of Corrections and all local jails by Opposing SB-459.