



KENT COUNTY SHERIFF'S OFFICE

104 Vickers Drive, Unit B
Chestertown, MD 21620

Dennis W. Hickman, Jr
Sheriff

410-778-2279
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August 7, 2025

VIA EMAIL

Patrick Hughes
Chief, Opinions and Advice Division
Office of the Attorney General
200 St. Paul Place, 20th Floor
Baltimore, Maryland 21202
phughes@oag.state.md.us

RE: Request for an Opinion of the Attorney General

Requestor: Dennis Hickman, Sheriff of Kent County, Maryland

Dear Patrick Hughes:

Kent County is the smallest county by population in the State of Maryland, which presents a unique set of financial challenges. Our county is facing aging infrastructure, a limited tax base, and a growing concern that young families are leaving for better opportunities in larger jurisdictions.

Most recently, it was determined that Kent County Middle School—the county's only public middle school, originally built in 1945—is in dire need of replacement. Constructing a new school is a significant undertaking for any jurisdiction, and it is especially difficult given our current financial constraints. This situation prompted county leaders to explore potential cost-saving measures to help fund the project.

In 2024, discussions began with the elected Kent County Commissioners to identify areas within county government where expenses could be reduced. One such proposal involved closing the aging Kent County Detention Center (KCDC) and potentially establishing a regional correctional facility in partnership with neighboring Queen Anne's County. While this idea remains in the early feasibility stage, the County Commissioners decided to explore interim measures, such as housing Kent County's incarcerated individuals (I/Is) in other jurisdictions at a per diem rate. This approach aims to reduce costs and alleviate staffing shortages at KCDC.

An Intergovernmental Agreement (IGA) with the Queen Anne's County Detention Center (QACDC) was approved by the County Commissioners in July 2025. To date, twelve incarcerated individuals have been transferred to QACDC for long-term housing. An additional IGA with the Talbot County Department of Corrections has been drafted but has not yet received full approval from all parties.

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During a recent public meeting, one of the three elected County Commissioners proposed a long-term plan to completely close KCDC and rely on neighboring facilities for all long-term housing of Kent County inmates. Under this proposal, KCDC would serve only as a temporary holding facility, with individuals held for a few hours during the initial booking process before being transferred elsewhere.

Under Section 11-201(a) and (c) of the Correctional Services Article of the Annotated Code of Maryland, it is the duty of the local sheriff or their designee to safely hold incarcerated individuals committed by lawful authority until they are lawfully discharged. Since January 1, 1989, this responsibility had been delegated to the warden of KCDC. However, pursuant to County Commissioners Resolution 2025-02 (attached), dated March 4, 2025, that duty has now reverted to the Sheriff, who oversees all jail functions. Furthermore, Title 9 of the 2024 Maryland Statutes – Correctional Services states:

§ 9-105

Notwithstanding any other law, a judge may sentence an individual to a local correctional facility if:

- (1) the sentence to be then executed is for a period of not more than 18 months; and
- (2) the judge imposing the sentence is in a jurisdiction that is a party to the operation and maintenance of the local correctional facility to which the individual is sentenced.

As Sheriff of Kent County, I am seeking an opinion from your office to better understand the legality of Kent County no longer operating a long-term correctional facility within our jurisdiction. To my knowledge, no other Maryland county currently lacks its own correctional facility.

Specifically, under § 9-105(2), I would like clarification on whether a judge in the Circuit Court for Kent County has the legal authority to sentence an individual to incarceration in a facility located in another county, should our local facility be closed. Additionally, I ask whether an approved Intergovernmental Agreement for long-term housing would satisfy the requirement that Kent County be a "party to the operation and maintenance" of that facility.

Thank you in advance for your time and thoughtful consideration of this important matter. Should you have any questions or need further information, please do not hesitate to contact me at (410) 778-2279.

Respectfully,

Dennis W. Hickman Jr.
Sheriff, Kent County, Maryland

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