MARYLAND COMMISSION ON CORRECTIONAL STANDARDS

STANDARDS, COMPLIANCE CRITERIA, AND COMPLIANCE EXPLANATIONS FOR

ADULT DETENTION CENTERS

.01 SECURITY AND INMATE CONTROL

The maintenance and provision for the secure management of a facility is essential for the public safety, well-being of correctional personnel, and that of the inmate population. Without control, all other programs and services cannot function properly. The primary consideration in facility administration is preserving order and security.

A. USE OF PHYSICAL FORCE

The managing official shall have a written policy governing the use of physical force, which includes a provision for written reports of all instances of the use of physical force, and which shall include, but not be limited to the following:

(1) Instances of justifiable self-defense;

(2) Protection of others;

(3) Protection of property; and,

(4) Prevention of escape.

Compliance Criteria

Written policy inclusive of all elements (1 - 4).
Reports of use, if any.

Compliance Explanation

Physical force is to be used only to the degree necessary to prevent inmates from harming themselves and others, destroying property, escaping, physically resisting lawful commands, and threatening the order of the facility. Under no circumstances is physical force to be used as punishment or discipline. It must only be used as a last resort and be in accordance with statutory authority. All instances of the use of force must be documented and submitted to the managing official no later than the conclusion of the tour of duty. All injured persons must receive prompt medical treatment.

B. USE OF DEADLY FORCE

The managing official shall have a written policy, governing the use of deadly force to prevent escape or manage an immediate danger to life situation, which shall include provisions for formal investigation of all instances of use of deadly force and submission of written reports for supervisory review.

Compliance Criteria

Written policy inclusive of all elements.
Reports of use and investigation, if any.

Compliance Explanation

Deadly force is to be used only after other actions have been found ineffective, unless the staff person believes that a person's life is immediately threatened or to prevent an escape. Only *trained* and *authorized* personnel are to initiate deadly force. All instances of the use of deadly force must be documented and submitted to the managing official for thorough investigation prior to the conclusion of the tour of duty. All injured persons must receive prompt medical treatment.

C. EMERGENCY SECURITY PLANS

The managing official shall have written emergency plans for riots, disturbances, hostage-taking, escapes, bomb threats, adverse employee job actions, and other such circumstances, which include provisions for:

(1) Documented coordination with appropriate responding agencies and organizations;

(2) Specific description of staff duties and responsibilities, including record keeping of all significant activities;

(3) The placement and housing of inmates within the facility and at alternate sites when the facility or portions thereof are rendered uninhabitable;

(4) Availability and use of an emergency communications system in urgent, special, or unusual conditions;

(5) Designation of an appropriate location to serve as an operations center during the emergency; and,

(6) Specification of the requirements to ensure command and control of the situation.

Compliance Criteria

Written plans addressing all security related emergencies and inclusive of all elements:

(1) Correspondence/records of meetings with responding agencies named in plan(s);

(2) Designation of staff involved and their required actions, inclusive of, but not limited to: post assignments, identification of essential/nonessential services,

programs and operations, adjustments to shift hours if any etc., and records of plan implementation, if any;

(3) Identification of temporary extended housing in nonaffected areas as well as alternate housing outside the facility;

(4) Observation of emergency communication equipment such as intercom, siren, panic buttons, radios and telephones;

(5) Observation of designated operations center; and,

(6) Chain of command listing.

Compliance Explanation

The emergency security plans must include the personnel involved, specific areas of staff responsibility, disposition and supervision of inmates within the facility and/or at alternate locations, procedures for public alert/notification, provision for notification of participating/responding agencies and organizations, arrangements for medical treatment of injured persons, and provisions for prompt written reports to the managing official by all persons involved in the emergency situation. The plans must be periodically reviewed, updated as needed, and coordinated with participating agencies and organizations, and communicated to all appropriate personnel. The plans must address such emergencies as bomb threats, hunger strikes, adverse job actions, escape, riots/disturbances, hostage-taking, etc. Efforts must be made to ensure staff safety during these emergencies through the provision of functional and appropriate communication (*i.e.*, walkie-talkies, panic buttons, crisis telephones, audio/video monitoring systems, etc.). A strategically placed operations center and chain of command also need to be identified. Procedures for escapes must be available to include: prompt reporting of the incident to the managing official; notification of appropriate personnel; implementation of searches and counts; notification of law enforcement and other public safety agencies, community representatives, and media; provision of pertinent information to all involved parties; prompt writing of reports; and notification of all pertinent agencies/persons upon capture.

In the event of a mass "sick out," work slowdown, employee strike, or other such adverse job action, a plan to continue the essential services and operations of a facility must also be developed. The plan must include emergency provisions for the supervision of the facility and inmates including staffing patterns (12 hour vs. 8 hour shifts, minimum posts to be manned, positions and/or persons to be involved, etc.), descriptions of activities/programs/services to be postponed, restricted, modified etc., documented working agreements with law enforcement and other related agencies to assist in providing coverage/services, procedures for media notification, and methods to deal with the participants. Care must be taken to restrict access of sensitive provisions of the plan from the general public, inmate population and certain personnel.

D. EMERGENCY SECURITY PLANS AWARENESS

The managing official shall have a written policy and procedure ensuring that all personnel directly or indirectly involved are informed of pertinent aspects of the emergency security plans.

Compliance Criteria

Written policy and procedure. Training records, pre/in service training curricula, written acknowledgements for all involved personnel. Staff interviews.

Compliance Explanation

Accurate and complete records must be available to document that all personnel involved in responding to security emergencies have been made aware of pertinent aspects of the plans including periodic revisions/updates.

E. SECURITY EQUIPMENT

The managing official shall have a written policy and procedure governing the availability, control, accountability, storage, and use of firearms, ammunition, chemical agents, restraining devices, communication apparatus, riot equipment and other security related equipment, which includes provisions for:

(1) Secure storage outside inmate living and activity areas;

(2) A current master listing;

(3) Monthly inspection and inventory to determine condition and accountability;

(4) Specification of persons authorized access and use;

(5) Designation of circumstances for use; and,

(6) A record of issue and inspection upon return.

Compliance Criteria

Written policy addressing all security related equipment and elements:

(1) Observation of storage area(s);

(2) An up to date listing of all equipment;

(3) Routine and consistent records of monthly inventories/inspections;

(4) Written designation of persons authorized use; observation;

(5) Written designation of situations/conditions of use; and,

(6) Distribution/return records.

Compliance Explanation

Firearms, ammunition, chemical agents, restraining devices (*i.e.*, handcuffs, leg irons, strait jackets, waist chains, etc.), communications apparatus, riot equipment and other security related equipment (batons, shields, helmets, body vests, etc.,) must be stored in a manner which ensures that they are inaccessible to inmates and the public. Secure storage can include a safe, locked cabinet or drawer, vault, locked closet or other arsenal, armory or depository which is under close supervision. Only under emergency circumstances should weapons be allowed within the secure perimeter of the facility.

Only those weapons, security devices and chemical agents, authorized by the managing official, shall be issued to trained and qualified personnel. Firearms and chemical agents shall only be issued as directed by established procedures regarding the use of force, the transportation of inmates, and certain post assignments (*i.e.*, towers, exercise yard, etc.). The distribution and return of firearms, ammunition and chemical agents must be documented and maintained on file to ensure accountability and condition.

Instruments of restraint should be used as a precaution against escape, transfer for medical reasons, and as a prevention against inmate self injury, injury to others or property damage. They should be applied only for the amount of time absolutely necessary and then only with the authorization of the managing official, qualified health care personnel or designee.

A monthly inventory and inspection must also be performed to ensure that an adequate supply of firearms, ammunition, security devices and chemical agents are available, and to determine their serviceability and/or expiration dates. Records must be maintained of all inventories and inspections. Any of these devices needing maintenance, repair or replacement shall be given immediate attention. An up-to-date master listing must be maintained to assist in inventory controls.

F. SECURITY EQUIPMENT TRAINING

The managing official shall have a written policy and procedure ensuring that authorized personnel are trained and qualified in the use, safety and care of firearms, chemical agents, and other security-related equipment.

Compliance Criteria

Written policy and procedure.
Entrance level training and annual firearms certification records.
Pre/in-service curricula.
Staff interviews.

Compliance Explanation

Designated personnel shall meet the firearms qualifications mandated by the Maryland Correctional Training Commission prior to being authorized their use including annual certification. Verifiable training in the use of chemical agents and security equipment must be given to all appropriate staff prior to being authorized their

use. In-service training shall also be provided and documented on an on-going basis.

G. INMATES EXERTING CONTROL

The managing official shall have a written policy which prohibits an inmate from supervising, controlling, and exerting or assuming authority over other inmates.

Compliance Criteria

Written policy.
Observation.
Interviews with staff and inmates.

Compliance Explanation

Supervision, control and authority over inmates are the sole responsibility of staff. It cannot be delegated to inmates. Any relinquishing of authority over inmates could lead to abuses (*i.e.*, "con-boss" system, "kangaroo courts," bribery, extortion, blackmail, etc.) as well as a general breakdown of security and control. Favoritism and preferential treatment must be discouraged. The use of trusties, inmate clerks and aides (*i.e.*, tutors) must be limited, carefully regulated, and under the close supervision/control of staff.

H. SUPERVISION OF INMATES

The managing official shall have a written policy and procedure providing for the supervision of inmates which includes provisions for:

(1) One recorded count per shift;

(2) Security rounds on each shift of inmate living and activity areas recorded by the observing facility personnel;

(3) Monitoring of an inmate in the community to verify whereabouts;

(4) Drug and alcohol testing of an inmate;

(5) Secure and orderly movement of an inmate; and,

(6) Weekly recorded inspection by security personnel of locks, bars, windows, doors, and the facility perimeter.

Compliance Criteria

Written policy and procedure addressing all elements, staffing pattern, etc:

(1) Records of counts;

(2) Records of security rounds;

(3) Records of telephone checks, on-site visits and third party notifications (*i.e.*,

letters, pay stubs, etc.);

(4) Records of substance abuse testing and results;

(5) Records of inmate movement (passes, escort lists, schedules, etc.); and,

(6) Routine and consistent inspection reports in/outside of the perimeter.

Compliance Explanation

Sufficient trained personnel must be available to permit 24-hour coverage to ensure continuous facility supervision and perform necessary security duties and responsibilities. Random and regular "rounds" or "tours" must be made of all housing units to respond to the reasonable needs of inmates, to ensure their protection, and to

maintain control. All significant observations, events, activities, and conditions must be documented. Other areas of the facility interior and perimeter must also be examined on a routine basis and proper records maintained.

Formal counts must be conducted regularly and recorded. Periodic informal counts are also to be performed. During a count, the inmate must be physically observed or his location noted. A master count system must be available to reflect all housing and work assignment changes, transfers, releases, admissions, court trips, etc.

Inmates in community release programs (work release, road crews, community service projects, etc.) and those having access to the public shall be routinely tested for alcohol and/or drug use, and must be periodically observed by site visits, monitored by telephone or their whereabouts otherwise verified by the appropriate

authority (*i.e.*, letters, pay stubs, etc.). Other significant elements of supervision include: spot checks of the general population to monitor substance abuse; designated methods of controlling inmate movement, including the use of a "pass system" in larger facilities and time punch clocks or sign out/in logs for community access programs; and regular inspections of all bars, locks, windows, doors, etc., and their maintenance. Appropriate documentation must be maintained to substantiate these practices.

I. POST ORDERS

The managing official shall have a written post order, acknowledged by appropriate personnel, at every security position.

Compliance Criteria

Observation of post orders at designated locations.
Written acknowledgement by staff.

Compliance Explanation

Post orders describe the procedures to carry out the job assignment of a particular security position. They indicate the duties, responsibilities and requirements of a

person assigned to a post as well as the schedule of activities to be followed Post orders ensure accountability, assist in staff training, and provide continuity in the event of personnel changes. All post orders must be periodically reviewed, updated, and revised as needed with the changes communicated to appropriate personnel. A copy of the post orders must be available at each security position for easy reference by security personnel. Accurate and complete documentation must be available to show that all appropriate personnel have been made aware of the post orders and any revisions.

J. SEARCH PROCEDURES

The managing official shall have a written policy and procedure governing the search of the facility, vehicles, inmates, visitors, and staff, which includes provisions for:

(1) A personnel search according to established policies;

(2) A semi-annual recorded search of inmate living and activity areas;

(3) A recorded search of an inmate involved in community activities;

(4) Searches of other inmates;

(5) A recorded search of a vehicle which enters and exits the secure facility perimeter;

(6) A search of a visitor performed in accordance with established policies;

(7) Protection of inmate property;

(8) A receipt to be given to an inmate whose personal property is confiscated and identified as returnable;

(9) Chain of custody and the preservation of evidence according to established policies;

(10) Inspection of body cavities to be conducted in private by qualified health care personnel when there is a reasonable belief that the inmate possesses contraband of a life-threatening or health endangering nature;

(11) A strip search of an inmate to be performed in private by facility personnel of the same sex; and,

(12) Informing security personnel of the search regulations.

Compliance Criteria

Written policy and procedure addressing all elements:

(1) Observation of records of staff searches, if any;

(2) Records of facility searches;

(3) Records of searches of minimum security inmates;

(4) Observation of searches and records, if any;

(5) Records of vehicle searches;

(6) Observation of searches and records, if any;

(7) Staff/inmate interviews and inmate complaints, if any;

(8) Receipts for confiscated property and disciplinary reports;

(9) Chain of custody records;

(10) Records of body cavity searches, if any;

(11) Strip search records, if any; and,

(12) Written acknowledgements by staff.

Compliance Explanation

The search procedures must include the conditions under which area, vehicle, package, and inmate and staff searches are authorized, identify the personnel designated to order and conduct searches, indicate how they will be performed, and provide for appropriate documentation to be maintained on file. Records must be maintained to verify that the search procedures have been communicated to all appropriate personnel.

An inspection should be made of every cell or living area prior to occupancy. A random, unannounced and thorough inspection (*i.e.*, "shakedown") must be made of all areas in which inmates have access on a regular basis with records maintained.

Vehicles transporting personnel, inmates or supplies are to be thoroughly searched to prevent escape and the introduction of contraband. All visitors shall be informed of the search policy to alleviate any confusion and to discourage the introduction of contraband.

All inmates involved in community activities or having direct contact with the public shall be thoroughly searched upon return to the facility or housing areas. Inmates in the general population must also be searched as deemed appropriate to maintain order and security. Every attempt should be made to keep trusties and inmates on community release separate from the general population to minimize the introduction of contraband.

Strip searches are necessary to maintain the security of the facility and to protect staff as well as inmates. Strip searches shall be done on all sentenced inmates before they are placed in the general population, and may be done on other inmates as deemed appropriate (*e.g.*, return from contact visits, etc.). Whenever they are performed, they must be done in private by a member of the same sex, unless emergency

situations exist.

Every attempt must be made to ensure the dignity and integrity of the person who is searched, to respect personal property, and to preserve any evidence of a suspected crime. These latter searches must also provide for the legal protection of individual's rights afforded under the 4th Amendment. Care must be taken to ensure that the chain of custody is maintained. Metal detectors and body sensors may be used as well as "pat-downs", "strip" or body cavity searches whenever practical. When body cavity searches are warranted, they must be performed in private *only* by qualified health care personnel. Otherwise, less invasive methods can be used to locate and confiscate suspected contraband and/or weapons.

K. KEY CONTROL

The managing official shall have a written policy and procedure governing the availability, control, storage, and use of facility keys which includes provisions for:

(1) Secure storage outside inmate living and activity areas;

(2) Quarterly inspection to determine condition;

(3) Daily inventory to ensure accountability;

(4) Specification of persons authorized access and use;

(5) A record of issue and return;

(6) A duplicate key for each lock;

(7) Designation of emergency and restricted keys; and,

(8) A current master listing.

Compliance Criteria

Written policy and procedure addressing all elements:

(1) Observation of storage areas;

(2) Routine and consistent records of quarterly inspections;

(3) Routine and consistent records of daily inventory;

(4) Written designation of persons authorized access/use; observation;

(5) Records of issue/return;

(6) Observation;

(7) Observation; listing of restricted/emergency keys; and,

(8) An up-to-date listing of all keys.

Compliance Explanation

Keys, particularly those associated with perimeter security doors, shall be stored in a manner which ensures that they are inaccessible to inmates and the public. Secure storage can include a safe, locked cabinet or drawer, vault, locked closet or other depository which is under close staff supervision. If feasible, they should be secured in a central location and stored in a manner which permits an easy determination of

their presence or absence. At least a daily inventory must be made to ensure that keys are readily available. All keys shall be inspected at least quarterly to determine their condition. Records must be maintained of all inventories and inspections. Any keys needing maintenance repair or replacement must be given immediate attention. All keys are to be numbered and indicated on an up-to-date master listing for easy reference. A duplicate key must be maintained for each lock to address any problem situations (*i.e.*, key broken, bent, lost, etc.).

Keys restricted for issue to certain personnel must be clearly identified. Any key control system shall provide for a current accounting of the location and possessor of each key, emphasizing documented control/issue when keys are being passed from shift to shift, person to person, etc. Inmates must never have access to any keys with the exception of those to their living quarters or work assignments, when appropriate, and to personal lockers. Security keys must never be removed from the facility unless under emergency circumstances or as directed by the managing official.

Keys to be used in the case of emergency must be clearly designated for identification by sight (*i.e.*, color-coded, etc.), and/or touch. These keys shall only be issued to appropriate personnel at the order of the managing official or designee.

L. TOOL CONTROL

The managing official shall have a written policy and procedure governing the availability, control, storage, and use of tools, which includes provisions for:

(1) Secure storage outside inmate living and activity areas;

(2) Quarterly inspection to determine condition;

(3) Daily inventory to ensure accountability;

(4) Specification of persons authorized to use;

(5) A record of issue and return; and,

(6) A current master listing.

Compliance Criteria

Written policy and procedure addressing all elements:

(1) Observation of storage areas;

(2) Routine and consistent records of quarterly inspections;

(3) Routine and consistent records of daily inventory;

(4) Written designation of persons authorized use; observation;

(5) Records of issue/return; and,

(6) An up-to-date listing of all tools.

Compliance Explanation

Tools such as hacksaws, hammers, screwdrivers, welding equipment, etc., can cause serious injury or death. Consequently, they must be locked in a secure location which ensures they are inaccessible to unauthorized staff and inmates. Secure storage can include a safe, locked cabinet or drawer, vault, locked closet or other depository which is under close staff supervision.

They should be stored in a manner which permits an easy determination of their presence or absence. An up-to-date listing of all tools must be available for easy reference and consideration should be given to an identification system (*i.e.*, etching, color-coding, etc.).

A system must be devised to record the daily inventory, distribution and return of tools to provide for proper security and control. All tools shall be inspected at least quarterly to determine their serviceability. Any tools needing maintenance repair or replacement shall be given immediate attention. Inmates must not be allowed access to tools except for designated circumstances in the performance of assigned duties and responsibilities. Only those personnel involved in maintenance and related matters shall be permitted the use of tools.

M. TRANSPORTATION OF INMATES

The managing official shall have a written policy and procedure governing the transportation of an inmate outside the facility, which includes provisions for:

(1) Current weapons qualification and required motor vehicle licensure of a person authorized to transport;

(2) Designation of circumstances which warrant the use of firearms, chemical agents, and restraining equipment;

(3) Protection of inmates, staff, the public, and property; and,

(4) Appropriate response in the event of an accident.

Compliance Criteria

Written policy and procedure addressing all elements:

(1) Records of security equipment qualifications and vehicle licensure;

(2) Observation and staff interviews;

(3) Records of inmate and vehicle searches, and vehicle safety/maintenance checks, etc., if any; and,

(4) Accident reports, if any.

Compliance Explanation

Only those security personnel trained, certified and qualified in the use of firearms, first aid and CPR, chemical agents and restraining equipment, and aware of the appropriate security precautions and vehicle safety regulations shall be assigned to transportation duties. A listing of these staff members must be maintained for easy reference. Efforts should be made to ensure that adequate personnel are provided as escorts. At least one staff member of the same sex as the inmates must be involved in transportation duties. The circumstances, situations, and conditions under which firearms and security equipment can be used during transportation must be specified and clear instructions made available to all appropriate personnel. Particular attention is to be given to the potential of escape and possible physical harm to staff, inmates and the public as a result of the use of a motor vehicle.

All drivers must be appropriately licensed to operate the transportation vehicle and both vehicle and driver properly insured according to applicable statutes and regulations. All motor vehicles (*i.e.*, automobiles, buses, vans, etc.) shall be properly maintained in safe operating condition. Regular safety inspections and routine maintenance records shall be maintained on file. Approved fire extinguishers and first aid kits shall be available in the case of emergency.

Extreme care must be taken with regard to vehicle keys. When the vehicle is not in use, ignition keys are to be removed and secured. All doors and trunks are to remain locked at all times. Seat belts are to be used as required by applicable regulations. Instructions regarding actions to be taken in case of an accident (*i.e.*, use of CPR/first aid, abandonment of vehicle, communications with base station, etc.) shall be made available to appropriate personnel.

N. INTAKE PROCEDURES

The managing official shall have a written policy and procedure governing the admission of a newly received inmate to an initial reception facility, which includes provisions for:

(1) Verification of legal commitment;

(2) Search of an inmate in accordance with applicable case law;

(3) A system of positive identification of an inmate;

(4) Collection of personal data; and,

(5) Documentation of opportunity to make initial telephone calls.

Compliance Criteria

Written policy and procedure addressing all elements:

(1) Review of commitment records;

(2) Search records, if any;

(3) Review of records and observation;

(4) Review of intake records; and,

(5) Records of calls.

Compliance Explanation

Inmates entering a correctional setting may be unfamiliar with staff expectations and unsure of institutional regimen. Therefore, efforts should be made to assign personnel to the receiving unit with adequate experience in handling inmates, considerable knowledge of the facility operations, and good interpersonal skills to ensure a consistent, effective admissions process.

Care must be taken to substantiate that the inmate is properly detained in the custody of the jurisdiction in question by virtue of the receipt of a legal commitment or other appropriate court document. A complete and thorough strip search of the subject inmate (*i.e.,* for contraband, identifying factors, physical characteristics and medical problems) should be performed except on pretrial inmates (*i.e.,* temporary detainees) who have not appeared before a commissioner or judge or who are expected to be released prior to placement in the general population (*i.e.,* within 24 hours). Only in cases when either the charge, the circumstances surrounding the alleged offense, the frisk search, or any other information available to the intake officer (*i.e.,* suicide risk) indicates that the inmate may be in possession of contraband of a life-threatening or health-endangering nature can a strip search be considered on "temporary detainees" (reference: *Smith vs. Montgomery*). Inmates should also be afforded opportunity to shower and receive hygiene care/decontamination as indicated. Photographing, fingerprinting, and assignment of a registering number to each inmate for identification purposes must be performed.

Personal information to initiate the case record file should include such things as: description of the crime (official and/or inmate version); summary of the criminal history (adult and/or juvenile arrests and/or convictions, etc.); social information (*i.e.,* family history, use of drugs and/or alcohol, etc.); medical/psychological history

(hospitalizations, injuries, medications, suicide attempts, etc.); educational/vocational levels and achievements; employment status and history; general intake information (*i.e.,* name, date of birth, address, etc.); and staff recommendations.

Efforts should be made to keep the newly admitted inmate separate from the general population to permit a close observation/assessment of behavior by the staff prior to initial housing assignment.

O. RELEASE PROCEDURES

The managing official shall have a written policy and procedure governing the release of an inmate which includes provisions for:

(1) Verification of identity;

(2) Authentication of authorization to discharge the inmate; and,

(3) Notification to affected agencies and persons as required by law or regulation.

Compliance Criteria

Written policy and procedure addressing all elements:

(1) Review of records and observation;

(2) Review of release records; and,

(3) Review of case records.

Compliance Explanation

Efforts should be made to assign personnel to the discharge unit with adequate experience in dealing with inmates and the public, appropriate awareness of the criminal justice system and sufficient social skills to ensure a consistent and efficient release process.

From the standpoint of liability and public safety, considerable care must be taken to correctly identify the subject inmate scheduled for release or transfer (*i.e.*, by fingerprints, identification card, etc.) and to verify the authorizing documentation presented to discharge the inmate (*i.e.*, writ of habeas corpus, parole release order, court order, release by expiration of sentence, etc.).

Prior to discharge or as soon thereafter as possible, all matters relating to the facility should be completed (*i.e.*, claims for lost or damaged personal property, reimbursement for lost or destroyed issued property, reconciliation of any outstanding fund balances/debts, medical screening, etc.). Records should be kept of these actions.

All agencies or authorities (*i.e.*, local health department, offices of the Division of Parole and Probation, law enforcement agencies, other correctional facilities, judicial offices, and other affected persons, such as victims, must be contacted if required (Article 27, Section 761) prior to an inmate's release or as soon thereafter as possible with appropriate records maintained on file.

P. SPECIAL CONFINEMENT

The managing official shall have a written policy and procedure governing the placement, removal, supervision, and rights of an inmate assigned to administrative segregation, disciplinary detention, medical isolation, and protective custody status which includes provisions for:

(1) Identification of persons authorized to place and removes an inmate from special confinement;

(2) Designation of circumstances and conditions warranting assignment and release;

(3) Specification of time frames, methods, and persons authorized to review status;

(4) Access to services, programs, and activities consistent with the inmate's status; and,

(5) Maintenance of supervision records of specified activities and occurrences.

Compliance Criteria

Written policy and procedures addressing all special confinements statuses and elements.

(1 - 5) Records review; observation.

Compliance Explanation

Separation from the general population is only to be used when there is no other viable alternative to protect the inmate, staff, public, property and facility security and order, and then only to the extent necessary to return the inmate(s) and facility to normal.

Only the managing official, or designee, or in the case of medical isolation, qualified health care personnel, are authorized to order the immediate placement of inmates in special confinement status. Otherwise, the placement can only be made after a due process hearing before a person or committee of persons not directly involved in the matter. If the placement is made pursuant to emergency circumstances, a review hearing must take place as soon as possible thereafter. In the case of protective custody, inmates may request such status with a signed consent form; however,

records must be maintained of all such actions.

Reviews of the status of those assigned to special confinement must be performed on a specific and routine basis to determine if the reasons for such confinement still exist.

The managing official designee, qualified health care personnel, or designated committees of persons, have the authority to review and/or remove inmates from segregation status. Records of all such actions must be maintained on file.

Those assigned to administrative segregation (*e.g.*, escape risks, notorious criminals, etc.), which may be for relatively extensive periods of time, must be provided with access to programs conducive to their well-being. Those inmates assigned to protective custody (*e.g.*, youthful offender, has enemies, etc.) can be permitted to participate in as many programs and services as possible subject only to considerations of facility order and security.
Placement in medical isolation can be for as long as the condition causing such decision exists and/or as deemed appropriate by the medical authority. Inmates must

be permitted to participate in as many programs and services as possible subject to considerations of the health and security of the affected inmate, other inmates, facility staff, and visitors and public. Disciplinary detention is ordinarily given for short periods of time in order to maintain control and manage behavior. Inmates assigned to this status shall be allowed access to programs and services conducive to their well-being and consistent with the safety and security of the facility. If there is adequate justification for the removal of some or all personal items and the restriction from some or all programs and services, the decision must be made by the managing official or designee in advance of the move to segregation or as soon thereafter as possible, unless circumstances otherwise dictate. The action and rationale for the decision must be documented.

The following programs, services and items/articles should be available to inmates in special confinement to the extent possible that they are to those assigned to the general population: prescription medications; non-degrading clothing unless adjusted for self-protection (*i.e.*, belts, shoestrings, etc.); access to personal items unless their destruction or abuse may lead to self-injury or imminent danger to staff (*i.e.*, eyeglasses, writing utensils, etc.); wholesome, nutritional meals; regular shaving and shower opportunities; issue and exchange of bedding and clothing; barbering and hair care services; mail, telephone and visitation privileges; access to legal reference and general reading materials; recreation and exercise opportunities; access to programs (*i.e.*, education, vocational training, substance abuse therapy, etc.); and access to treatment professionals (*i.e.*, physicians, nurses, counselors, psychologists, etc.).

Records must be maintained of all routine and significant activities, occurrences and matters of interest relating to inmates relegated to special confinement (*i.e.*, admissions, visits, showers, exercise periods, unusual behavior, mail, releases, etc.).

Regular rounds must be made of these housing areas by supervisory staff to ensure proper treatment. Frequent observations shall be made by housing personnel to ensure that emergency situations and circumstances are routinely noted and promptly addressed (*e.g.*, every 30 minutes for "suicide watch," etc.), all of which must be recorded and maintained on file.

Q. SEPARATION OF SEXES

The managing official shall provide living quarters for male and female inmates which are separate and distinct to ensure privacy.

Compliance Criteria

Observation.

Compliance Explanation

Male and female inmates must have separate and distinct sleeping quarters, both visually and to the extent possible, acoustically, to provide privacy, maintain individual integrity and ensure facility order and security. However, both sexes shall have equal access to facility program space and opportunities.

.02 INMATE SAFETY

It is in the best interest of the general public, correctional administrators, and appropriate governmental authorities that the life, health and safety needs of the incarcerated population, facility employees, and visitors are met on a continuing basis. Fire prevention and protection services, medical, dental, and mental health services and the protection against other life-threatening or health-endangering conditions are essential to the effective administration, sound management, and efficient operation of a correctional facility.

A. FIRE SAFETY INSPECTIONS

The managing official shall have a written policy and procedure ensuring that the facility meets all fire safety regulations as verified by an annual inspection by authorized representatives of the State Fire Marshal.

Compliance Criteria

Written policy and procedure; observation; documented annual inspections; and verification of corrective action.

Compliance Explanation

Inspections by the State Fire Marshal or authorized representatives are to be implemented at 12-month intervals to ensure total compliance with State COMAR 12.13.01 and/or local fire safety codes. Any violations of the requirements are to be corrected as soon as practicable and in accordance with time frames established by the authority having jurisdiction. Any exceptions, variances, or equivalencies must be approved in writing by the appropriate authority. Consideration should be given to the development of a "tickler" system to ensure inspections are performed on schedule. Reports of these annual inspections and corrective actions are to be maintained on file.

B. INTERNAL FIRE SAFETY INSPECTION

The managing official shall have a written policy and procedure requiring facility personnel with documented training in fire safety practices to perform monthly internal inspections to monitor compliance with fire safety and prevention regulations.

Compliance Criteria

Written policy and procedure; observation; routine and consistent monthly inspection reports; written designation of internal fire safety officer(s); and record of training.

Compliance Explanation

Monthly inspections of the facility by qualified personnel are necessary to ensure that: equipment is functional; evacuation routes are clearly marked; exits are accessible;

combustibles are properly stored; housing areas are free of excessive materials; and, the facility fire safety and prevention program is being followed. This program should include provisions for: an interior alarm system; several means of egress; prompt notification of the fire department and other public safety agencies; a heat and/or smoke detection system; emergency lighting; proper location and periodic inspection of fire extinguishing equipment; and, a means to evacuate smoke. The program should also provide for the use of fire retardant mattresses and pillows, noncombustible building materials, and the specification of the types and quantity of combustibles permitted in housing areas. Training of internal inspectors must be documented and records of the inspections and corrective action are to be maintained on file.

C. DISASTER PLANS

The managing official shall have written disaster plans for fires, chemical spills, civil defense, natural disasters, power outages, and other such circumstances, which include provisions for:

(1) Documented coordination with appropriate responding agencies and organizations;

(2) Specific description of staff duties and responsibilities;

(3) Full, partial, and medical evacuation addressing:

(a) The handling of injured individuals;

(b) Security considerations;

(c) Instructions for responding emergency personnel and vehicles; and,

(d) Movement of affected individuals to safe areas.

(4) The placement and housing of inmates within the facility and at alternate sites when the facility or portions of it are rendered uninhabitable; and,

(5) Quarterly fire drills during each shift which shall include inmates, unless their inclusion compromises security.

Compliance Criteria

Written plans addressing designated disasters and including all elements:

(1) Correspondence/records of meetings with responding agencies named in the plan(s);

(2) Designation of staff involved and their required actions, inclusive of, but not limited to post assignments, identification of essential/nonessential services/programs/operations, adjustments to shift hours, if any, etc;

(3) Records of implementation, if any; staff/inmate interviews;

(4) Identification of temporary internal housing in nonaffected areas as well as alternate housing outside of the facility; and,

(5) Routine and consistent records of fire drills on each shift.

Compliance Explanation

Communication will enhance cooperation and ensure more efficient and workable procedures by accessing the specialized knowledge and expertise of responding agencies/organizations. The instructions for staff during these crisis situations need to be clear and comprehensive to include, but not be limited to: proper use of security equipment for the evacuation and transportation of inmates to other secure site locations; attention to victims/injured persons including staff, visitors and inmates (*i.e.*, movement vs. non-movement, etc.); designation of the location of litters, stretchers, etc.; indication of the routes of access/egress to be used by emergency vehicles/personnel; security precautions concerning escort of emergency personnel; handling of nonaffected inmates, etc. (*i.e.*, lockdown, etc.); procedures for the notification of responding persons, agencies and organizations, etc. Evacuation procedures should include a designation of routes which are clearly marked by use of charts, arrows on the walls, floors and/or other readily understood and clearly visible signs. Equipment necessary to maintain essential lights, power and communication is critical to maintain the outside communications and life sustaining functions.

The plans need to identify areas within the facility to be used as temporary shelters when portions of the structure are no longer appropriate for housing as well as external locations (*e.g.*, schools, National Guard/Reserve installations, other correctional facilities, etc.) capable of serving as living quarters for an extended period. Evidence of agreements with these external locations is to be maintained on file.

Drills which closely approximate actual emergency conditions are to be held quarterly on each shift with records maintained on file. All parts of the facility should be included. If practical and in concert with security considerations, inmates should be included to enhance their familiarity with their expected responses during such emergencies. Comprehensive reports should be retained on file of all actual disaster situations as well as the handling of all cases requiring medical attention.

D. DISASTER PLANS AWARENESS

The managing official shall have a written policy and procedure ensuring that all personnel are informed of the disaster plans.

Compliance Criteria

Written policy and procedure; training records; pre-/in-service training curricula; written acknowledgements for all involved personnel; staff interviews.

Compliance Explanation

Awareness of disaster plans is an essential element of "orientation" for all full-time, part-time and contractual facility personnel, excluding volunteers. All personnel are

to be apprised of changes to the plans as they occur with documentation maintained on file. Any and all methods to inform personnel need to be routinely documented and clearly demonstrable.

E. EMERGENCY MEDICAL SERVICES

The managing official shall have a written policy and procedure ensuring 24-hour emergency medical services, including provisions for:

(1) Access to health care facilities and qualified health care personnel;

(2) Designation of first aid kit content and location, approved by qualified health care personnel, and monthly inventories to determine supply; and,

(3) An individual with current certification in basic first aid and cardiopulmonary resuscitation in inmate living and activity areas during each shift.

Compliance Criteria

Written policy and procedure including all elements:

(1) Observation; contracts/agreements; duty schedules;

(2) Observation; routine and consistent records of monthly inventories; written kit content approval; and,

(3) Up-to-date certification records; duty schedule and post assignments.

Compliance Explanation

Facility, contractual, and off-site resources must be available to address emergency medical care needs. This includes arrangements with nearby hospitals, clinics, or other facilities for services which cannot appropriately be provided within the facility, "on call" physician service, contractual agreements to provide a broader range of services, etc. First aid kits, which are approved by qualified health care personnel, must be located at readily known and accessible locations throughout the facility and in facility vehicles as determined by the health authority. The contents of the first aid kits are to be regularly inventoried on a monthly basis and their condition and supply evaluated. Accurate records must be maintained on file of kit replenishment.

The training program established in conjunction with qualified health care personnel should contain at a minimum: an awareness of potential emergency situations, including the recognition of the signs and symptoms of gross and obvious injuries, illnesses and emotional disturbances; a knowledge of what to do in life-threatening or health-endangering situations; and, an acquaintance with emergency medical procedures including the methods of obtaining assistance. The training must be provided to appropriate personnel prior to permanent work assignment with records maintained on file. The essential elements (Basic First Aid and CPR) of the training program are to be repeated on a regular basis according to established guidelines to maintain current certification. Care must be taken to ensure a maximum response time of four minutes to any area of the facility or grounds by properly certified

personnel.

F. ROUTINE HEALTH SERVICES

The managing official shall have a written policy and procedure, which shall be communicated to personnel having direct contact with inmates, specifying the method for requesting weekly access to sick call and the provisions for prompt staff referral of special medical problems to appropriate health care professionals.

Compliance Criteria

Written policy and procedure; contracts/agreements; schedules; implementation records; medical files; pre-/in-service training curricula; written acknowledgements for involved personnel; and staff interviews.

Compliance Explanation

The system for processing medical complaints must be communicated to all staff during orientation or prior to permanent assignment, and should be part of regular in-service training. Records of staff awareness need to be maintained on file. The sick call access and referral process, for the handling of routine health problems, must be without unreasonable delay and not be subject to "quota" systems. Current, confidential, and accurate records of inmate treatment are to be maintained.

G. RECEPTION HEALTH SCREENING

The managing official shall have a written policy and procedure which provides that health screening of an inmate is conducted by health trained (unlicensed personnel *e.g.* correctional officer (CO), certified nursing assistant (CNA), certified medication technician (CMT) or licensed health care personnel within 24 hours of an inmate's admission to an initial reception facility.

Compliance Criteria

Written policy and procedure; contracts/agreements, implementation records; medical files; and training records, if appropriate.

Compliance Explanation

As soon as possible, but not more than 24 hours after admission, health screening is to be performed on all inmates. Non-medical personnel performing these tasks must receive appropriate training by qualified health care personnel which is recorded and maintained on file. The health screening should be completed prior to movement to the general population. The health screening should include an observation and identification of behavior (state of consciousness, mental status, appearance, conduct, ease of movement, etc.), and physical condition (tremors, sweating, rashes, infestations, bruises, lesions, cuts, abrasions, body deformities, needle tracks, etc.). Significant family and personal history information including immunization status, substance abuse background, conditions requiring immediate medical attention (*e.g.*, medical diet, etc.), medications taken, the collection of data to compile medical, dental and psychiatric history (*e.g.*, hospitalizations, etc.), and signs and symptoms of communicable diseases should also be noted. Health screening will assist in making

proper housing, work, and other classification referrals, and may minimize the potential for further complications such as deaths, epidemics, suicides and assaults. The health screening should take place in a location and under conditions which maintain the dignity and integrity of the inmate. Records are to be maintained as part of the medical file of screenings.

H. DISPENSING MEDICATIONS

The managing official shall have a written policy and procedure for the dispensing of prescribed medication, which includes provisions for:

(1) Prescription initiation by authorized individuals;

(2) Designation of the method for the filling of prescription orders; and,

(3) Specification of the system of packaging and labeling of prescription medication.

Compliance Criteria

Written policy and procedure addressing all elements:

(1) Contracts/agreements/schedules; records of prescription origin with required countersignature, etc;

(2) Contracts/agreements; observations; medical records; and,

(3) Contracts/agreements; observations; staff interviews.

Compliance Explanation

The methods of initiating, filling, transferring, transporting, handling, packaging, and labeling of prescription medications for inmate consumption must conform to current Department of Health and Mental Hygiene (DHMH) and Drug Enforcement Administration (DEA) guidelines and regulations and any other applicable Maryland law. Records to support acceptable/ required practices must be maintained for examination and verification by all regulatory agencies. Techniques for filling prescriptions, such as facsimile processing, call-in, daily pharmacy visits, etc., which are in use, must correspond to existing procedural content. Maintenance of stock and/or bulk medications should be limited and a formulary, listing medication approved for the treatment of inmate patients, should be considered as a means to control the variety/quantity of medications within a facility.

Consideration should also be given to the use of unit dosage in correctional facilities. The use of unit dosages permits the return of unused medications to a pharmacy for credit; allows for better control of medications; is safer and more sanitary; and can limit the amount of medication maintained by the facility. Medication must be packaged in properly labeled containers with name, contents, directions, "stop" dates, and other vital information clearly indicated. The prescription renewal procedures should also be identified, routinely followed, and properly documented. A modified unit dose system using blister cards/packages/containers, which are dispensed by a pharmacist and hermetically

sealed, may be practical and cost-efficient for many correctional facilities. Inmates on work release or other authorized absences from the institution, needing a limited amount of medication while out of the facility, should be issued a properly labeled container by responsible facility personnel prior to release.

I. ADMINISTRATION OF MEDICATIONS

The managing official shall have a written policy and procedure for the administration of prescription and over-the-counter medication, which includes provisions for:

(1) Standing orders or protocol approved by the physician in charge;

(2) Instruction of nonmedical personnel on the proper method of the administration of medication by qualified health care personnel;

(3) A record of the administration and refusal of medications; and,

(4) Designation of circumstances warranting inmate self-administration.

Compliance Criteria

Written policy and procedure addressing all elements:

(1) Approved documents;

(2) Training curricula and records; staff/inmate interviews; observations;

(3) Review of records; and,

(4) Observation; review of records; staff/inmate interviews, etc.

Compliance Explanation

Medications are only to be administered by trained/qualified personnel according to the directions of the prescribing authority which may include standing orders and/or protocol. Only under designated circumstances may medications be handled by inmates (*i.e.*, self-administration) and then only when specifically authorized by the attending physician. The swallowing of a tablet, capsule or liquid (or self-injection) should be personally observed by administering personnel when the single dose method is utilized. Records of distribution or refusal of medication are to be maintained in a manner and format approved by the facility medical authority and placed in the medical file. Procedures for the administration of over-the-counter medicines also need to be formalized, including an appropriate record keeping system.Non-medical personnel involved in these practices must be trained in the proper methods of administration by qualified health care personnel with records of training maintained on file.

J. CONTROL OF MEDICATIONS

The managing official shall have a written policy and procedure governing the availability, control, storage, and management of prescription, stock and over-the-counter medication, which includes provisions for:

(1) Secure storage of facility medication;

(2) Specification of individuals having access;

(3) Recorded disposal of unused and expired medications;

(4) A weekly inventory of controlled substances;

(5) Handling of personal medication of a newly admitted inmate; and,

(6) Handling of personal medication and facility prescribed medication for an inmate transferred or released.

Compliance Criteria

Written policy and procedure addressing all elements:

(1) Observation of storage areas;

(2) Written designation of authorized access, and observation;

(3) Records of disposition;

(4) Records of routine and consistent weekly inventories;

(5) Observation, records; and staff interviews; and,

(6) Observation; records; staff interviews.

Compliance Explanation

Medication must be kept in a secure location which ensures they are inaccessible to inmates and unauthorized personnel. Secure storage can include a safe, locked cabinet or drawer locked closet, or other depository which is under close staff supervision. All unused and expired medications are to be disposed of or returned to the pharmacy in accordance with DHMH/DEA guidelines. Records of these actions must include all persons witnessing or participating in the disposal/return. A record should include the amount and type of medication involved, date destroyed/returned, and method of disposal. If unit dosage is used or modified unit doses are packaged in blister cards by an authorized prescriber, the medications may

be returned for credit to the pharmacy from which they were dispensed.

On a weekly basis the amount and type of controlled dangerous substances (*i.e.*, those requiring the use of a physician's registration number) are to be reconciled by designated personnel with records maintained on file. The handling and management of personal medications of inmates upon admission to the facility and the disposition of facility and personal prescription medications at release/transfer must be specified and records maintained.

K. CONTROL OF MEDICAL AND DENTAL INSTRUMENTS

The managing official shall have a written policy and procedure governing the availability, control, storage, and use of needles, syringes, and instruments, which includes provisions for:

(1) Secure storage outside inmate living and activity areas;

(2) Specification of individuals having access and use;

(3) Quarterly inspection to determine condition;

(4) Weekly inventory to determine accountability;

(5) Disposal of needles and syringes according to established regulations;

(6) Maintenance of a record of the use of needles and syringes; and;

(7) A current master listing of medical and dental instruments.

Compliance Criteria

Written policy and procedure addressing all elements:

(1) Observation of storage areas;

(2) Written designation of authorized access; observation;

(3) Records of routine and consistent quarterly inspections;

(4) Records of routine and consistent weekly inventories;

(5) Records of routine and consistent disposal;

(6) Records of routine and consistent use; and,

(7) Up-to-date listing of all instruments.

Compliance Explanation

Medical and dental instruments (*i.e.*, needles, syringes, scalpels, etc.) must be kept in secure locations which ensure they are inaccessible to inmates and unauthorized personnel. Secure storage can include a safe, locked cabinet or drawer, locked closet or other depository which is under close staff supervision. A current listing of all instruments is to be maintained for inventory purposes. Control procedures are to include provisions for weekly inventories to determine accountability and quarterly inspections to assess condition. Records of the use of needles/syringes and their disposal, in accordance with DHMH regulations, are to be maintained on file.

L. MEDICAL TESTING

The managing official shall have a written policy prohibiting the use of an inmate for medical, pharmaceutical, or cosmetic experiments. This does not preclude the individual treatment of a consenting inmate based on need for a specific medical procedure which is not generally available.

Compliance Criteria

Written policy and procedure; observations; contracts/agreements; and staff/inmate interviews.

Compliance Explanation

The responsibility of the managing official to ensure the safety and well-being of inmates cannot be guaranteed when they are involved in medical experiments. Even though these programs may be voluntary, they are not permitted because inmates cannot truly exercise free will due to the possibility of subtle inducements, the promise of reward or monetary payment, etc. However, this should not preclude individual treatment of a consenting inmate based on the need for a specific medical procedure which may not be generally available in the community.

M. LICENSING/CERTIFICATION

The managing official shall have a written policy and procedure ensuring that health care personnel who provide services to inmates have current credentials, certifications, or licenses required by the State.

Compliance Criteria

Written policy and procedures; verification of up-to-date credentials; contracts/agreements; and roster.

Compliance Explanation

All qualified health care personnel (*i.e.*, full-time and part-time, contractual) who provide services to inmates must meet State licensing/certification requirements to

perform the duties and responsibilities specified in written job descriptions. Verification of current credentials must be maintained on file to document that they are qualified by training and experience.

N. MEDICAL JUDGMENT

The managing official shall have a written policy specifying that matters of medical, psychiatric, and dental judgment are the province of qualified health care personnel and shall not be subject to interference by facility personnel unless necessary to maintain order and security.

Compliance Criteria

Written policy; observation; and staff/inmate interviews.

Compliance Explanation

No restrictions can be imposed by managing officials on matters of medical, psychiatric, and dental judgments except those necessary to maintain order and security. Correctional personnel are to facilitate the prescribed instructions of medical personnel in such matters as medication, administration, medical diets, medical/ psychiatric aftercare, special work assignments or work restrictions without interference or unnecessary delay.

O. PHYSICAL EXAMINATIONS

The managing official shall provide for a written policy and procedure requiring a physical examination of an inmate by qualified health care personnel within 14 days of admission to the initial reception facility.

Compliance Criteria

Written policy and procedure, and medical records.

Compliance Explanation

A health appraisal on each inmate, excluding intrasystem transfers, is to be completed no later than 14 days following admission. If there is documented evidence of a health appraisal within the previous 90 days, a new examination is not required. The health appraisal should include, but not be limited to: an observation of the individual; review of reception screening; collection of pertinent data on height, weight, pulse, blood pressure, temperature and other vital signs; laboratory and/or diagnostic tests as needed to detect communicable and contagious diseases, etc; initiation of medication and appropriate therapy; completion of the health history; and, recommendations/clearance for housing, job assignment and program participation. The examination can only be performed by physicians, nurse practitioners and physician's assistants. The examination should be performed in privacy and ensure the dignity of the inmate. Records are to be maintained as part of

the medical file.

P. RELEASE MEDICAL SCREENING

The managing official shall have a written policy and procedure ensuring that inmate medical records are screened by qualified health care personnel before or within seven days after release to determine if a medical condition exists which would require referral to community medical resources.

Compliance Criteria

Written policy and procedure; medical records; and, referrals, if any.

Compliance Explanation

A physical evaluation and/or medical file review by qualified health care personnel is to be completed on all inmates prior to release from confinement or within seven days thereafter to protect the public from communicable diseases and to provide assistance to persons needing continuing care. A referral to community medical/mental health care agencies should be made when indicated. Records of continuity of care and/or referrals are to be maintained as part of the medical file.

Q. MOSHA INSPECTIONS

The managing official shall have a written policy and procedure ensuring that the facility meets safety regulations as verified by biennial inspections by the Maryland Occupational Safety and Health Administration.

Compliance Criteria

Written policy and procedure; records of inspections and corrective action(s); observation.

Compliance Explanation

The Maryland Occupational Safety and Health Administration (MOSHA) is a part of the Division of Labor and Industry within the Department of Licensing and Regulation, whose authority includes safety inspections of any place where work is performed. A correctional facility, being a public building, may be particularly liable for damages resulting from injuries or accidents occurring on the premises. An inspection of the facility is required at least every two years to provide for staff safety in the work place. Additional services, including consultation and staff training are also available upon request. All violations of applicable MOSHA regulations are to be addressed as soon as practicable. Documentation of these inspections and verification of corrective actions are to be maintained on file. Consideration should be given to the development of a "tickler" system to ensure inspections are performed as required.

R. MENTAL HEALTH SERVICES

The managing official shall have a written policy and procedure governing the identification, housing, treatment, supervision, and referral of mentally ill and retarded inmates according to established guidelines to include due process guarantees.

Compliance Criteria

Written policy and procedure; observations; records, and, staff/inmate interviews.

Compliance Explanation

The number of inmates with severe mental health or retardation problems in correctional facilities is a source of concern for criminal justice professionals. These kinds of individuals often lack the ability to successfully adapt to a corrective environment; therefore, their incarceration in an adult place of confinement is often inappropriate. They are particularly vulnerable to abuse and require a disproportionate amount of attention by staff. They may pose a danger to themselves or others and are frequently incapable of attending to their basic physiological needs.

Care of the mentally ill and/or retarded inmates requires provisions for detection, diagnosis, treatment, housing and referral services. The health professionals employed at or assigned to the facility can assist in setting up an environment conducive to mental health care.

Care of the mentally ill and/or retarded inmates requires provisions for detection, diagnosis, treatment and referral services. To the extent possible, severely disturbed and/or mentally retarded inmates should be referred for placement to appropriate non-correctional settings for care. Short of that possibility or while awaiting transfer to such facilities, these inmates are to be housed in specially designated areas of the institution with close and constant staff supervision. The health professionals employed at or assigned to the facility can assist in setting up an environment conducive to mental health care.

The mental health professionals, clinics, hospitals and other sources of assistance in these matters are to be clearly identified with appropriate facility personnel made aware of these resources and the procedures for contacting them.

Inmates suspected of having any of these problems should undergo a comprehensive mental health assessment and evaluation within a reasonable period of time by qualified mental health personnel (*i.e.*, psychologists, social workers, psychiatrists, etc.) to include: a review of the initial health screening data; the collection and review of additional information based on correctional staff observations; diagnostic interviews; compilation of a mental health history, etc.

The treatment plan should be suited to the individual needs of the inmate and not limited by the programs, resources and services within the correctional facility. The

plan may include crisis intervention, a brief or extended period of assessment, short or long term individual and/or group therapy, medication, specialized counseling, and/or inpatient hospitalization.

When transfer is indicated, there should be a joint consultation between mental health and security staff regarding the conditions or transfer and appropriate security precautions. Transfer must take place after due process hearings as required by the Attorney General per Article HG 10-620-0 and applicable case law. Medical and legal authorities should be consulted and used as the basis for the development of policies and procedures regarding these matters.

S. NOTIFICATION OF NEXT OF KIN

The managing official shall have a written policy and procedure governing the notification of next of kin in cases of serious illness, serious injury, or death of an inmate. In case of the death of an inmate, positive identification is to be made prior to notification.

Compliance Criteria

Written policy and procedure, and examples, if any.

Compliance Explanation

In cases of death or serious illness/injury of an inmate, the managing official or designee will initiate contact with the next of kin identified by the inmate at admission at the earliest opportunity. Records are to be maintained of such contacts. If possible, in cases of serious injury/illness, facility personnel should obtain permission from the inmate prior to contacting the next of kin in order to avoid any situations or circumstances where the inmate may not wish such communications to be initiated. At no time should the media be contacted before the designated next of kin.

.03 INMATE FOOD SERVICES

Meals which are wholesome, nutritionally adequate, well prepared, ample in portion, and served at reasonable intervals are essential to the health, behavior, and morale of inmates. Meals meeting this description will work to minimize a major source of complaint which could ultimately lead to discontent, disorder, and costly litigation. It is equally imperative that services associated with meeting the dietary needs of inmates be sanitary and safe.

A. MENU APPROVAL

The managing official shall have a written policy and procedure requiring that a menu be approved annually by a registered dietitian.

Compliance Criteria

Written policy and procedure, and documented annual approval.

Compliance Explanation

Annual or cycle menus, approved in writing by a registered dietitian, are to be maintained on file to verify that they meet nationally recommended dietary allowances for basic nutrition. All menus should be planned in advance, dated, and substantially followed. Any changes to an approved menu or substitutions in meals actually served should be determined by dietary personnel, documented, and be of equal nutritional value. A system should be developed to ensure reviews occur on schedule Consideration should be given to posting the menu or otherwise making it available to staff and inmates.

B. FREQUENCY OF MEALS

The managing official shall have a written policy and procedure ensuring that three meals a day are served, with not more than a 14-hour interval between the evening meal and breakfast.

Compliance Criteria

Written policy and procedure; implementation records; staff/inmate interviews; observations; and meal schedules.

Compliance Explanation

Three distinct meals during each 24-hour period, two of which ought to be hot, allow an opportunity to meet nutritional guidelines and offer a greater variety of food. (Meals are to be served to ensure that an interval of not more than 14 hours is maintained between the evening meal and breakfast). While meals should be scheduled at regular intervals, special arrangements may be necessary for inmates in work and

community programs or those engaged in other programmed activities. Departure from regular meal times may also be necessary on weekends, holidays and for special circumstances; however, basic nutritional goals must be met.

C. HEALTH INSPECTION

The managing official shall have a written policy and procedure ensuring that the food service operation is currently licensed and meets state sanitation and health regulations. This shall be verified by inspection as required by the health department.

Compliance Criteria

Written policy and procedure; documented inspections and record of corrective action; license/permit; and observations.

Compliance Explanation

Food service facilities and equipment must meet Department of Health and Mental Hygiene Regulations (COMAR 10.15.03). Documentation of inspections by the local health department is to be maintained on file and a license/permit posted or otherwise made available. Consideration should be given to the development of a "tickler" system to ensure inspections are performed on schedule. All health code violations are to be corrected as soon as practicable and in accordance with established time frames with documentation validating such corrective actions retained. Any exceptions or variances must be approved in writing by the health department. When food services are provided by outside sources, the facility should have written verification that the provider complies with applicable regulations. Routine housekeeping procedures, maintenance of food preparation equipment, availability of adequate storage and proper refrigeration/freezer/water temperatures, access to hygiene facilities, and effective training of dietary personnel will enhance conformance with applicable health codes.

D. DIETARY HYGIENE PRACTICES

The managing official shall have a written policy and procedure ensuring that an individual involved in the preparation and handling of food complies with health department regulations regarding personal hygiene and clothing.

Compliance Criteria

Written policy and procedure; posted rules; and inspection reports.

Compliance Explanation

Measures to ensure personal hygiene are required by State and local health codes. Good personal hygiene habits reduce the possibility of contamination of food. Hand

washing facilities should be immediately accessible to all food handlers. Toilet facilities should also be reasonably accessible to the food service areas. Hair nets or caps and clean, washable clothing are necessary to prevent the spread of contagion. All food handlers should be instructed to wash their hands upon reporting to duty and after using toilet facilities. Inmates and other persons working in food service should be monitored each day for health and cleanliness (*i.e.*, clean hands/fingernails, open wounds/sores, etc.). Smoking must not be permitted in food preparation and dining areas. Staff should be thoroughly trained in proper hygiene practices, and procedures for cleanliness should be conspicuously posted.

E. DIETARY MEDICAL SCREENING

The managing official shall have a written policy and procedure ensuring that staff and inmates involved in the preparation and handling of food receive medical screening by qualified health care professionals before assignment and annually thereafter.

Compliance Criteria

Written policy and procedure; medical clearance records for inmates/staff; observation; and job assignment records.

Compliance Explanation

Pre-assignment medical screening and annual re-examination of staff and inmates involved in the preparation and handling of food is intended to identify communicable, contagious, and infectious diseases or other health problems. The medical clearance must be performed by qualified health care personnel with the records maintained on file. The screening must include at a minimum an examination and a medical records review. A system/process should be developed to ensure the annual screenings are performed on schedule.

F. SPECIAL DIETS

The managing official shall provide for a written policy and procedure authorizing special diets as prescribed by qualified health care personnel and as necessary to adhere to the mandatory requirements of recognized faiths.

Compliance Criteria

Written policy and procedure; records of initiation, provision, renewal; staff/inmate interviews; and observation.

Compliance Explanation

Special medical or religious diets are to be provided for specific health problems as

identified by qualified health care personnel and those of commonly recognized faiths as determined by the managing official in conjunction with the facility chaplain. The content of these diets should conform as closely as possible to the approved menu. Special diets should be continued until specifically terminated by the approval authority. Menus for more common medical conditions, such as diabetes, etc., may include provisions for substitutions or alternate food selections, extra rations of acceptable menu items, etc. Consideration should also be given to accommodating dietary preferences during particular recognized religious holidays (*e.g.*, Ramadan, etc.). The distribution/availability of these meals should be recorded and maintained on file. Staff and inmates should be made aware of the procedures for obtaining and renewing such diets.

G. USE OF FOOD AS PUNISHMENT/REWARD

The managing official shall have a written policy which prohibits the use of food as punishment or reward.

Compliance Criteria

Written policy; observation; and staff/inmate interviews.

Compliance Explanation

Food is not to be withheld as a disciplinary measure. The use of food as compensation to an individual inmate or to promote favoritism may create unrest among the general population; consequently, it is prohibited. It does not preclude the rewarding of groups of inmates with special foods in return for special services or under special circumstances.

H. SUPERVISION OF FOOD SERVICES

The managing official shall have a written policy and procedure ensuring that personnel continuously supervise the food service operation.

Compliance Criteria

Written policy and procedure; job descriptions; staff/inmate work schedules; observation; and post orders.

Compliance Explanation

Direct and continuous monitoring of the food service operation is necessary to ensure cleanliness, avoid waste, prevent theft, ensure safety and maintain security.

I. WEEKLY DIETARY SANITATION INSPECTIONS

The managing official shall have a written policy and procedure requiring weekly

sanitation inspections of food preparation, food storage, food service, and dining areas.

Compliance Criteria

Written policy and procedure; observation; and, routine and consistent weekly inspection reports.

Compliance Explanation

Regular sanitation inspections are necessary to ensure that: food service equipment is maintained and functioning properly; proper hygiene practices are followed; food is properly stored off the floor, in a clean dry area, and separated from cleaning supplies and materials; refrigeration and freezer units are maintained at proper temperatures; refuse and waste disposal practices are appropriate; and all areas are free of vermin and pests. Inspections and corrective actions are to be recorded and maintained on file. These inspections may be performed by administrative, medical, or dietary personnel, including the person supervising food service operations.

J. KITCHEN UTENSILS

The managing official shall have a written policy and procedure governing the availability, control, storage, and use of kitchen utensils, which includes provisions for:

(1) Secure storage outside inmate living and activity areas;

(2) Daily inventory to ensure accountability;

(3) Quarterly inspection to determine condition;

(4) A record of issue and return;

(5) Specification of an individual authorized access and use; and,

(6) A current master listing.

Compliance Criteria

Written policy and procedure addressing all elements:

(1) Observation of storage areas;

(2) Records of routine and consistent daily inventories;

(3) Records of routine and consistent quarterly inspections;

(4) Records of issue/return;

(5) Written designation of authorized access/use; observation; and,

(6) Up-to-date listing of all utensils.

Compliance Explanation

Kitchen utensils such as knives and other cutting implements or other such objects, which may serve as potential weapons, need to be maintained in a secure location which minimizes the possibility of inmate contact and which provides controlled access by only designated personnel. Secure storage can include a safe, locked cabinet or drawer, vault, locked closet or other depository which is under close staff supervision. They are to be stored in a manner which permits an easy determination of their presence or absence and a current listing of these items is needed to validate inventory accuracy. A daily inventory by facility personnel is required to ensure proper security and control. Utensils are also to be examined at least quarterly for operability and safety. Records of these activities are to be maintained on file. Inmates' permitted specified use must be under the direct supervision of facility staff. With regard to regular tableware (*i.e.*, forks, spoons, etc.), appropriate security precautions should be taken to ensure that these potentially dangerous items do not leave the dining areas after each meal. The use of plastic, disposable utensils may be considered as an alternative.

.04 INMATE HOUSING AND SANITATION

The maintenance of a clean, sanitary, and healthful environment contributes to the good morale of staff and inmates. Good living and working conditions are recognized as important factors of inmate stability and staff retention. Proper sanitation also minimizes the possibility of severe health hazards and potential life-threatening situations for staff and inmates alike.

A. TOXIC, CAUSTIC AND FLAMMABLE MATERIALS

The managing official shall have a written policy and procedure governing the availability, control, storage, and use of flammable, toxic, and caustic materials, which includes provisions for:

(1) Secure storage outside inmate living and activity areas;

(2) Quarterly inspection and inventory to determine condition and accountability;

(3) Specification of an individual authorized access and use; and,

(4) A record of issue and disposal.

Compliance Criteria

Written policy and procedure addressing all areas:

(1) Observation;

(2) Routine and consistent records of quarterly inspections/inventories;

(3) Written designation of persons authorized access; observation; and,

(4) Distribution and disposal records.

Compliance Explanation

Toxic, caustic and flammable/combustible materials (*i.e.*, lye, insecticides, denatured alcohol, paint, etc.) pose a threat to the health, welfare and safety of facility personnel and inmates. These materials are to be securely stored and their use closely monitored, which limits inmate access to the extent possible. A system of accountability must be developed for the distribution/issuance of these materials, which includes supervision by qualified staff and proper record keeping. A regular inventory and inspection of these materials must also be made, documented and maintained on file. Toxic, caustic and flammable materials are to be disposed of only in conformance with applicable Federal, State and local regulations with appropriate records maintained.

B. WEEKLY FACILITY SANITATION INSPECTIONS

The managing official shall have a written policy and procedure requiring weekly sanitation inspections of internal and external facility areas.

Compliance Criteria

Written policy and procedure.
Routine and consistent records of weekly inspections.

Compliance Explanation

A designated staff member shall conduct comprehensive and thorough regular inspections of all areas of the facility and grounds to ensure compliance with health regulations and acceptable levels of sanitation. The facility sanitation inspection should consider the: maintenance, availability and condition of sanitation equipment; storage of perishables and dangerous materials; presence of vermin; disposal of refuse and overall cleanliness; clutter/disarray, etc. All inspections must be documented including notations of deficiencies and corrective action.

C. GENERAL SANITATION REQUIREMENTS

The managing official shall have a written policy and procedure governing facility housekeeping, which includes provisions for:

(1) Specific description of staff and inmate duties and responsibilities;

(2) Quarterly vermin and pest control services; and,

(3) Weekly trash removal.

Compliance Criteria

Written policy and procedure addressing all elements:

(1) Cleaning assignments, schedules, inmate worker job descriptions, and observation;

(2) Contracts, records of provision, and observation; and,

(3) Contracts, records of provision, and observation.

Compliance Explanation

A housekeeping plan must be developed which specifies facility sanitation/maintenance procedures, including the number and kinds of tasks needed, the manpower necessary

and supervision required. Liquid and solid wastes (*i.e.*, grease, human waste, trash, garbage, etc.) shall be stored in proper containers and disposed of on a regular basis. Control of vermin and pests must be ensured through the use of licensed exterminators and approved internal extermination programs on a regular basis. Accepted sanitation practice and the proper storage and removal of wastes including trash will assist in controlling vermin.

D. PERSONAL ACCOMMODATIONS

The managing official shall ensure that the facility provides sufficient toilet, shower, and bathing accommodations to maintain basic health and personal hygiene.

Compliance Criteria

Observation and/or schedules of availability.

Compliance Explanation

An adequate number of operable and accessible toilet, bathing and shower facilities must be provided to maintain personal hygiene and to minimize communicable diseases. The suggested ratio is: one toilet and wash basin per ten inmates; and one shower per fifteen inmates or the opportunity to bathe at least three times per week. Work releasees and inmates assigned facility work assignments should have greater access to toilet, shower and bathing facilities. Each living unit should have ready access to hot and cold running water.

E. PERSONAL HYGIENE ARTICLES

The managing official shall have a written policy and procedure requiring that articles necessary to maintain proper personal hygiene, including toothbrush, toothpaste or tooth powder, toilet tissue, soap, shaving items, and feminine hygiene articles are available:

(a) To an inmate upon admission and routinely thereafter; and,

(b) To an indigent inmate.

Compliance Criteria

Written policy and procedure addressing all hygiene articles.
Written definition of indigency.
Records of provision/availability to general population and indigents.
Staff/inmate interviews.

Compliance Explanation

Inmates must be able to obtain personal hygiene items necessary to maintain basic health. Provisions must be made to issue these items to inmates, permit their purchase, or allow their receipt from visitors. All approved hygiene items received from visitors shall be inspected for contraband. Shampoo, deodorant, colognes, etc., are other articles which can be made available to inmates, subject only to restrictions necessary to ensure facility order and security. Special arrangements must be made to provide basic hygiene articles to indigents and records of issue maintained. The definition of indigency must be specified in writing. The use of a standardized kit for all newly admitted inmates should be considered and records of distribution must be maintained.

F. INMATE CLOTHING

The managing official shall have a written policy and procedure providing for record of the issue and return of clothing to an inmate, unless personal clothing is allowed.

Compliance Criteria

Written policy and procedure.
Records of distribution/return.

Compliance Explanation

Inmate personal clothing received at the facility from visitors must be inspected for contraband. Personal clothing should be allowed for inmates participating in community activities and programs. Adequate clothing must be provided to indigents and inmates without community ties with records maintained of issuance. Special/protective clothing and related equipment must be routinely provided to inmates designated for particular facility assignments (*i.e.*, dietary, hospital, garage, maintenance shops, vocational programs, etc.).

Provision is to be made to account for the distribution and return of all clothing issued to inmates upon admission and thereafter, including exchange. Inmates should be held accountable for the care of issued clothing with appropriate disciplinary measures and reimbursement schedules designated if destroyed or abused. The amount and kind of clothing permitted or issued should be determined by the season, program assignment, security status, etc. An adequate supply of such clothing and equipment should be maintained to permit exchange and/or replacement as frequently as necessary and be stored in a clean, dry area. The clothing should be properly fitted, climatically suitable, durable and presentable. All clothing must be laundered before reissue.

G. INMATE BEDDING AND LINEN

The managing official shall have a written policy and procedure providing for a record of the issue and return to an inmate of mattresses, pillows, sheets, pillowcases, towels, washcloths and blankets.

Compliance Criteria

Written policy and procedure.
Records of distribution/return.

Compliance Explanation

Bedding and linen are necessary to ensure good health and hygiene. Upon admission, inmates must receive at least one clean sheet, a mattress, a towel, and sufficient blankets for the season. Washcloths and towels should also be supplied, if available. If pillows are distributed, pillow cases need to be issued. Provision must be made for the distribution and return of these articles upon admission and thereafter, including exchange. Inmates should be held accountable for their care with appropriate disciplinary measures and reimbursement schedules specified if destroyed or abused. Excess linens should be stored in a clean, dry area and an adequate supply should be maintained to permit exchange and/or replacement as frequently as necessary. If personal bedding items are permitted from visitors and they are inspected for contraband, care should be taken to ensure cleanliness and sanitation. All blankets, pillows, and mattresses should be cleaned before reissue and linen and towels must be laundered before reissue.

H. INMATE LAUNDRY SERVICES

The managing official shall have a written policy and procedure providing for weekly laundering and accountability of issued and personal clothing and linens.

Compliance Criteria

Written policy and procedure.
Schedules, records of exchange; observation.

Compliance Explanation

Laundry services must be provided at the facility, or through contractual arrangements in the community (*i.e.*, exchange with visitors, etc.). Bedding, linens, and personal and issued clothing must be laundered at least weekly. Blankets, mattresses, and pillows also need to be cleaned on a routine basis. There must be a system to account for articles during laundering (*i.e.*, record of exchange, laundry lists, etc.). No inmate is to be deprived of clothing during the laundering period. Inmates must be discouraged from laundering clothing in sinks, wash basins, bathtubs, or showers due to health considerations. The presence of clotheslines in housing areas is also discouraged for security reasons.

I. INMATE PROPERTY MANAGEMENT

The managing official shall have a written policy and procedure providing for the management of inmate personal property, which includes provisions for:

(1) Designation of property limitations;

(2) A listing of all property confiscated;

(3) The signature of inmate and personnel upon confiscation and return;

(4) A bi-annual inventory of property retained by the facility;

(5) Replacement of damaged or lost items;

(6) Recorded disposition of property abandoned by an inmate; and

(7) Recorded modifications to the established listing.

Compliance Criteria

Written policy and procedure:

(1) Approved property list and observation;

(2) Initial inventory records;

(3) Review of records and observations;

(4) Review of semiannual inventory records;

(5) Records, if any, and inmate complaints; inmate interviews;

(6) Disposition records; and,

(7) Review of inventory records.

Compliance Explanation

Inmate property is to be stored in a clean, dry area. All valuables are to be placed in a safe or other secure location. Inmates must be permitted to retain a reasonable amount of personal items that do not pose a threat to the order and security of the facility. A list of allowable clothing, valuables, books, magazines and newspapers, personal hygiene articles, commissary items, etc., must be developed and made known to all inmates upon admission. The acceptable limits on general property must be strictly and consistently enforced to discourage the accumulation of such items in order to minimize clutter, reduce potential problems with vermin and pests, and diminish the possibility of fire or health hazard. Excess property is to be released to the custody of individuals authorized in writing by inmates, or otherwise confiscated. An accurate, itemized property listing must be completed, inclusive of inmate and staff signatures and dates, to protect the administration and staff from

possible liability and the inmate from loss. Any modifications to the listing (*i.e.*, additions, deletions, etc.), must be noted, signed and dated. Regularly, all inmate personal property and valuables must be inventoried and all discrepancies (of overages, underages, damage, etc.) promptly reported in writing to the managing official. Damaged or lost items must be replaced or reimbursement made within a reasonable time period. A time limit on the storage of inmate property must be specified, and the inmate notified in writing, after which unclaimed property may be used by the facility, donated to private or other public agencies, destroyed or sold. Records of these actions must be maintained on file.

.05 INMATE RIGHTS

Increased assertion and recognition of the rights of confined persons have been an important force for meaningful change and accountability in correctional systems and practices. These standards set forth the basic rights of inmates consistent with fundamental legal principles as expressed in judicial opinions and constitutional guarantees, sound correctional management practices, and the humane treatment of inmates. Provision of these rights minimizes the possibility of costly litigation resulting from lawsuits by inmates, special interest groups, and the Civil Rights Division of the United States Department of Justice. The provision of these rights also reduces the civil liability of correctional personnel and government entities.

A. NON-DISCRIMINATION

The managing official shall have a written policy which states that an inmate is not discriminated against with regard to programs, services, or activities on the basis of race, religion, national origin, sex, disability, or political beliefs.

Compliance Criteria

Written policy and procedures; observation; inmate interviews; complaints, if any; and handbook.

Compliance Explanation

The managing official must ensure: essential equality in living conditions; nondiscriminatory decision-making affecting status, activities and terms of incarceration; and equal access to institutional and community programs, assignments and resources, including education, employment, training, recreation, and family contacts. The policy should be communicated to all staff and its conformance strictly enforced. Inmates must also be made aware of the policy upon admission.

B. PROTECTION FROM ABUSE

The managing official shall have a written policy which establishes inmate protection from physical and mental abuse, and harassment.

Compliance Criteria

Written policy; inmate interviews; observations; complaints, if any; and hand book.

Compliance Explanation

The managing official must provide a safe, healthful environment with inmates protected from corporal punishment, injury, personal and mental abuse, harassment, sexual assault, manipulation, etc. No sanctions are to be permitted which adversely

affect the health, physical welfare, or psychological well-being of inmates. The policy should be communicated to all personnel and inmates and its conformance closely monitored and strictly enforced.

C. LEGAL MATTERS

The managing official shall have a written policy and procedure regarding inmate legal matters, which include provisions for:

(1) Access to the courts;

(2) Availability of legal reference materials;

(3) Handling of legal mail;

(4) Confidential visits with legal counsel and their authorized representatives; and,

(5) Use of the telephone for legal purposes.

Compliance Criteria

Written policy and procedures addressing all elements, and complaints, if any:

(1) Case file review and inmate interviews;

(2) Observation of library, records of use of LASI/LIPS or other legal references, library schedule, and library staffing;

(3) Logs, mail records, observations, and inmate interviews;

(4) Visitation records, observation of private space; and,

(5) Case file review, telephone schedules, telephone log/records, and inmate interviews.

Compliance Explanation

Inmates must be allowed to present to the courts any issue or submit any grievance without undue delay. This should include, but not be limited to: challenging the legality of their convictions or confinement; seeking redress for alleged illegal conditions or treatment while confined; pursuing remedies in connection with civil matters; and asserting the rights protected by the constitution, statutory provisions or common law, etc. Inmates are not to be subjected to reprisal, penalty, or interference as a result of their attempts to seek administrative or judicial relief. Access through telephone, correspondence, and visitation with attorneys, their authorized representatives, and other persons with legal training must be provided to address

alleged grievances. These provisions are to be communicated to inmates upon admission to the facility.

The constitutional right to legal counsel of choice must be protected. Attorneys of record must be permitted to consult with inmates in a private and confidential setting. Attorneys should be allowed unlimited visits including the opportunity for communication during other than normal visiting hours upon request and on the basis of special circumstances. Attorney visits should not count against the approved number of visits. Only those restrictions necessary to maintain facility order and security should be imposed.

Inmates must be permitted to send sealed letters to: attorneys of record; the courts; officials of the confining authority; state and local chief executive officers; administrators of grievance systems; and, members of the paroling authority. All mail from these special classes of persons are to be opened only to inspect for contraband, and then only in the presence of the inmate.

Inmates must be provided reasonable access to an appropriate law library possessing an adequate collection of standard legal research and references materials or specific alternatives such as LASI/LIPS. Inmates should be allowed to obtain legal supplies and have access to legal services such as a typing service or typewriters, photocopier or photocopying service, Legal Aid Bureau, Inc., the Public Defender's Office, etc., to assist them in the preparation, processing and filing of legal documents. Inmates should be allowed to acquire and retain personal legal references and research materials. Provisions should be considered to make items such as paper, pencil, etc., available to indigent inmates. Only those restrictions necessary to maintain facility order and security and to ensure the health, safety, and well-being of staff and inmates should be imposed.

D. RELIGIOUS PRACTICES

The managing official shall have a written policy and procedure which permits an inmate to practice a religion of choice, subject only to the restrictions necessary to maintain facility order and security.

Compliance Criteria

Written policy and procedures; staffing; records of provision; schedules; inmate interviews; observations of space; and handbook.

Compliance Explanation

The constitutional right to pursue any lawful and legitimate religious practice must be guaranteed to all inmates consistent with maintaining the order and security of the facility. All recognized religions must be accorded equal status and protection. The determination of a recognized faith by the managing official in conjunction with the

facility chaplain should consider whether there is a body of literature stating specific

religious principles and whether the practices are recognized by a group sharing common ethical, moral, or intellectual views.

Responsible and reasonable access to religious facilities, clergymen, publications, and symbols must be assured. Inmates should be permitted liberal visitation privileges from representatives of their faiths. Modes of religious dress or appearance should be permitted to the extent that they do not interfere with identification and security. Inmates are to be kept informed about opportunities to participate in religious programs and activities on a continuing basis, including an orientation upon admission. Under no circumstances are inmates to be required to engage or participate in religious activities, nor is their failure to do so to influence decision making.

E. MAIL PRACTICES

The managing official shall have a written policy and procedure governing the handling of inmate correspondence and packages, including provisions for postage allowance for an indigent inmate.

Compliance Criteria

Written policy and procedures; observation; inmate interviews; records of provisions to indigents; definition of indigency; staffing; schedules; and handbook.

Compliance Explanation

Inmates shall be permitted to send sealed letters and to receive same from a designated class of persons/organizations. Correspondence should not be read, rejected, or restricted except where there is clear and convincing evidence that it poses a threat to the order, security or safety of the facility, public officials, or the general public. Rejection is also permitted where there is a reasonable belief that the correspondence is being or will be used to further illegal activities. Records of such rejection must be maintained and the appropriate inmate informed. Censorship, though permitted by the U.S. Postmaster General, should not be practiced.

There must be no limitation on the number of letters permitted in a specified time period, the length of the correspondence, the content of the correspondence, nor the source of the letter except where the limitations are justified for reason of public safety or facility order or security. Any package or container sent to or by an inmate must be inspected for contraband. Provisions should also be addressed regarding inmate access to publications, the forwarding of mail after transfer or release, and correspondence to other inmates within the facility or between inmates in correctional institutions. Inmates must be made aware of the pertinent policies and procedures upon admission.

All indigent inmates, by whatever official definition, must be afforded a reasonable and specified amount of free postage for legal mail and correspondence necessary to

maintain community ties. Financial assistance to inmates in these matters relieves tension, reduces a source of complaint, and ensures the right of access to legal resources. Accurate records must be maintained of each inmate's financial status and the provision of postage upon request. There should be a means to provide for reimbursement by the inmate upon accumulation of sufficient fund.

F. INMATE ORIENTATION

The managing official shall have a written policy and procedure governing inmate orientation, which includes provisions for orientating inmates within seven days of admission, and all staff having direct contact with inmates. This inmate orientation shall include instructions regarding:

(1) Disaster plan responses;

(2) Classification process;

(3) Rules, regulations, and disciplinary procedures;

(4) Complaint process;

(5) Search practices;

(6) Access to case record procedures;

(7) Programs and services regulated by standards; and

(8) Access to sick call procedures.

Compliance Criteria

Written policy and procedure addressing all elements: review of case records/orientation schedules; training records or written acknowledgements by appropriate personnel; pre-/in-service training curricula and schedules; orientation programs/handbook; and inmate/staff interviews.

Compliance Explanation

Clear, concise, and specific written rules and regulations specifying the violations, sanctions, and disciplinary hearing procedures and appeals process must be communicated to all inmates at intake or shortly thereafter. The rules and regulations should also be conspicuously posted in housing and other areas accessible to inmates and available in inmate libraries, etc. Staff assistance should be provided to inmates with language or comprehension problems. Documentation must be available to

verify that inmates received orientation/notification of the rules and regulations (*i.e.*, handbook/booklet, video presentation, verbal presentation, etc.). Any changes or revisions are to be communicated to inmates prior to implementation. All staff having

direct contact with inmates must also be made aware of the information given to inmates during orientation so that personnel are cognizant of the requirements of inmate conduct.

The programs, services, opportunities and processes (*e.g.*, access to case file, complaint, sick call, etc.) available to inmates must be specified at the time of orientation so that they may consider the options and evaluate the resources necessary to address identified needs as well as to respond appropriately to official expectations, including in emergency situations.

All inmates must be made aware of the classification process including the: classification options; criteria for determining classification status; procedures for presenting appeals and requesting reclassification; and rights, duties, responsibilities and privileges of each status. Any revisions of the classification system must be communicated to all inmates before implementation.

G. CONVICTED INMATES/PROGRAM PARTICIPATION

The managing official shall have a written policy which ensures the right of a convicted inmate to decline to participate in activities, services, and programs, with the exception of work assignments, adult basic education programs, or programs specifically mandated by statute, ordered by the sentencing court, or based upon written agreement.

Compliance Criteria

Written policy; records of participation; inmate interviews; handbook; observation; and complaints, if any.

Compliance Explanation

Convicted inmates can be compelled to engage in work assignments essential to support the operation, safety and maintenance of the facility (*i.e.*, food services, sanitary details, prison industries, etc.). Refusal to participate in facility work assignments/programs mandated by statute (*i.e.*, medical and dental care, etc.) ordered by the sentencing court (*i.e.*, work release, substance abuse therapy, etc.), and agreed upon in writing (*i.e.*, basic education, community placement, etc.) must be documented and appropriate action initiated. Inmates may, however, refuse to participate in vocational training, religious services, counseling, psychological/psychiatric treatment, recreation/exercise, community activities, pre-release programs, etc. This information is to be communicated to all inmates upon admission.

H. PRE-TRIAL INMATES/PROGRAM PARTICIPATION

The managing official shall have a written policy which ensures the right of a pre-trial

inmate to decline to participate in facility programming and work assignments, other than housekeeping.

Compliance Criteria

Written policy; records of participation; inmate interviews; handbook; observation;and complaints, if any.

Compliance Explanation

Pre-trial inmates can be required to maintain the cleanliness and orderliness of their living areas and to perform assignments which ensure the security of the facility or which are mandated by the court.

Pre-trial inmates cannot be compelled to engage in any other facility programs activities or assignments, and no penalty may be applied as a result of a refusal to participate. Pre-trial inmates should, however, be granted the opportunity to voluntarily participate in work assignments and facility programming. This information is to be communicated to all inmates upon admission.

I. REGULAR EXERCISE

The managing official shall have a written policy and procedure providing the facilities, equipment, personnel, and opportunity for regular exercise which specifies the circumstances, frequency, schedule, and length of exercise periods.

Compliance Criteria

Written policy and procedures; records of opportunity to participate; staffing; schedules; inmate/staff interviews; observation of equipment and space; handbook; and complaints, if any.

Compliance Explanation

Varied opportunities should be made available to all inmates for regular exercise to reduce tensions and boredom, encourage the creative use of leisure time, and ensure basic health. Exercise should only be restricted when necessary to maintain facility security and order.

Adequate space and equipment in proportion to the inmate population should be provided to permit at least one hour per day of exercise five days a week, including outdoor exercise, weather permitting. In the absence of a specific indoor exercise area, multipurpose rooms or other space outside the cell/living area must be made

available. Facility personnel should be identified to coordinate the exercise program, which should include schedules of activities. Documentation should be maintained to substantiate the implementation of the formal exercise program. Inmates are to be

informed of exercise opportunities at intake.

J. INTERNAL COMPLAINT SYSTEM

The managing official shall have a written policy and procedure providing for a formal internal complaint system about which personnel having direct contact with inmates are informed.

Compliance Criteria

Written policy and procedures; records of complaints/resolutions; case file review; staff/inmate interviews; training records of written acknowledgements by all appropriate staff; handbook; and pre-/in-service training curricula and schedules.

Compliance Explanation

An internal complaint system is an administrative means for inmates to resolve grievances with facility policies, procedures, rules, regulations and practices. It should consider acts of facility personnel and matters of concern not already addressed in the appeal processes regarding parole, classification and discipline. A method of expressing complaints enhances inmate morale, ensures the right to due process, minimizes the possibility of costly litigation, and provides a means of evaluating existing policies, practices, conditions and personnel. The system must encourage: informal resolution whenever possible; provide for the transmittal of complaints without alteration, interference or delay; provide for a written response including rationale within a prescribed time period; and, ensure access by all inmates without reprisal, penalty or sanction. Records of all complaints and resolutions should be maintained. In addition, appropriate staff is to be informed of the complaint process to facilitate timely implementation. The system is to be communicated to all inmates upon admission.

K. PERSONAL GROOMING

The managing official shall provide for a written policy which ensures the right of an inmate to exercise freedom in personal grooming and appearance, subject only to facility requirements essential to safety, security, identification, and hygiene.

Compliance Criteria

Written policy; handbook; observation; inmate interviews; provision/availability (*i.e.*, schedule) of hair care services; and, complaints, if any.

Compliance Explanation

Inmates must be provided a reasonable choice of selection of hair style and length

and appearance (*e.g.,* beards, moustaches, etc.) subject only to the need to ensure proper hygiene, identification, and the order and security of the facility. Such provision enhances inmate morale and respects personal identity. The policy should take into consideration the: inmate's work assignment; security status; involvement with the community; religious beliefs; etc. Any restrictions placed by the managing official on appearance must be specified in writing, communicated to all inmates upon admission, and consistently enforced.

L. ACCESS TO MEDIA

The managing official shall have a written policy and procedure permitting an inmate reasonable contact with the communications media.

Compliance Criteria

Written policy and procedures; handbook; records of access/denial; inmate interviews; and complaints, if any.

Compliance Explanation

The managing official is to allow contact by legitimate media (*i.e.,* newspaper, television and radio, etc.) representatives who request, preferably in writing, permission to visit the facility. Disapproval of visits must be documented and subject only to the restrictions necessary to maintain security and order, ensure the privacy and dignity of inmates, and preserve the health and safety of staff, inmates and visitors. Access should be granted for purposes of reporting items of public interest and concern, not to provide publicity for any inmate or particular group of inmates. Contact with the community through media communications (*e.g.,* telephone, correspondence, visits, etc.) ensures a more informed public, enhances inmate morale, and protects the right of freedom of speech. Inmates must sign consent waivers prior to being interviewed, photographed, and/or taped to protect against invasion of privacy and possible litigation. The attorneys of record should be notified when pre-trial inmates seek contact with communications media to ensure legal protection. Denials should be documented with rationale. Inmates must be made aware of these procedures upon admission.

M. HOUSING OF JUVENILES

The managing official shall have a written policy and procedure which prohibits a juvenile from being detained in or committed to an adult correctional facility unless legal jurisdiction has been waived to the adult authorities or the juvenile is formally charged with having committed an exclusionary offense.

Compliance Criteria

Written policy and procedures; staff/inmate interviews; case file review; observation.

Compliance Explanation

In accordance with State and Federal law (*i.e.*, Juvenile Justice and Delinquency Prevention Act of 1974, as amended), no juvenile, unless waived from juvenile court to criminal court or alleged to have committed an exclusionary offense (a child 14 years old or older and alleged to have committed robbery with a dangerous or deadly weapon) may be detained in or committed to an adult jail, detention center or correctional facility. Nonqualifying juveniles should not be detained pending disposition, even for short periods of time, but rather contact the Juvenile Justice Advisory Council for further information and request the forwarding/sentencing/committing agency to remove the juvenile at once. Every effort should be made to house waived juveniles, regardless of offense, out of sight and sound of adult inmates.

N. VISITATION PRACTICES

The managing official shall have a written policy and procedure governing visitation which specifies the circumstances, frequency, schedule, and length of the visitation period.

Compliance Criteria

Written policy and procedures; handbook schedules; records of provision; case file review; inmate interviews; observation; complaints, if any.

Compliance Explanation

The visitation policy is to be brought to the attention of all inmates upon admission and should be communicated to the public by an appropriate means (*i.e.*, signs, posters, etc.). The amount and length of visits and the number of visitors must be determined consistent with the institutional schedule of activities, space available, personnel constraints, or substantial security concerns sufficient to justify any restrictions. The days and hours designated for visiting need to be reasonable and suited as much as possible to the convenience of the staff, inmates and public (*i.e.*, weekends, holidays, evening hours, etc.). Persons identified by the inmate at admission or thereafter are not to be denied access without clear and convincing evidence that their visitation would jeopardize facility order and security. If a listing of potential visitors is utilized, it should be obtained at orientation with a provision for modification at regular intervals thereafter. Those under a certain age, as determined by the facility, should not be permitted access to the facility without an accompanying adult unless authorized by the managing official or designee.

Reasonable restrictions may also be placed on visitor attire and behavior to minimize potential problems. Procedures must be developed and implemented for the registration and monitoring of visitors, search of visitors, and secure storage of

personal possessions during the visitation period. The amount of staff surveillance and observation should be limited to the extent possible to ensure privacy, while at the same time, providing adequate security and control.

Provisions should be made to permit special visits based upon exigent circumstances (*i.e.*, persons coming long distances, family emergencies, and other special situations) as approved in writing by the managing official.

O. GENERAL TELEPHONE USE

The managing official shall have a written policy and procedure governing inmate access to telephones, which specifies the circumstances, frequency, schedule, and length of calls.

Compliance Criteria

Written policy and procedures; records of provision; schedules; handbook; inmate interviews; observations; and complaints, if any.

Compliance Explanation

Calls are only to be limited by the institutional schedule of activities, number of telephones available, personnel constraints, and security considerations. The frequency, schedule, length and restrictions on calls must be communicated to all inmates upon admission. The days and times need to be reasonable and suited to the extent possible to the convenience of staff, inmates, and public.

Where inmates have routine access to telephones, a schedule should be considered to ensure equitable availability. Reasonable notice should be given to inmates that the time limit is about to expire to allow them sufficient opportunity to complete their conversations. Calls should be in private unless there are compelling reasons to monitor the conversation. Long distance collect calls may also be permitted according to established guidelines. In circumstances where coin-operated telephones are used, inmates should be permitted a sufficient amount of funds to maintain community ties.

Reasonable opportunities should be provided for general population inmates to make telephone calls in emergency situations, and under other approved conditions. The length of these special calls should be governed by the particular set of circumstances and *should not* be counted against those normally permitted. Incoming calls should only be accepted under unusual or emergency conditions specifically approved by the managing official. Access to institutional phones normally reserved for staff use should be restricted from inmate use except in

exigent circumstances. Use of telephones must not interfere with institutional assignments, programs, counts, etc. In the event of documented inmate abuse of

the telephone privileges, the use may be restricted, suspended or revoked.

.06 CLASSIFICATION

The objective of classification is the placement of inmates into the appropriate levels of custody and security in order to provide reasonable behavioral controls over those inmates. A classification system also provides for the placement of inmates into work, educational, and other available programs based on the assessment of individual need. Proper classification also ensures the security, safety, and welfare of staff, inmates, and the society at large.

A. CLASSIFICATION PROCESS

The managing official shall have a written policy and procedure establishing a classification process to determine housing, job, and other assignments, which include provisions for:

(1) Designation of individuals involved in decision- making;

(2) Criteria for decision-making;

(3) Inmate appearance during classification actions and conditions under which an inmate may initiate a status review;

(4) A record of decisions and rationale; and,

(5) Review of all decisions by the managing official or designee.

Compliance Criteria

Written policy and procedures addressing all elements; staffing; case file review; staff/inmate interviews; and, handbook.

Compliance Explanation

Within one week after admission, all inmates must receive a formal classification review to consider housing and program assignments. Written procedures need to be developed: designating facility personnel involved in classification actions; describing the decision making process; indicating the criteria considered in decision-making; specifying classification options (*e.g.*, security status and participation in institutional and community activities); identifying the responsibilities, privileges, duties and rights of each status/program; and ensuring the inmate's participation. A classification team may include, but not be limited to: security personnel; counselors; psychological/medical personnel; social workers; chaplains; educational/vocational personnel; etc. They are authorized to make decisions regarding security level, training and educational programs, work assignments, access to community release activities, etc.

The criteria used to determine/modify the classification decisions should include:

intent of court; period of confinement; instant offense; past criminal history; prior and

current institutional adjustment; needs of others in the community (family, employers, etc.); history of alcohol and drug abuse; need for treatment services; level of maturity, attitude, trust and motivation; psychological evaluation in cases involving violence; escape history; and other similar items deemed appropriate by the managing official. Unless waived in writing, inmates should be permitted to attend classification hearings to present pertinent information that may influence the decision. Decisions, recommendations, and rationale must be in writing and presented to the managing official or designee for review within a reasonable time period. Procedures need to be developed to permit appeals of reviewed decisions and requests for reclassification.

The frequent review of the status of each inmate ensures that the program remains viable and appropriate to the needs of the inmate, staff and public. This regular and formal comprehensive review of all matters affecting an inmate's status (*i.e.*, custody level, housing assignment, vocational/educational training, work assignment, specialized programming such as Alcoholics/Narcotics Anonymous, parole eligibility, etc.) also mitigates against an inmate's "slipping through the cracks" or "dropping out" of the mainstream of institutional life.

The program assessment/evaluation must be performed at least annually taking into consideration the type of facility, profile of the inmate population, average length of sentence, availability of treatment programs and services, etc. Reviews which involve a major change in program designation and/or change in custody level must be made according to due process guarantees including an appeals mechanism. Records are to be maintained on file of all such actions.

The criteria and procedures for determining and modifying program/custody level status must be clearly indicated and made known to all inmates upon admission to include the conditions under which an inmate may initiate an evaluation/review to determine his/her progress.

B. CLASSIFICATION PROCESS AWARENESS

The managing official shall have a written policy and procedure ensuring that individuals involved in classification decision making are informed of the classification process.

Compliance Criteria

Written policy and procedures; training records or written acknowledgement by appropriate personnel; staff interviews; and, pre-/in- services training curricula and schedules.

Compliance Explanation

Personnel involved in the process of classification must be made aware of the

factors determining the placement of inmates in programs, activities, and assignments. Periodic in-service training should also be provided. All training must be documented. Any revisions of the classification system are to be communicated to appropriate personnel prior to implementation.

.07 HEARINGS

The rights of due process guarantees, afforded to all members of society, also apply to inmates incarcerated in Maryland's places of adult confinement. These include the right to fair and unbiased hearings, the right to call witnesses and representatives, and the right to appeal unfavorable decisions. Such provisions not only meet constitutional minima but also create a safer correctional environment by reducing the potential for disturbances and disorders.

A. FORMAL DISCIPLINARY HEARING PROCESS

The managing official shall have a written policy and procedure governing a formal disciplinary hearing by an impartial individual or a committee of individuals not directly involved in the incident, which includes provisions for:

(1) Inmate receipt of a written description of the incident and a specification of the rule violation or violations within 48 hours of the alleged infraction;

(2) Inmate appearance at the disciplinary hearing within 96 hours of the alleged infraction, excluding weekends and holidays, but not less than 24 hours after notification of charges, unless waived by the inmate;

(3) The inmate to be given an opportunity to request and question witnesses, to have staff representatives make statements on the inmate's behalf, and to present documentary evidence;

(4) A record of hearing decisions and rationale;

(5) Review of decisions by the managingofficial or designee;

(6) An appeal process; and,

(7) A report of all hearing decisions to the managing official or designee.

Compliance Criteria

Written policy and procedures addressing all elements; case file review; disciplinary records; staff/inmate interviews; and, handbook.

Compliance Explanation

Disciplinary proceedings are intended to ensure a swift hearing by an impartial person to mitigate against the arbitrary imposition of punishment. Informal means of resolving minor inmate misbehavior should be used whenever possible. A written report, submitted to the inmate and designated facility personnel within 48 hours of the incident, must contain: rule(s) allegedly violated; a formal statement of charge(s); description of the incident including staff and inmate witnesses; disposition of physical evidence; any immediate action taken; the date and time of the report; and,

the signature of the reporting person. The managing official needs to provide for a timely investigation by persons not directly involved in the incident. Alleged criminal acts must be referred to the appropriate authorities for possible prosecution when deemed appropriate.

The report and the results of any investigation shall be presented to a person or committee of persons, not involved in the alleged incident, who are specifically delegated by the managing official the authority and responsibility for conducting hearings within 96 hours of the infraction. The inmate is to have an opportunity to appear in person, unless waived in writing or justified for security reasons, submit documentary evidence, present and question witnesses, request staff representatives and make statements on his/her own behalf. The decision of the hearing person or body must be recorded in writing, promptly communicated to the inmate, and referred to the managing official/designee for review and approval. An appeal of reviewed decisions is to be available to all inmates within a reasonable time period.

B. FORMAL DISCIPLINARY HEARING PROCESS AWARENESS

The managing official shall have a written policy and procedure ensuring that an individual having direct contact with inmates is informed of the facility rules, regulations, and disciplinary procedures.

Compliance Criteria

Written policy and procedures; training records or written acknowledgement by appropriate personnel; staff interviews; and, pre-/in- service training curricula and schedules.

Compliance Explanation

All facility personnel who have direct contact with inmates must be thoroughly familiar with all the rules and regulations pertaining to inmate conduct, possible penalties, disciplinary reporting requirements, and formal hearing procedures. Continuous in- service training in this area enhances understanding and consistency in application. Records of training must be maintained. Any procedural changes are to be communicated to appropriate personnel prior to implementation.

.08 ADMINISTRATIVE RECORD KEEPING

The systematic recording, management and maintenance of data and information pertaining to inmate case records, diminution of sentence, financial matters, etc., enhance the efficiency and effectiveness of the facility by providing administrative and supervisory personnel with the requisite materials to facilitate planning, implementation and evaluation of facility programs and services.

A. CONFIDENTIALITY OF CASE RECORDS

The managing official shall have a written policy and procedure ensuring the confidentiality and methods of access to a case record by an inmate, a person in interest and an individual or agency making a formal request, which includes provisions for:

(1) Identification of individuals authorized to approve access;

(2) Specific designation of materials subject to disclosure and restriction in accordance with applicable statutes and regulations;

(3) A release of information consent form;

(4) A record of access decisions; and,

(5) An appeal process for those individuals who are denied access.

Compliance Criteria

Written policy and procedures addressing all elements; case records review; staff inmate interviews; complaints, if any; records of provision/denial; and handbook.

Compliance Explanation

The circumstances warranting the release of specific case record information must be determined. "Release of Information" forms are to be developed to document authorized disclosures of information, and should contain at a minimum, name and number of the inmate, agency, organization, facility or person requesting the information, designation of the information to be disclosed, rationale or purpose of disclosure, signature and date of inmate and witness and an expiration date. The procedures regarding access to case files (*e.g.*, medical files, commitment records, sociological information, criminal history information, etc.) must specify what information may be disclosed or restricted, the conditions under which the records may be reviewed, and the duties and responsibilities of the "custodian" consistent with: Article 27, Section 695, of the Annotated Code of Maryland, Article Health General 4.301 to 4.403, etc.

Information which may be withheld with proper notification and justification includes that which: constitutes a diagnostic opinion that may seriously disrupt a rehabilitation program or otherwise influence facility adjustment; was obtained under promise of confidentiality; might jeopardize facility security or order; and, may cause possible harm to others, etc. Certain information may be released without permission such as directory information (*i.e.*, name, age, court of jurisdiction, offense, sentence, date of admission, address of record, etc., as determined in operational procedures). Persons are to be provided the opportunity to examine, copy, challenge the accuracy of, and request the amendment or expungement of information contained in case files according to established guidelines. Records of all reviews must be maintained file, including denials and appeals.

B. COMPUTATION OF SENTENCE CREDITS

The managing official shall have a written policy and procedure which provides for the accurate computation and recording of good conduct, industrial and special project credits in accordance with applicable statutes and regulations.

Compliance Criteria

Written policy and procedures; computation records; staff interviews; and complaints, if any.

Compliance Explanation

Good conduct, industrial and special credit time records must be accurately maintained according to the requirements in Article 27, Sections 700 and 704A, of the Annotated Code of Maryland and other established guidelines. A complete accounting of all earned credits must be included in the records of inmates transferred from one facility or jurisdiction to another. Loss of good time and industrial time is only to be in accordance with written disciplinary procedures and records maintained on file. The programs and activities eligible for special credit time are to be specified in writing. Weekenders and inmates sentenced to less than 30 days are to receive good conduct time on the same prorated basis as are all other inmates.

C. MANAGEMENT OF INMATE FUNDS

The managing official shall have a written policy and procedure governing the management of inmate funds, which includes provisions for:

(1) Confiscation and receipting of monies upon admission, unless retention is otherwise authorized;

(2) Establishment of an inmate account;

(3) A record of financial transactions, including transfer to other facilities; and,

(4) Recorded return of funds upon release.

Compliance Criteria

Written policy and procedures addressing all elements; financial records; handbook; staff/inmate interviews; and, complaints, if any.

Compliance Explanation

The collection, safeguarding and disbursement of inmate funds are to be handled by designated personnel knowledgeable of proper accounting principles. These procedures should be designed to protect inmate funds from theft and other abuses. They shall include: maintenance of appropriate financial records (*i.e.,* credits, debits, disbursements, etc.); preparation of periodic fiscal reports; and, provision for regular audits.

Inmates are to be provided receipts of all transactions regarding their financial accounts. All monies are to be retained by the facility to minimize the possibility of gambling, "loan sharks," extortion, and other such consequences. Inmates in certain classifications (*e.g.*, work release, etc.) may be permitted to retain funds in their possession under certain conditions. A system of accounts must be developed and implemented to address the variety of potential financial activities (intake, commissary, reimbursement for room and board, disbursements for fines, restitution, etc., inmate pay, transfer/release, etc.).

D. OFFICIAL PUBLICATIONS/ANNUAL REVIEW

The managing official shall have a written policy and procedure providing for the recorded annual review of policies, procedures, post orders, inmate orientation materials, operating manuals, and other official publications to determine current application and utility.

Compliance Criteria

Written policy and procedures; schedules; review documentation; staff interviews.

Compliance Explanation

A frequent and thorough review of all official publications (*i.e.,* regulations, policies,

procedures, post orders, emergency plans, orientation handbooks, manuals, etc.) will ensure that they remain appropriate and continue to contribute to the effective administration and operation of the facility. Such reviews/updates/revisions shall be documented and include the date of the review, the signature/initials of the person(s) performing the task and the outcome (*i.e.*, retain, modify, rescind, etc.). A regular review of these materials should facilitate the formal incorporation of various changes during the year, prevent the disorganized accumulation of a series of memoranda, and assist in decision-making regarding previously discussed but unresolved matters.

The review may be performed by the managing official, persons responsible for particular functional areas or a committee of persons specifically assigned the task. The reviews must be routinely scheduled (*i.e.*, anniversary date of policy and procedure implementation, annually on calendar or fiscal year basis, etc.).

E. CASE RECORDS

The managing official shall have a written policy and procedure requiring a complete case record for each inmate, which includes provisions for:

(1) Secure storage outside inmate living and activity areas;

(2) Specification of file content and order;

(3) A date and signature on all documents and entries;

(4) Establishment of a records retention schedule with documentation of disposition; and,

(5) Transfer of pertinent records to other correctional facilities.

Compliance Criteria

Written policy and procedures inclusive of all elements; case file review; staff interviews; observation schedule; and records of distribution/disposal/transfer.

Compliance Explanation

Inmate case records represent the cumulative institutional history of an inmate including, but not limited to: important events; significant decisions and rationale; dates services rendered, institutional adjustment, etc. This information provides the managing official and key personnel with information upon which to evaluate inmate progress and serves as a resource to assist in decision-making regarding custody

assignment and program planning. Case records must always be under the supervision of authorized facility personnel in an area free from access unauthorized staff, inmates, and the public. They are to be stored in secure file cabinets or other such containers that are reasonably safe from forced entry, fire, vermin, moisture, etc. File cabinets with case records should be clearly identified and marked "confidential" to prevent accidental entry by unauthorized individuals. A signed receipt should be completed and maintained whenever records are removed from the secure location.

These files should also be organized in a uniform fashion with standardized forms, designated contents and specification of an established format/sequence/order to separate particular functional areas (*i.e.*, disciplinary actions, classification decisions, commitment/diminution of sentence records, medical/dental/psychological/psychiatric matters, etc.). This process will assist staff in locating pertinent information, filing properly and identifying gaps in documentation. All noteworthy entries and significant documents are to be dated and signed to ensure proper accountability, and to minimize the potential consequences of litigation and legal liability.

When an inmate is transferred, certain case records or a synopsis of important events and occurrences must be forwarded to the receiving institution with the inmate or shortly thereafter to ensure the continuity of the service delivery and to avoid the duplication of costly and/or timely programs and services. Since storage space for inactive records is limited, procedures must be developed to establish a schedule for the transfer or destruction of information that is designated as no longer having relevance or importance. Records are to be maintained on file to document such transfer/destruction to ensure accountability.