

**DEPARTMENT OF PUBLIC SAFETY AND
CORRECTIONAL SERVICES**

**MARYLAND COMMISSION ON
CORRECTIONAL STANDARDS**



RESOURCES

STANDARDS MANUAL

Article Correctional Services

§1-101, 8-101 – 8-117

§1-101

- (a) In this article the following words have the meanings indicated.
- (b) “Commissioner of Correction” means the Commissioner of the Division of Correction.
- (c) “Comptroller” means the Comptroller of the State.
- (d) “Correctional facility” means a facility that is operated for the purpose of detaining or confining adults who are charged with or found guilty of a crime.
- (e) “County” means a county of the State and Baltimore City.
- (f) “Department” means the Department of Public Safety and Correctional Services.
- (g) “Division of Correction” means the Division of Correction in the Department of Public Safety and Correctional Services.
- (h) “Division of Parole and Probation” means the Division of Parole and Probation in the Department of Public Safety and Correctional Services.
- (i) “Inmate” means an individual who is actually or constructively detained or confined in a correctional facility.
- (j) “Local correctional facility” means a correctional facility that is operated:
 - (1) by one or more counties; or
 - (2) by a municipal corporation.
- (k) “Managing official” means the administrator, director, warden, superintendent, sheriff, or other individual responsible for the management of a correctional facility.
- (l) “Person” means an individual, receiver, trustee, guardian, personal representative, fiduciary, representative of any kind, partnership, firm, association, corporation, or other entity.
- (m) “Secretary” means the Secretary of Public Safety and Correctional Services.
- (n) “State” means:
 - (1) a state, possession, territory, or commonwealth of the United States; or
 - (2) the District of Columbia.
- (o)
 - (1) “State correctional facility” means a correctional facility that is operated by the State.
 - (2) “State correctional facility” includes:
 - (i) the Patuxent Institution;
 - (ii) the Baltimore City Detention Center; and

(iii) the centralized booking facility in Baltimore City that is operated by the Division of Pretrial Detention and Services in the Department of Public Safety and Correctional Services.

(p) “Treasurer” means the Treasurer of the State.

§8–101.

(a) In this subtitle the following words have the meanings indicated.

(b) “Approved standards” means the standards described in § 8-103(b) of this subtitle.

(c) “Commission” means the Maryland Commission on Correctional Standards.

(d) “Minimum mandatory standards” means the standards described in § 8-103(a) of this subtitle.

§8–102.

The General Assembly finds that there is a need to improve the method of establishing standards for correctional facilities and programs and of ensuring compliance with these standards to better protect the health, safety, and welfare of the public by reducing incidents of crime.

§8–103.

(a) (1) With the advice of the Commission, the Secretary shall adopt regulations that establish minimum mandatory standards applicable to security and inmate control, inmate safety, inmate food services, inmate housing and sanitation, inmate rights, classification, hearings, victim notification, restitution, and administrative record keeping.

(2) The minimum mandatory standards adopted under paragraph (1) of this subsection shall apply to all State and local correctional facilities.

(b) (1) With the advice of the Commission, the Secretary shall adopt regulations that establish approved standards applicable to personnel, training, administration, management, planning and coordination, research and evaluation, physical plant, special management inmates, rules and discipline, mail and visiting, reception and orientation, property control, work programs, educational and vocational training, library services, religious services, recreational activities, counseling, release preparation, and volunteers.

(2) The approved standards adopted under paragraph (1) of this subsection:

- (i) shall apply to all State correctional facilities; and
- (ii) may be adopted, as a whole or in part, by a local correctional facility.

(c) The standards adopted under this section shall be consistent with federal and State law.

§8-105.

The standards adopted under § 8-103 of this subtitle shall be enforced as provided under §§ 8-112 through 8-114 of this subtitle.

§8-106.

There is a Maryland Commission on Correctional Standards in the Department.

§8-107.

(a) The Commission consists of the following 12 members:

- (1) the Attorney General;
- (2) the Secretary of General Services;
- (3) the Secretary of Budget and Management; and
- (4) the following nine members appointed by the Governor with the advice and consent of the Senate:

- (i) two members of the public who are not directly employed in the field of corrections;
- (ii) two correctional personnel from State government;
- (iii) two correctional personnel from local government;
- (iv) one official or employee of a national correctional accreditation organization;
- (v) one elected official from a local governing body; and
- (vi) one member who is licensed, certified, or registered by the State as a mental health or medical professional.

(b) (1) Except as provided in paragraph (2) of this subsection:

- (i) the term of a member of the Commission is 3 years; and
- (ii) the terms of the members of the Commission are staggered as required by the terms provided for members of the Commission on October 1, 1999.

- (2) (i) The Attorney General, Secretary of General Services, and Secretary of Budget and Management shall serve as ex officio members of the Commission.
 - (ii) An ex officio member of the Commission may serve personally at any Commission meeting or designate a representative from the ex officio member's unit who may act at any Commission meeting to the same effect as if the ex officio member were personally present.
- (c) (1) At the end of a term, a member continues to serve until a successor is appointed and qualifies.
 - (2) A member who is appointed after a term has begun serves only for the remainder of the term and until a successor is appointed and qualifies.

§8–108.

The Commission shall elect annually a chairperson and vice chairperson from among its members.

§8–109.

- (a) A majority of the authorized membership of the Commission is a quorum.
- (b) The Commission shall meet at the times determined by the Commission or its chairperson.
- (c) A member of the Commission:
 - (1) may not receive compensation for service on the Commission; but
 - (2) is entitled to reimbursement for expenses under the Standard State Travel Regulations, as provided in the State budget.

§8–110.

- (a) The Commission shall report annually to the Governor and, subject to § 2–1257 of the State Government Article, to the General Assembly on the activities of the Commission.
- (b) The Commission shall provide the Secretary and the governing body of each county and municipal corporation that has a correctional facility with a copy of its annual report.

§8–111.

- (a) (1) With the approval of the Secretary, the Commission shall appoint an Executive Director.
 - (2) The Executive Director is a special appointment in the State Personnel Management System.
- (b) The Executive Director serves at the pleasure of the Commission.
- (c) The Executive Director shall perform administrative functions as the Commission directs.
- (d) The Executive Director is entitled to compensation as provided in the State budget.

§8–112.

- (a) (1) The Commission shall:
 - (i) advise the Secretary regarding all minimum mandatory standards and approved standards for State and local correctional facilities;
 - (ii) consult and coordinate with national bodies promulgating correctional standards to provide reasonable compatibility between the State standards and nationally established standards; and
 - (iii) consult and cooperate with other units of the State and local jurisdictions concerning correctional standards.
- (2) The Commission may provide technical assistance to the extent authorized in the State budget to aid the State and local jurisdictions in their efforts to comply with minimum mandatory standards and approved standards.
- (b) The Commission shall adopt regulations to carry out this subtitle.
- (c) The Commission shall employ a staff necessary to carry out this subtitle as provided in the State budget.

§8–113.

- (a) The Commission shall:
 - (1) establish and implement a process to inspect State and local correctional facilities to determine and certify compliance with applicable standards; and
 - (2) determine deadlines for remedial action and reinspection whenever inspection reports indicate noncompliance with applicable standards.
- (b) The Commission may review and act on appeals from staff inspection reports.

§8-114.

- (a) (1) If the Commission determines that a correctional facility is in violation of the minimum mandatory standards, the Commission shall send a compliance plan to the correctional facility.
- (2) The compliance plan shall state:
- (i) which minimum mandatory standards the correctional facility has violated;
 - (ii) the time, to be determined by the Commission, that the correctional facility has to address the violations; and
 - (iii) the date that the Commission shall reinspect the correctional facility to determine if the correctional facility has complied with the minimum mandatory standards.
- (3) The Commission shall send a copy of the compliance plan to the executive and legislative body responsible for the correctional facility.
- (b) (1) If, after sending a compliance plan and reinspecting a correctional facility under subsection (a) of this section, the Commission determines that the correctional facility is in violation of the minimum mandatory standards, the Commission shall send a letter of reprimand to the correctional facility.
- (2) The letter of reprimand shall state:
- (i) which minimum standards the correctional facility has violated;
 - (ii) the time, to be determined by the Commission but not to exceed 60 days, that the correctional facility has to address the violations; and
 - (iii) the date that the Commission will reinspect the correctional facility to determine if the correctional facility has complied with the minimum mandatory standards.
- (3) The Commission shall send a copy of the letter of reprimand to the executive and legislative body responsible for the correctional facility.

- (c) (1) If, after the Commission has sent a letter of reprimand to a correctional facility under subsection (b) of this section and reinspected the facility, the Commission determines that the correctional facility is in violation of the minimum mandatory standards, the Commission shall:
- (i) conduct a full standards and performance audit of the correctional facility; or
 - (ii) periodically inspect the correctional facility until compliance is attained and send a report of each inspection to the executive and legislative bodies responsible for the correctional facility.
- (2) When conducting a full standards and performance audit of a correctional facility, the Commission shall examine:
- (i) the physical condition of the correctional facility;
 - (ii) the safety and treatment of inmates at the correctional facility;
 - (iii) whether the correctional facility has policies and procedures in place as required by the minimum mandatory standards; and
 - (iv) whether the correctional facility is following the required policies and procedures.
- (3) When conducting a full standards and performance audit, the Commission shall have unrestricted access to the personnel and records of the correctional facility.
- (4) (i) If the Commission lacks the expertise necessary to perform a part of the full standards and performance audit, the Commission may obtain assistance from sources with expertise in the specific standard.
- (ii) If the Commission needs to obtain assistance, the correctional facility that is being audited shall reimburse the Commission for any cost incurred.
- (5) (i) After completing a full standards and performance audit, the Commission shall send a letter to the correctional facility.
- (ii) The letter shall contain:
- 1. a copy of the audit findings, including details on all areas where the correctional facility fails to comply with the minimum mandatory standards;
 - 2. a statement of what actions the correctional facility must take in order to comply with the audit findings;

3. a date when the correctional facility must comply with the audit findings; and;

4. a statement that the Commission will conduct an unannounced inspection of the correctional facility within a reasonable amount of time after the date specified for compliance and that if the correctional facility fails to comply, the Commission may seek a court order requiring compliance or order all or part of the correctional facility to cease operations.

(iii) The Commission shall send a copy of the letter to the executive and legislative bodies responsible for the correctional facility.

(6) Within a reasonable time after the date specified for compliance, the Commission shall conduct an unannounced inspection to verify that the correctional facility has complied with the audit findings.

(d) (1) If, after performing an audit and unannounced inspection under subsection (c) of this section and holding a hearing on the issue, the Commission determines that a correctional facility has not complied with the audit findings, the Commission shall:

(i) petition a circuit court with venue over the proceeding for a court order requiring the correctional facility to comply with the audit findings; or

(ii) issue an order to cease operation of the correctional facility or any of its correctional elements, procedures, or functions.

(2) The Commission shall provide to a correctional facility reasonable notice of a hearing under paragraph (1) of this subsection.

(3) The Commission may subpoena witnesses and hold public hearings in accordance with Title 10, Subtitle 2 of the State Government Article before making a final decision on whether to seek a court order or close a correctional facility or any of its correctional elements, procedures, or functions.

§8–115.

(a) If the Commission or an authorized inspector finds a condition in a correctional facility that is life threatening or health endangering, the Commission or inspector may order the immediate cessation of operation.

(b) Within 96 hours after an order is issued under subsection (a) of this section, the Commission shall hold a review hearing to confirm or countermand the order.

- (c) (1) If a correctional facility is ordered closed under this section, all inmates in the facility shall be transferred to and accepted in a suitable place of detention, as the Secretary determines.
- (2) The governing body responsible for the cost of the closed facility shall pay the expenses incurred in transferring and maintaining inmates under paragraph (1) of this subsection.

§8–116.

- (a) (1) The Commission shall establish advisory boards to assist the Commission in carrying out its powers and duties under this subtitle.
- (2) The Commission may establish advisory boards on adult:
 - (i) detention centers and lockups;
 - (ii) community correctional facilities; and
 - (iii) correctional facilities other than those listed in items (i) and (ii) of this paragraph.
- (b) The chairperson of the Commission shall appoint the members of an advisory board with the approval of the Commission.
- (c) The chairperson of an advisory board shall be a Commission member.

§8–117.

The Commission may perform any acts necessary and appropriate to carry out the powers and duties set forth in this subtitle.