

MARYLAND REGISTER

Proposed Action on Regulations

| | | |
|--|---|--|
| Transmittal Sheet PROPOSED OR REPROPOSED Actions on Regulations | Date Filed with AELR Committee | TO BE COMPLETED BY DSD |
| | 08/03/2016 | Date Filed with Division of State Documents |
| | | Document Number |
| | | Date of Publication in MD Register |
| | | |

1. Desired date of publication in Maryland Register: 9/2/2016

2. COMAR Codification

| Title | Subtitle | Chapter | Regulation |
|--------------|-----------------|----------------|-------------------|
| 12 | 14 | 03 | 02, .03, .06, .09 |
| 12 | 14 | 04 | 01, .02, .05, .08 |
| 12 | 14 | 05 | 01, .02, .05, .08 |

3. Name of Promulgating Authority

Department of Public Safety and Correctional Services

4. Name of Regulations Coordinator **Telephone Number**
 George H Hall 410 339 5073

Mailing Address

300 E Joppa Road Suite 400B

City **State** **Zip Code**
 Towson MD 21286

Email
 ghhall@dpscs.state.md.us

5. Name of Person to Call About this Document **Telephone No.**
 Howard Ray 410 339 5000

Email Address

Title 12
DEPARTMENT OF PUBLIC SAFETY AND
CORRECTIONAL SERVICES

Subtitle 14 COMMISSION ON CORRECTIONAL STANDARDS

12.14.03 Minimum Standards for Adult Detention Centers

Subtitle 14 COMMISSION ON CORRECTIONAL STANDARDS

12.14.04 Minimum Standards for Adult Correctional Institutions

Subtitle 14 COMMISSION ON CORRECTIONAL STANDARDS

12.14.05 Minimum Standards for Adult Community Correctional Facilities

Authority: Correctional Services Article, Title 8, Subtitle 1; Annotated Code of Maryland

Notice of Proposed Action

[]

The Secretary of Public Safety and Correctional Services proposes to amend Regulations .02, .03, .06 and .09 under COMAR 12.14.03 Minimum Standards for Adult Detention Centers; Regulations .01, .02, .05 and .08 under COMAR 12.14.04 Minimum Standards for Adult Correctional Institutions; and Regulations .01, .02, .05 and .08 under COMAR 12.14.05 Minimum Standards for Adult Community Correctional Facilities.

Statement of Purpose

The purpose of this action is to add new text to clarify existing standards; changes requirements for conducting searches; and adds provisions for a zero tolerance policy for sexual harassment and record keeping related to compliance with Correctional Training Commission requirements for background checks and training.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

The proposed action has minimal or no economic impact on small businesses.

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Howad Ray, Executive Director, Commission on Correctional Standards, Department of Public Safety and Correctional Services, 300 East Joppa Road Towson, MD 21286, or call 410 339 5000, or email to , or fax to 410 339 6306. Comments will be accepted through October 1, 2016. A public hearing has not been scheduled.

Economic Impact Statement Part C

- A. Fiscal Year in which regulations will become effective: FY 2017
- B. Does the budget for the fiscal year in which regulations become effective contain funds to implement the regulations?
Yes
- C. If 'yes', state whether general, special (exact name), or federal funds will be used:
General
- D. If 'no', identify the source(s) of funds necessary for implementation of these regulations:
- E. If these regulations have no economic impact under Part A, indicate reason briefly:
These are administrative changes that include current practices into Commission standards.
- F. If these regulations have minimal or no economic impact on small businesses under Part B, indicate the reason and attach small business worksheet.
These regulations affect State and local government only.
- G. Small Business Worksheet:

Attached Document:

Title 12 DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES

Subtitle 14 COMMISSION ON CORRECTIONAL STANDARDS

Chapter 03 Minimum Standards for Adult Detention Centers

Authority: Correctional Services Article, Title 8, Subtitle 1, Annotated Code of Maryland

.02 Standards — Security and Inmate Control.

The managing official of a correctional facility is responsible for the following:

A. — D. (text unchanged)

E. A written policy and procedure governing the availability, control, accountability, storage, and use of firearms, ammunition, chemical agents, *organic agents*, restraining devices, communication apparatus, riot equipment, and other security-related equipment which includes provisions for:

(1) — (2) (text unchanged)

(3) Monthly inspection and inventory to determine condition, [and] accountability, *and operational status*;

(4) — (6) (text unchanged)

- F. — I (text unchanged)
- J. A written policy and procedure governing the search of the facility, vehicles, inmates, visitors, and staff which includes provisions for:
 - (1) (text unchanged)
 - (2) A [semiannual] *semi-annual* recorded search of inmate living and *program and* activity areas;
 - (3) — (12) (text unchanged)
- K. — Q. (text unchanged)

.03 Standards—Inmate Safety.

- The managing official of a correctional facility is responsible for the following:
- A. — B. (text unchanged)
 - C. Written disaster plans for fires, chemical spills, civil defense, natural disasters, power outage, and other circumstances which include provisions for:
 - (1) — (3) (text unchanged)
 - (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) (text unchanged)
 - (6) *A written evacuation plan that conforms to federal, State, and local fire safety codes; and*
 - (7) *An annual review that includes:*
 - (a) *Building interior diagram or floor plan;*
 - (b) *Marked exits;*
 - (c) *Directional symbols; and*
 - (d) *Locations of posted evacuation diagrams;*
 - D. — S. (text unchanged)

.06 Standards—Inmate Rights.

- The managing official of a correctional facility is responsible for the following:
- A. (text unchanged)
 - B. A written policy which establishes inmate protection from physical and mental abuse and harassment by personnel[;]*that includes a zero tolerance for sexual abuse and sexual harassment providing for:*
 - (1) *Facility response;*
 - (2) *Access to medical health care; and*
 - (3) *Access to mental health counseling and support;*
 - C. — O. (text unchanged)

.09 Standards—Administrative Record Keeping.

- The managing official of a correctional facility is responsible for the following:
- A. — D. (text unchanged)
 - E. A written policy and procedure requiring a complete case record for each inmate, [and] which includes provisions for:
 - (1) — (4) (text unchanged)
 - (5) Transfer of pertinent records to other correctional facilities[.];
 - F. *Having a written policy and procedures for ensuring compliance with Correctional Training Commission employee background checks; and*
 - G. *Having a written policy and procedures for ensuring compliance with Correctional Training Commission training requirements.*

Chapter 04 Minimum Standards for Adult Correctional Institutions

Authority: Correctional Services Article, Title 8, Subtitle 1; Annotated Code of Maryland

.01 Standards—Security and Inmate Control.

- A. (text unchanged)
- B. The managing official shall have a written policy and procedure:
 - (1) (text unchanged)
 - (2) Governing the availability, control, accountability, storage, and use of firearms, ammunition, chemical agents, *organic agents*, restraining devices, communication apparatus, riot equipment, and other security-related equipment, which includes provisions for:
 - (a) — (b) (text unchanged)

(c) [Quarterly]*Monthly* inspection and inventory to determine condition, [and] accountability, *and operational status,*

(d) — (f) (text unchanged)

(3) — (4) (text unchanged)

(5) Governing the search of the facility, vendors, vehicles, inmates, visitors, and staff, which includes provisions for:

(a) (text unchanged)

(b) A [once-a-year] *semi-annual* recorded search of inmate living and *program and activity areas,*

(c) — (l) (text unchanged)

(6) — (11) (text unchanged)

C. — E. (text unchanged)

.02 Standards—Inmate Safety.

A. (text unchanged)

B. 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) — (4) (text unchanged)

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

(6) *A written evacuation plan that conforms to federal, State, and local fire safety codes; and*

(7) *An annual review that includes:*

(a) *Building interior diagram or floor plan;*

(b) *Marked exits;*

(c) *Directional symbols; and*

(d) *Locations of posted evacuation diagrams.*

C. — E. (text unchanged)

.05 Standards—Inmate Rights.

A. The managing official shall have a written policy which:

(1) (text unchanged)

(2) Establishes inmate protection from physical and mental abuse, and harassment[;] *by personnel that includes a zero tolerance for sexual abuse and sexual harassment providing for:*

(1) *Facility response;*

(2) *Access to medical health care; and*

(3) *Access to mental health counseling and support;*

(3) — (4) (text unchanged)

B. (text unchanged)

.08 Standards—Administrative Record Keeping.

The managing official shall have a written policy and procedure:

A. — D. (text unchanged)

E. Requiring a complete case record for each inmate, which includes provisions for:

(1) — (3) (text unchanged)

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

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

F. To ensure compliance with Correctional Training Commission employee background checks; and

G. To ensure compliance with Correctional Training Commission training requirements.

Chapter 05 Minimum Standards for Adult Community Correctional Facilities

Authority: Correctional Services Article, Title 8, Subtitle 1; Annotated Code of Maryland

.01 Standards—Security and Inmate Control.

A. — B. (text unchanged)

C. The managing official shall have a written policy and procedure:

(1) (text unchanged)

(2) Governing the availability, control, accountability, storage, and use of firearms, ammunition, chemical agents, *organic agents,* restraining devices, communication apparatus, riot equipment, and other security-related equipment, which includes provisions for:

(a) — (b) (text unchanged)

(c) [Quarterly]*Monthly* inspection and inventory to determine condition, [and] accountability, *and operational status,*

(d) — (f) (text unchanged)

- (3) — (4) (text unchanged)
- (5) Governing the search of the facility, vendors, vehicles, inmates, visitors, and staff, which includes provisions for:
 - (a) (text unchanged),
 - (b) A [once-a-year] *semi-annual* search of inmate living and *program and* activity areas,
 - (c) — (l) (text unchanged)
 - (6) — (10) (text unchanged)
- D. (text unchanged)

.02 Standards—Inmate Safety.

- A. (text unchanged)
- B. The managing official shall have written disaster plans for fires, chemical spills, civil defense, natural disasters, power outages, and other circumstances, which include provisions for:
 - (1) — (4) (text unchanged)
 - (5) Quarterly fire drills during each shift which include inmates, unless their inclusion compromises security[.];
 - (6) *A written evacuation plan that conforms to federal, State, and local fire safety codes; and*
 - (7) *An annual review that includes:*
 - (a) *Building interior diagram or floor plan;*
 - (b) *Marked exits;*
 - (c) *Directional symbols; and*
 - (d) *Locations of posted evacuation diagrams*
- C. — D. (text unchanged)

.05 Standards—Inmate Rights.

- A. The managing official shall have a written policy which:
 - (1) States that an inmate is not discriminated against with regard to programs, services, or activities on the basis of race, religion, national origin, sex, handicap, or political beliefs;
 - (2) Establishes inmate protection from physical and mental abuse, and harassment[; and] *by personnel that includes a zero tolerance for sexual abuse and sexual harassment providing for:*
 - (1) *Facility response;*
 - (2) *Access to medical health care; and*
 - (3) *Access to mental health counseling and support; and*
 - (3) (text unchanged)
- B. — C. (text unchanged)

.08 Standards—Administrative Record Keeping.

- The managing official shall have a written policy and procedure:
- A. — D. (text unchanged)
 - E. Requiring a complete case record for each inmate, which includes provisions for:
 - (1) — (3) (text unchanged)
 - (4) Establishment of a records retention schedule with documentation of disposition[, and];
 - (5) Transfer of pertinent records to other correctional facilities[.];
 - F. To ensure compliance with Correctional Training Commission employee background checks; and***
 - G. To ensure compliance with Correctional Training Commission training requirements.***

Stephen T. Moyer
Secretary
Department of Public safety and Correctional Services