



Department of Public Safety and Correctional Services

Office of the Secretary

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December 1, 2014

The Honorable Edward Kasemeyer
Chairman, Senate Budget and Taxation Committee
3 West, Miller Senate Building
Annapolis, Maryland 21401-1991

The Honorable Norman H. Conway
Chairman, House Committee on Appropriations
Room 121, House Office Building
Annapolis, Maryland 21401-1991

RE: Report on Evaluation of MCCS Standards

Dear Senator Kasemeyer & Delegate Conway:

The Department is pleased to submit the following report as required in the language below.

Evaluation of the Standards Used by the Maryland Commission on Correctional Standards and Movement toward the American Correctional Association Accreditation: The budget committees request that the Department of Public Safety and Correctional Services (DPSCS), in line with recommendations from the Special Joint Commission on Public Safety and Security in State and Local Correctional Facilities, conduct a study on the following items:

- *the extent to which correctional facilities in the State are in compliance with mandatory standards set by the Maryland Commission on Correctional Standards (MCCS);*
- *methods to prevent duplication of efforts and resources with facility evaluations conducted by MCCS and the American Correctional Association (ACA);*
- *methods to align standards at all correctional facilities, regardless of whether the facility is accredited by ACA; and*
- *the potential for altering the audit process to limit the advance notice given to facilities prior to conducting an initial audit.*

The report should identify any regulations adopted by the department that amend the commission's standards in accordance with the results of the study. The submitted report should also provide the proposed implementation schedule for ACA accreditation at each correctional facility

and an associated fiscal estimate for achieving accreditation. The department should collaborate with the exclusive representative for correctional officers at State facilities to complete the study. The report should be submitted to the budget committees no later than December 1, 2014.

We hope that this report will be informative and helpful to you and your committee members. If the Department can be of further assistance, please do not hesitate to contact me at 410-339-5005 or Kevin Loeb, Director of Government, Legislative Affairs & Community Affairs at 410-339-5051.

Sincerely,



Gregg L. Hershberger
Secretary

Attachment

- c: Senator Nathaniel McFadden, Vice Chair, Senate Budget and Taxation Committee
- Delegate James Proctor, Vice Chair, House Committee on Appropriations
- Members of the Senate Budget and Taxation Committee
- Members of the House Committee on Appropriations
- Mr. John Griffin, Chief of Staff, Governor's Office
- Ms. Jean Hitchcock, Governor's Chief Legislative and Policy Officer
- Ms. Shanetta Paskel, Governor's Deputy Legislative Officer
- Ms. Hanna Dier, Policy Analyst, Department of Legislative Services
- Mr. Matthew Schmid, Budget Analyst, Department of Budget and Management
- Ms. Chantelle Green, Staff, House Committee on Appropriations
- Mr. Matthew Bennett, Staff, Senate Budget and Taxation Committee
- Ms. Cathy Kramer, Department of Legislative Services
- Ms. Sarah Albert, Department of Legislative Services



**DEPARTMENT OF PUBLIC SAFETY AND
CORRECTIONAL SERVICES**

Report on Evaluation of MCCS Standards

December 1, 2014

Governor Martin O'Malley
Lt. Governor Anthony G. Brown
Secretary Gregg Hershberger

I. INTRODUCTION

In the 2014 Joint Chairman's Report, in the language on page 113, the Budget Committees' Chairmen made the following request:

Evaluation of the Standards Used by the Maryland Commission on Correctional Standards and Movement toward the American Correctional Association Accreditation:

The budget committees request that the Department of Public Safety and Correctional Services (DPSCS), in line with recommendations from the Special Joint Commission on Public Safety and Security in State and Local Correctional Facilities, conduct a study on the following items:

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I. OVERVIEW

The Maryland Commission on Correctional Standards, an administrative agency within the Department of Public Safety and Correctional Services, was established by Act of the 1980 General Assembly. The enabling legislation is codified in the Annotated Code of Maryland, Correctional Services Article, and Sections 8-101 et seq. The Commission consists of twelve members, nine of whom are appointed by the Governor with the advice and consent of the Senate for terms of three years, and three ex-officio members who are the Attorney General, the Secretary of the Department of Budget and Management, and the Secretary of the Department of General Services. The appointed members include two citizens, two local correctional officials, two State correctional officials, one local elected official, one health care professional and one representative of a national correctional standards setting organization.

The Commission is responsible to advise the Secretary of the Department of Public Safety and Correctional Services regarding standards for state and local correctional facilities, which the Secretary is authorized to adopt. The Commission staff audits all adult correctional facilities to determine levels of compliance. The staff also develops audit reports for Commission review and approval, provides technical assistance to correct areas of non-compliance, monitors compliance plans, and takes other such actions necessary to ensure continued compliance. The Commission collaborates with criminal justice agencies

and organizations in the development, measurement, monitoring and enforcement of state-wide correctional standards.

The Maryland Commission on Correctional Standards (MCCS) conducts regular formal audits of every state, local and private adult place of correctional confinement to determine compliance with the applicable regulations promulgated by the Secretary of the Department of Public Safety and Correctional Services (DPSCS). Commission staff, assisted by Duly Authorized Inspectors, identify deficiencies, suggest corrective action plans and provide technical assistance as needed. The schedule of audits is communicated to the respective managing official prior to the initiation of any audit cycle.

II. EXTENT OF FACILITY COMPLIANCE WITH MCCS STANDARDS

All Maryland state correctional standards are mandatory and require 100% compliance from state and local correctional facilities. If a facility is not 100% compliant upon the completion of an initial audit, the facility is revisiting within six months (a “Monitoring Visit”). If the facility is not compliant at the time of the second monitoring visit, additional actions are taken to bring the facility into full compliance. All facilities must be in full compliance within one year of the initial approval of the compliance plan. Please see below, a chart indicating the compliancy rate of the facilities audited in FY14 and FY15 to date.

| <u>FY14 – Results of Facilities Audited (20)</u> | <u>FY15 – Results of Facilities Audited (4)</u> |
|-----------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------|
| 100% Compliant at Initial Audit (7) 100% after Monitoring Visit (3) Monitoring Visit Scheduled (10) | 100% Compliant at Initial Audit (1) Monitoring Visits Scheduled (3) *Note: 14 Audits Remaining in FY-15 |

III. METHODS TO PREVENT DUPLICATION OF EFFORTS BETWEEN MCCS AND THE AMERICAN CORRECTIONAL ASSOCIATION (ACA)

The Maryland Commission on Correctional Standards and the American Correctional Association require a substantial amount of time effort and a high level of planning and organization in order for correctional facilities to successfully meet the requirements outlined in the respective standards. Although MCCS has adopted the same operational standards for correctional facilities as ACA, MCCS takes a different and distinctive approach in conducting audits. The ACA auditing process primarily revolves around reviewing documentation and files, accompanied by a tour of the facility with no more than three auditors. While MCCS also focuses on reviewing policies, procedures and all accompanying documentation, the MCCS auditing process focuses far more on the facility tour to ensure that the documentation reflects actual practice. MCCS utilizes four to six trained inspectors, in addition to Commission staff, and carefully scrutinizes the facility grounds and operations to identify any physical plant, malignance or sanitation issues. Any issues or areas of concern are reported to the managing official with a requirement to make maintenance repairs, if possible, and to correct sanitation issues prior the end of the audit. Inspectors also return to standard specific areas of the facility to interview employees in determining whether are actually aligned with facility protocols.

IV. TENTATIVE ACA ACREDITATION SCHEDULE AND COST

Currently, Eastern Correctional Institution (ECI), Western Correctional Institution (WCI) and Chesapeake Detention Facility (CDF) are ACA accredited. Roxbury Correctional Institution began the ACA accreditation process in November 2014. Additionally, four other institutions are tentatively scheduled to undergo the ACA accreditation process in 2015, including: (1) North Branch Correctional Institution – April; (2) Baltimore City Booking and Intake Center – June; (3) Jessup Correctional Institution – Jessup – September; (4) Maryland Correctional Institution – December. The estimated cost for ACA accreditation of these four institutions is approximately \$53,800.

V. METHODS TO ALIGN STANDARDS AT ALL CORRECTIONAL FACILITIES

The Maryland correctional standards are written to provide correctional facilities a template for best practices policies and guidelines for correctional operations. All of the Maryland Correctional Facilities are required to have a written policy and procedure to address specific elements included in each standard. However, these policies and procedures may vary slightly based on different facility layouts and needs so long as the policies and procedures still meet the specified elements in each standard. For instance, if a facility notices a trend of a specific kind of contraband entering the facility through one means, they may slightly vary their operational procedures to address the issue and prevent the contraband from being introduced in the facility. Therefore, a facility's policies and procedures may vary, but they still must meet the specified elements in the Maryland correctional standards.

VI. ADVANCE NOTICE GIVEN TO FACILITIES PRIOR TO CONDUCTING AN AUDIT

As previously mentioned, MCCS performs audits on a three year cycle so that each state and local correctional facility receives a standards audit every three years within a month of their prior audit. The managing official at each facility is notified of the standards audit 60-days in advance. This 60-day advance notification is not only a standard auditing across the nation, but it is also necessary given the amount effort exerted in preparation for such an extensive audit. Facility staff must invest a significant amount of time, energy and resources in preparing three years of documentation for each standard, which will be scrutinized during the three to five day review by auditors. Additionally, the documentation materials (i.e. policies, statutes, inspection records, fire drills, licenses, handbooks, contracts etc.) must be organized in a logical sequence that is categorized by standard. Typically, a facility will identify a staff member to be the audit coordinator, who works with a team of employees from each of the eight standard disciplines to gather all of this information. After the documentation has been gathered, each standard and all of the supporting documentation is reviewed by team members with quarterly reviews by the audit coordinator. The process is repeated each quarter for a (3) three year period with updates to managing officials quarterly or on a more frequent basis. If a facility is unable to provide proper documentation, they will not be found compliant. Therefore, the level of organization and preparation for the audit is a major factor in determining success and requires at least 60-days advance notice.

In addition to MCCS standards compliance audits, state correctional facilities are subject to an annual security audit, an unannounced daily random cell inspection program and an unannounced k-9 interdiction program.

Program Audit Review Team (PART) conducts the facilities' annual security audit. The team is comprised of a Major as Commander and five (5) Lieutenants; who are the auditors. The PART reviews and inspects the six (6) vital functions of a facility. They are; 1) Security and Control 2) Inmate Safety 3) Inmate Food Service 4) Inmate Housing and Sanitation 5) Inmate Rights and 6) Administration. Each auditor is trained to review documentation, inspect equipment and interview both staff and inmates. They inspect approximately five hundred (500) individual line items per facility to determine the facilities compliance to the line items. The team's inspection is thorough and detailed; encompassing all three custody shifts. Every key and tool is accounted for as well as toxic chemicals and weapons. They also interview staff to determine the staff's knowledge of policies and procedures. Then, they interview numerous inmates to determine the climate and morale of the inmate population. Each day the Commander meets with the Warden of the facility to keep the Warden informed fully of the findings and progress of the PART. At the conclusion of the security audit a full report is provided to the Warden. The report is then reviewed by the Director of Security Operations. A comprehensive report is written of the evaluation which is sent to the Deputy Secretary of Operations. This evaluation is essentially a formal report card for each facility on how they are performing and their adherence to Agency policies.

Daily random cell inspections are done at all medium or higher security level prisons. At least once per day correctional officers will enter the cell and inspect doors, windows, walls and ceilings to ensure there are no breaches of security. In addition, cells are randomly picked for detailed searches on each of the three (3) shifts. These searches are designed to recover hidden contraband and maintain safe levels of inmate property. This lessens the chance of inmates creating weapons or compiling unsafe levels of property that could pose a fire hazard.

The DPSCS K9 Unit is tasked with scanning inmate living areas as well as all common areas and parking lots of the facilities. The unit has approximately thirty-one (31) detector dogs out of fifty-six (56) K9s overall. The dogs and handlers are stationed in Cumberland, Hagerstown, Baltimore, Jessup and the Eastern Shore. The dogs are trained and certified to recover tobacco, cell phones, and several types of controlled dangerous substances (CDS). The unit deploys the detector teams on two (2) shifts to ensure coverage for all facilities in all areas of the state. One of the most effective uses of the detector dogs is when the unit deploys several teams to one facility to perform detailed and comprehensive searches of inmates and their living areas. However, the teams work hard to keep contraband from entering the facilities by scanning the parking lots and visitors as well as staff as they enter the prisons.