



## Department of Public Safety and Correctional Services

### Office of the Secretary

300 E. JOPPA ROAD • SUITE 1000 • TOWSON, MARYLAND 21286-3020  
(410) 339-5000 • FAX (410) 339-4240 • TOLL FREE (877) 379-8636 • V/TTY (800) 735-2258 • [www.dpscs.maryland.gov](http://www.dpscs.maryland.gov)

STATE OF MARYLAND

MARTIN O'MALLEY  
GOVERNOR

ANTHONY G. BROWN  
LT. GOVERNOR

GREGG HERSHBERGER  
SECRETARY

PATRICIA DONOVAN  
DEPUTY SECRETARY  
ADMINISTRATION

CARROLL PARRISH  
DEPUTY SECRETARY  
OPERATIONS

RHEA L. HARRIS  
ASSISTANT SECRETARY/  
CHIEF OF STAFF

DAVID N. BEZANSON  
ASSISTANT SECRETARY  
CAPITAL PROGRAMS

WAYNE WEBB  
DIRECTOR  
NORTH REGION

WENDELL M. FRANCE  
DIRECTOR  
CENTRAL REGION

PATRICIA VALE  
DIRECTOR  
SOUTH REGION

December 1, 2014

The Honorable Thomas V. Michael Miller, Jr.  
President of Senate  
State House, H-107  
Annapolis, MD 21401 – 1991

The Honorable Michael Erin Busch  
Speaker of House of Delegates  
State House, H-101  
Annapolis, MD 21401 – 1991

RE: Report on Chapter 142 - Correctional Services – Correctional Facilities – Officers and Inspection Standards (MSAR #10118)

Dear Mr. Speaker and Mr. President:

According to the language on pages 5 and 6 of Chapter 142 – Correctional Services – Correctional Facilities – Officers and Inspection Standards enacted in 2014, the Department of Public Safety and Correctional Services (DPSCS) is required to submit a onetime report. The language specifically states:

*SECTION 2. AND BE IT FURTHER ENACTED, That, on or before December 1, 2014, the Secretary of Public Safety and Correctional Services shall:*

*(1) direct the Department, in collaboration with the exclusive representative for correctional officers at State facilities, to study:*

*(i) the extent to which correctional facilities in the State are in compliance with mandatory standards set by the Maryland Commission on Correctional Standards;*

*(ii) methods to prevent duplication of efforts and resources with facility evaluations conducted by both the Commission and the American Correctional Association; and*

*(iii) methods to align standards at all correctional facilities, regardless of whether the facility is accredited by the American Correctional Association;*

*(2) adopt regulations amending the Commission's standards in accordance with the results of the study;*

*(3) provide the proposed implementation schedule for American Correctional Association accreditation at each correctional facility; and*

*(4) report the study findings and accompanying regulatory changes to the Governor and General Assembly, in accordance with § 2–1246 of the State Government Article.*

Enclosed is a detailed report pursuant to the aforementioned language. We hope that this report will be informative and helpful to you and your members. If I can be of further assistance, please do not hesitate to contact me at 410-339-5005 or Kevin Loeb, Director of Legislative Affairs, at 410-260-6070.

Sincerely,



Gregg Hershberger

c: Mr. John Griffin, Chief of Staff, Governor's Office  
Ms. Jean Hitchcok, Governor's Chief Legislative Officer  
Ms. Shanetta Paskel, Governor's Deputy Legislative Officer  
Ms. Hannah Dier, Policy Analyst, Department of Legislative Services  
Mr. Matthew Schmid, Budget Analyst, Dept. of Budget & Management  
Ms. Sarah Albert, Department of Legislative Services  
Deputy Secretary Patricia Donovan  
Deputy Secretary Carroll Parrish  
Director Kevin C. Loeb, Office of Government, Legislative and Community Affairs



**DEPARTMENT OF PUBLIC SAFETY AND  
CORRECTIONAL SERVICES**

Report on SB 205/HB 142 (2014)  
Correctional Services – Correctional Facilities – Officers  
and Inspection Standards

December 1, 2014

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

## **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 revisited 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.

<b><u>FY14 – Results of Facilities Audited (20)</u></b>	<b><u>FY15 – Results of Facilities Audited (4)</u></b>
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.

Despite these distinctions between MCCS and ACA, MCCS is currently in the process of reviewing its current standards and proposed revisions to adopt and enact new standards pursuant to SB 205/HB 176 (see section VI below).

**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 – 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. CORRECTIONAL STANDARDS REVIEW AND ADOPTION OF NEW STANDARDS**

Pursuant to Senate Bill 205, the Maryland Commission on Correctional Standards established a timeline for correctional standards review. At the March 27, 2014 Commission meeting, Commission members voted to accept proposals for changes to the Adult Correctional Institutions, Adult Detention Centers and the Adult Community Correctional Facilities standards. Correctional Administrators and staff throughout the State of Maryland were notified of the review process and encouraged to submit proposed standards modifications during the sixty day period beginning on May 4, 2014 and ending on July 30, 2014. Proposals were accepted in the form of proposed new standards, changes to existing standards, audit process changes or suggesting amendments to current legislation.

On November 13, 2014 the Commission met to review the proposed modifications and voted to establish a sub-committee to make recommendations. The sub-committee will further vet the proposals, offer additional standards modifications and make recommendations to the full Commission for adoption in spring 2015.