

**MARYLAND  
DIVISION OF CORRECTION**



**INMATE HANDBOOK**

**2007**

## FOREWORD

This handbook is a reference guide to rules and other important information that inmates need to know. However, it must be kept in mind that all information in this handbook is subject to change. Division of Correction Information Bulletins (DCIBs) will be published to inform inmates about changes, and these bulletins may be found in the prison's library.

This handbook should be used with other handbooks and orientation information an inmate will receive at his/her holding institution. If there are questions about any subject in this handbook, it is suggested that an inmate read the Division of Correction Directive (DCD) on that subject or ask his/her assigned case management specialist for more information.

A handwritten signature in cursive script that reads "J. Michael Stouffer".

J. Michael Stouffer  
Acting Commissioner

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## **I. General Administrative Information**

### **A. Division of Correction (Division) Organization**

The Commissioner of Correction is in charge of the entire Division. A warden manages each institution and a facility administrator manages each pre-release facility. The Division gives inmates access to programs and services without regard to race, religion, national origin, sex, disability, or political belief. If a program or service proves to be harmful to the health, safety, welfare or the order of the institution, the Division will not allow inmate participation.

### **B. Non-DOC Housing**

When an inmate committed to the custody of the Commissioner of Correction is housed in a non-DOC facility, the rules and regulations of that institution shall apply to the inmate except where their application would be contrary to law.

### **C. Initial Assignment**

The Division has two reception, diagnostic and classification centers to classify inmates to a security level and assign them to housing. The Maryland Reception, Diagnostic and Classification Center (MRDCC) in Baltimore classifies males. The Reception, Diagnostic and Classification Center within the Maryland Correctional Institution for Women (MCIW) in Jessup classifies females. The reception centers are classified as administrative security, which means they have multiple security levels. At these reception centers, inmates will go through the identification process (fingerprinting and photographing), have a medical screening, and be given tests. A case management specialist will interview inmates. The information from the interview, the test results and the inmate's criminal history will be used in an inmate's classification.

After fingerprinting and photographing at MRDCC, nonviolent male offenders convicted in Baltimore City courts and sentenced to short terms may be immediately transferred to the Metropolitan Transition Center (MTC) to complete the diagnostic and classification process under the Departmental Intake and Admissions Program.

### **D. Security Levels**

The security level of a prison is based on physical features that help control inmate behavior and prevent escape. The Division has prisons with six security levels:

1. **Maximum Level II** is the highest security level for special problem males who have shown a pattern of violence or institutional misconduct, or are very high escape risks. Assignment to this security level involves a reduction in programs and privileges. Inmate movement is highly restricted and under close direct supervision.
2. **Maximum Level I** security prisons confine inmates who pose a high risk of violence, are escape risks, have a history of serious behavior problems, or are likely to have serious

behavior problems. Movement is supervised and scheduled.

3. **Medium Level II** security prisons confine inmates who pose a risk of violence, are above moderate risk of escape, or who have demonstrated through institutional adjustment that they do not require maximum security status.
4. **Medium Level I** security prisons confine inmates who have some risk of violence, moderate risk of escape, or a limited history of behavior problems. Housing units are under continuous supervision and movement is scheduled.
5. **Minimum** security facilities have fewer security features and confine inmates having less risk of violence or escape and a satisfactory behavior record. Movement within the facility may occur with or without direct supervision.
6. **Pre-Release** is the lowest security level. Pre-release facilities have the fewest security features. This level is for inmates who present the least risk of violence or escape and have established an excellent record of acceptable behavior. Inmates may have access to the community for work release, special leave, compassionate leave and family leave.

**Administrative security facilities** have multiple security levels and a unique role and mission.

#### **E. Institutions and Facilities**

##### **BALTIMORE REGION**

**Maryland Reception, Diagnostic and Classification Center (MRDCC)** is an administrative security facility in Baltimore. Intake at MRDCC is comprised of all adult males committed to the Division, as well as all technical parole violators and escapees. Inmates are transferred from MRDCC to maintaining facilities after evaluation and classification.

**Maryland Correctional Adjustment Center (MCAC)** is a maximum level II facility in Baltimore, which provides a highly structured program with limited inmate movement and limited recreational, library and educational services for special education eligible inmates. GED testing is available.

**Metropolitan Transition Center (MTC)** is an administrative security facility located in the former Maryland Penitentiary complex in Baltimore. Inmates with short sentences are transferred to MTC where they are provided services to prepare them for transition to be released. The State Department of Education offers adult basic education, adult secondary education (GED) and library services. Addictions, social work and religious services are also provided.

Administratively, the following Baltimore pre-release facilities are managed by the warden of MTC:

**Baltimore Pre-Release Unit (BPRU)**

**Baltimore City Correctional Center (BCCC)**

**Dismas House, Inc. – East** (contractual pre-release facility)

**Dismas House, Inc. – West** (contractual pre-release facility)

**Threshold, Inc.** (contractual pre-release facility)



## **Division of Parole and Probation Pre-Release Program:**

**\*\*Central Home Detention Unit (CHDU)** is a pre-release program for eligible inmates from the Baltimore Metropolitan area. CHDU allows inmates to live in approved private residences and work in the community. Supervision is conducted by electronic monitoring equipment and intensive 24-hour oversight. Public service or gainful employment is mandatory, and substance abuse, school, and self-help programs may be required as a condition of placement.

## **EASTERN SHORE REGION**

**Eastern Correctional Institution (ECI)** is a medium level I facility located near Princess Anne. Educational programs include basic and adult secondary education (GED), a college program and library services. ECI has occupational training programs in auto mechanics, graphic arts, office practices, masonry, drafting and construction. On-the-job training is available in sewing, printing, and furniture refinishing through Maryland Correctional Enterprises (MCE).

**Eastern Correctional Institution-Annex (ECI-X)** is a separate minimum security facility in the Eastern Complex.

**Poplar Hill Pre-Release Unit (PHPRU)** is a pre-release security facility in Quantico that offers work release and other rehabilitative programs. PHPRU is under the authority of ECI.

## **HAGERSTOWN REGION**

**Maryland Correctional Training Center (MCTC)** is a medium level I facility in Hagerstown. MCTC offers educational programs in basic education, library services, adult secondary education (GED), and a college program. Occupational training is available in auto mechanics repair, auto body repair, graphics, HVAC, masonry, plumbing, electrical wiring and residential construction. On-the-job training in the manufacturing of modular office units is available through MCE. MCTC also has minimum and pre-release security housing units. Eligible inmates participate in work release.

**Maryland Correctional Institution - Hagerstown (MCI-H)** is a medium level I facility in Hagerstown. MCI-H offers programs in adult basic education, adult secondary education (GED) and library services. Occupational training programs include sheet metal and upholstery. MCE offers an apprenticeship program in meat cutting and on-the-job training in metal fabrication, upholstery and brush and carton manufacturing.

**Roxbury Correctional Institution (RCI)** is a medium level II facility in Hagerstown. RCI offers programs in adult basic education, adult secondary education (GED) and library services. Occupational training is available in office practices, auto mechanics, building maintenance, masonry, computer literacy, and drafting. MCE offers manufacturing jobs in graphics, recycling and agriculture.

## **JESSUP REGION**

**Maryland Correctional Institution - Jessup (MCI-J)** is a medium level I facility in Jessup. MCI-J offers adult basic education, adult secondary education (GED), and library services. Occupational

courses include auto mechanics, and apprenticeship training in food services. MCE offers manufacturing jobs in graphics.

***Maryland Correctional Institution for Women (MCIW)*** in Jessup is the only major prison for women. It contains its own Reception, Diagnostic and Classification Center. This administrative security facility includes maximum, medium, minimum security and pre-release housing. At MCIW, courses are available in adult basic education, adult secondary education (GED), college programs and library services. Also offered are occupational programs in office practices, and multi-occupational construction trades. On-the-job training is available in sewing, bulk mailing services and data entry. MCE offers training and employment in CADD design and planning. A parenting program is available for pregnant inmates and female inmates with children. Under the authority of MCIW is the **Baltimore Pre-Release Unit for Women (BPRUW)**, which offers work release and other rehabilitative programs for females.

***Jessup Correctional Institution (JCI)*** is a maximum level I institution in Jessup. Adult basic and adult secondary education (GED), post-secondary education and library services are offered. MCE offers manufacturing jobs in sewing.

#### **WESTERN MARYLAND REGION**

***Western Correctional Institution (WCI)*** is a maximum level I institution in Cumberland. Adult basic, adult secondary and post-secondary education services are available as well as library services. MCE offers manufacturing jobs in furniture.

***North Branch Correctional Institution (NBCI)*** was initially opened as an adjunct to Western Correctional Institution (WCI) in 2002.

#### **MARYLAND CORRECTIONAL PRE-RELEASE SYSTEM**

***Maryland Correctional Pre-Release System (MCPRS)*** has six minimum and pre-release units throughout the state and an administrative headquarters in Jessup. Some of these units offer work release and other rehabilitative programs for males. MCPRS units have adult basic education and adult secondary education (GED) programs as well as occupational education at selected locations. At some locations community agencies provide these educational services. Employment readiness workshops are offered at several locations. Most units provide work details and road crews for county and state agencies. MCPRS headquarters oversees contractual pre-release units operated by private and local government agencies. The units in the MCPRS are:

##### **Minimum Security Facilities:**

Brockbridge Correctional Facility (BCF)—Jessup  
Central Laundry Facility (CLF)—Sykesville  
Herman L. Toulson Correctional Boot Camp (TBC)—Jessup  
Jessup Pre-Release Unit (JPRU)—Jessup

##### **Pre-Release Security Facilities:**

Eastern Pre-Release Unit (EPRU)—Church Hill  
Southern Maryland Pre-Release Unit (SMPRU)—Charlotte Hall



**Community Adult Rehabilitation Centers:**

Montgomery County Pre-Release Center—Rockville

Cecil County Community Adult Rehabilitation Center—Elkton

**Community Adult Rehabilitation Center (CARC):** A case management specialist can tell an inmate if he/she is eligible to transfer to a CARC. The first qualifications include being from a CARC catchment area and being in pre-release security level. If an inmate is from Montgomery County or Cecil County and in pre-release security level, his/her case management specialist can provide information about the CARCs in Cecil County (males and females) and Montgomery County.

**Herman L. Toulson Correctional Boot Camp (TBC)** is a minimum security facility in Jessup with a military-style environment. TBC emphasizes academic education, accepting responsibility, a positive work ethic, developing self-esteem, accepting challenges, getting along with others, personal motivation, physical well-being, respect for authority, self-discipline and self-help programs.

**PATUXENT INSTITUTION:**

**Patuxent Institution** and its programs are not part of the Division of Correction. Patuxent is for males or females who need and want specialized treatment. Patuxent's director reports to the Secretary of Public Safety and Correctional Services. Adult basic, adult secondary and occupational education are provided by the State Department of Education.

An inmate can ask to be referred to Patuxent for evaluation; the following people can also make a referral:

- The sentencing judge;
- The state's attorney of the jurisdiction in which the inmate was last convicted;
- The Commissioner of Correction or a Division employee.

An inmate can be referred to Patuxent for evaluation if he/she:

- Has three years left to serve;
- Has not been at Patuxent in the last three years;
- Is not excluded by Maryland law; and
- Meets criteria established by the Secretary of Public Safety and Correctional Services.

If an inmate goes to Patuxent, staff there will decide if he/she should remain for treatment as an eligible person. If an inmate remains at Patuxent, he/she will be under Patuxent's rules and regulations and not under the rules and regulations of the Division. Patuxent has academic and occupational programs, work release program, and a parole system. An inmate may return to the Division upon request.

**The Patuxent Youth Program** is for males and females who, at the time of sentencing, are 21 years

old or younger. The Patuxent Youth Program is not voluntary. If a judge recommends a youth for the program and following assessment, the youth is accepted into the program, the youth remains in the program unless discharged by the director or released.

Division inmates may be transferred from MRDCC to Patuxent for temporary housing. Also, the Division's mental health services are located at Patuxent in the Correctional Mental Health Center-Jessup (CMHC-J). Inmates sent to Patuxent for the CMHC-J or for temporary housing are not in the Patuxent program.

#### **F. Maryland Correctional Enterprises (MCE)**

Formerly named State Use Industries, MCE is the prison industry branch of the Division, which provides jobs and training for inmates while using their labor to produce saleable goods and services. MCE is financially self-supporting. The program provides meaningful work experience for inmates to improve their work habits, attitudes, and skills with the goal of improving employability upon release. MCE encourages educational achievement and hires inmates who have earned their high school diplomas or GED and have been free of rule violations for at least three months. In addition to training and employing inmates, MCE offers a job placement service to assist former inmates in obtaining private sector employment.

## **II. Institutional Living**

Many rules that protect people in society also apply to inmates in institutions. The Division of Correction has its own rules. Rules protect inmate rights and the rights of others. Below are some rules inmates are to follow. Inmates will also be told rules for each institution they enter. *It is an inmate's duty to know these rules.*

#### **A. Inmate Responsibilities**

An inmate must learn and follow all prison rules. If an inmate is not sure about any rule, he/she should ask his/her case management specialist or a staff member. Inmates will receive a list of prison rules from the staff at each institution they enter. Inmates will be informed of changes in the rules. It is an inmate's duty to know the rules. Inmates *must* do the following:

1. Obey all rules, regulations, and lawful commands from any official in the institution.
2. Respect the rights and property of officials, employees, inmates, and visitors.
3. Follow the rules about clothing in each institution; some have uniforms and others do not. The Division prohibits trading, buying, and selling of clothing with other inmates or staff.
4. Be responsible for keeping body and clothing clean and neat. Each facility will have procedures for washing clothes. Check the institutional handbook or orientation materials.
5. Remain properly clothed except while attending to personal hygiene.
6. Keep living areas clean. The facility will give out cleaning materials to do this. Any problem an inmate has in keeping his/her area clean must be reported to the officer on duty.
7. Be responsible for his/her personal property. Anything lost, destroyed, or stolen is the inmate's responsibility. The Division is responsible only if it is proven that the loss or destruction was the result of neglect by an employee. Inmate property must be registered in

his/her name. Inmates must keep papers to show ownership of property. An inmate may not trade, buy, sell, give away or receive any property or possessions without the approval of prison staff. Any unauthorized property will be confiscated. Allowable property is listed in the DCD on inmate property, except for inmates at MRDCC, MCAC, MCIW or MCPRS. Inmates at these prisons are to check the institutional handbook or orientation materials for the allowable property list.

8. If necessary, write only business (not personal) letters or notes to staff.
9. Be responsible for the condition of each state-owned item assigned to him/her. This includes books or materials issued to an inmate by the school or library. An inmate should always check any new housing area or property he/she is assigned. Inmates are to report any lost, damaged, destroyed or altered items. An inmate is financially responsible for damage, loss, etc., that is his/her fault.
10. Take prescribed medicine as directed.
11. Submit him/herself or his/her property for search upon request. Care will be taken to prevent any damage, abuse or loss of inmate property. When assigned to a cell or bunk area, an inmate is responsible for checking the area and immediately reporting to the housing officer any unauthorized materials that he/she finds.
12. Follow the rules about telephone calls at his/her facility, using the Automated Inmate Telephone System (AITS) for collect, debit or pre-paid calls. An inmate must not abuse telephone privileges, make harassing calls or use another inmate's I.D. number to make a call.

## **B. Special Housing Areas**

Most prisons in the Division have three types of special housing: disciplinary segregation, administrative segregation, and protective custody.

**Disciplinary Segregation** isolates an inmate from the general population for punishment. An inmate may only be placed on disciplinary segregation when found guilty of a rule violation. All inmates on disciplinary segregation will be allowed showers and out-of-cell periods. Privileges such as telephone use, radios, televisions and movies are NOT allowed. Inmates receive meals in their cells. They receive regular medical and dental care. Mail privileges are not restricted, but visiting privileges may be restricted. Reading material may be requested through the institutional library. Only commissary items approved by the warden may be ordered. Failure to obey the disciplinary segregation rules may result in restriction of privileges. If an inmate is found guilty of a new rule violation while in disciplinary segregation, he/she may lose visiting privileges.

**Administrative Segregation** can be used to isolate an inmate from the general population for the following reasons:

1. preventing escape
2. inability to conform to rules and regulations
3. pending investigation
4. before placement on protective custody
5. medical or mental health reasons

The warden or warden's representative may place an inmate on administrative segregation. A case management team must hold a hearing within five days to decide whether the inmate should be continued on this status. Inmates on administrative segregation have, as much as possible, the same privileges as general population inmates.

**Protective Custody** can be used to ensure an inmate's safety. Inmates may be placed on protective custody for the following reasons:

1. the inmate cannot be safely housed in general population in any institution that is consistent with the inmate's security level;
2. the inmate is in danger of harm and is in need of protection;
3. verified information shows that the inmate would be in danger if housed in the general population;
4. the inmate has physical traits or health-related issues making him/her susceptible to harm;
5. any other valid reason to show that the inmate is in danger of harm.

### **C. Disciplinary Procedures**

Inmate rules of conduct have been created to provide for public safety, institutional security, and the safety of staff, inmates, and visitors. It is required and expected that inmates shall obey the rules of conduct. The rules of conduct also apply to an inmate when in the community, whether or not under the supervision of staff.

Whenever staff determines that an inmate has committed an offense involving the rules of conduct, a written report shall be filed citing the inmate's conduct and rule violations. This report will then be served on the inmate and will serve as notice of a pending disciplinary hearing. The inmate may then appear for a hearing that shall provide due process for the inmate and a decision as to any violation of a rule.

Sanctions will be imposed on an inmate when convicted of a rule violation. Sanctions are established for the purpose of deterring inmate violations of the rules of conduct and are measured by the degree of violation, the inmate's previous violation history, and policy.

An inmate has the right to appeal any rule violation conviction and/or any sanction imposed. Inmates must follow the established appeal process as provided. Inmates, where applicable, are prohibited from appealing disciplinary hearing procedures and process, hearing decision, or sanction through the Administrative Remedy Procedure.

To better understand the inmate rules of conduct, disciplinary hearing procedures and process, sanctions, and the rights of appeal, an inmate may contact the institutional inmate library. All directives associated with the inmate disciplinary hearing process are referenced in the inmate's institutional library and available for review.

## **III. Classification/Case Management**

### **A. Classification Process**



The classification process begins when an inmate enters the Division and continues throughout the inmate's incarceration until release. Case management staff makes classification recommendations. Case management recommendation is necessary to start or make changes in:

- security levels and institutional transfers
- institutional job and program assignments
- family leaves
- special leaves
- work release
- restoration of revoked good conduct credits
- CARC transfers
- Interstate Corrections Compact transfers
- disciplinary segregation
- administrative segregation
- protective custody

Most case management recommendations must be reviewed by a higher authority. Depending on the recommendation, the higher authority is either the warden, someone acting for the warden, the Commissioner, or someone acting for the Commissioner. The inmate's case management specialist will advise him/her of the final decision.

An inmate may present his/her opinions and requests for assignments to case management staff. An inmate may refuse to participate in programs and treatment, except work and mandatory remediation programs.

If an inmate believes that case management staff did not follow the proper procedures, he/she may use the Administrative Remedy Procedure. If an inmate believes a case management recommendation or decision is improper or incorrect, he/she may discuss it with staff at the inmate's institution or appeal to the Inmate Grievance Office, but the appeal cannot be filed as an administrative remedy.

Within 15 working days of an inmate's reception date, he/she will see case management staff. Case management staff will use a numerical point system to assign an initial classification security level based on these factors:

- Severity of current offense
- Length of time left to serve on sentence
- Type of detainer
- Prior major adult incarcerations
- History of escapes
- History of violence
- Prior institutional adjustment
- Age



Based on the inmate's score, the classification instrument will recommend his/her security level. Case management staff will then recommend a security level and send it to Division headquarters for a final decision. The recommendation may be different from the instrument recommendation. An inmate will be sent to a prison that houses inmates in that level.

While an inmate is incarcerated, he/she will have a classification hearing no less than once every 12 months if he/she is in maximum, medium, minimum or pre-release security. Inmates in minimum security get a hearing no less than once every six months, if they are within two years of an anticipated release date. The inmate's case management specialist will see to his/her timely reclassification. At reclassification, the inmate's security assessment will be re-scored. An inmate will also be scored on other factors known as institutional variables. They are:

- Estimated time remaining to serve
- Time since last rule violation
- Seriousness of rule violations
- Frequency of rule violations
- History of substance abuse while incarcerated
- Job and program performance

An inmate's total score on these factors shows whether his/her current security should increase, remain the same or decrease. An inmate can improve his/her reclassification score by maintaining a good adjustment and doing well in inmate assignments.

However, inmates convicted of the following offenses are excluded from reduction below medium security, unless **within two years** of a mandatory supervision release date, maximum expiration release date, or delayed parole release date contingent upon transfer to lesser security:

- An inmate who has escaped within the last five years and does not meet the criteria for a maximum security exclusion
- An inmate who has two or more escapes and does not meet the criteria for a maximum security exclusion
- An inmate who has escaped from minimum or pre-release security during the current term of confinement
- An inmate who was convicted of a new criminal offense committed during the present term of confinement or while out on escape
- An inmate who is serving a term of confinement that includes a conviction for:
  - rape or rape in the first or second degree;
  - sex offense in the first, second or third degree;
  - sodomy;
  - sex offense of a child under the age of 18 under Maryland law, or charged with child abuse and convicted of a lesser related offense (unless found guilty of child abuse); or
  - assault with intent to commit, attempt to commit, conspiracy to commit, solicitation or being an accessory to any of the aforesaid offenses
- An inmate who is serving a life sentence with all but a specific term of years suspended.

An inmate in any of the following exclusionary categories shall not be reduced below maximum security unless approved for a delayed parole release contingent upon transfer to lesser security, or unless **within one year** of a release date:

- An inmate who escaped from or attempted to escape from maximum or medium security during the current term of confinement
- An inmate who has two or more escapes or attempted escapes from secure confinement, any one of which was within the last 10 years.

## **B. Case Management Plan**

The Case Management Plan (CMP) is a method of deciding in what programs an inmate will enroll and when he/she will participate. There are three phases to CMP:

1. **Assessment Phase** - This phase determines an inmate's needs for programming. Information is gathered from social work, addictions counseling, education, case management, medical and other departments. This phase begins at MRDCC, MTC or MCIW and continues at the maintaining institution.
2. **Program Plan Development Phase** - In this phase, case management will help an inmate develop a detailed program plan up to his/her parole release date. This plan may include programs such as substance abuse treatment, academic training, occupational training or transfers to lower security and work release.
3. **Implementation Phase** - When a program plan is developed, the inmate's case management specialist will monitor his/her progress to determine if the plan is being followed. The case management specialist can make changes in the plan whenever necessary.

An inmate should see his/her case management specialist to find out if he/she will be eligible.

## **C. Mutual Agreement Plan**

The Mutual Agreement Plan (MAP) is a voluntary program similar to CMP, but MAP guarantees a parole release date if the inmate completes the programs in his/her plan. A written MAP agreement shows the programs and explains what an inmate must do. An inmate should see his/her case management specialist if interested in MAP. These are the steps in the MAP process:

1. The inmate's case management specialist will find out if he/she meets the eligibility criteria explained in Division policies and procedures that are in the library.
2. If eligible, the inmate will receive an orientation packet that explains MAP.
3. The inmate's case management specialist will help him/her develop a MAP proposal. The proposal may include school, shop, substance abuse and work release programs.
4. If the Parole Commission agrees to MAP with an inmate, he/she will have a MAP negotiation hearing where the inmate will discuss his/her plan with the Parole Commission and the Division of Correction. If all agree to the plan, the inmate will sign a MAP. If any party does not agree, the inmate will not get a MAP. The Parole Commission could agree to

a modified version of the proposed MAP.

5. Once an inmate signs a MAP agreement, he/she must complete all the requirements. If this is done, the inmate will then be paroled on the date in his/her MAP agreement.

## **IV. General Inmate Information**

### **A. Orientation**

Upon entering a prison, an inmate will attend an orientation session and/or receive written orientation materials about the programs and operations of that prison.

### **B. Inmate Rights**

An inmate may not be subjected to bodily punishment, personal abuse, personal injury, disease, property damage, harassment or use of unnecessary force. An inmate cannot be a part of a medical, drug or cosmetic experiment. Inmates will be restrained only when necessary and with the least amount of force necessary.

Staff of an inmate's assigned institution will advise him/her what to do in an emergency, such as an evacuation or fire. If inmates have any questions about these instructions, they should ask a correctional officer. Inmates are to follow the directions of staff during an emergency.

Inmates may not be controlled or supervised by other inmates.

Inmates have equal access to all programs, services and activities without regard to race, religion, national origin, sex, disability, or political beliefs. If an inmate believes that his/her rights were violated, he/she should contact the warden.

Food is to never be used as punishment or reward.

An inmate is entitled to:

1. Nutritional and well-balanced meals. A special diet may be prescribed for an inmate by the medical department. Pork products are not served. An inmate may register for a lacto-ovo (vegetarian) diet. If so, an inmate may only change this dietary preference after six months, upon transfer to another institution, or upon change in his/her religious preference. The schedule for meals will be posted or will be in the institutional handbook or orientation materials.
2. Access to health care
3. Sufficient clothing, personal hygiene, bathing and bedding items
4. Access to courts and lawyers
5. Practice his/her religion if it does not conflict with institutional rules
6. Send and receive mail according to Division rules
7. Have postage for seven letters a week (if an inmate has no money)
8. Make requests and state his/her opinions about his/her classification to the case management department

9. Refuse to participate in programs except those that are mandatory
10. Receive special education services set forth in federal and state law, if the inmate is under 21 years old and has a disability that interferes with his/her learning
11. Access to news media according to Division rules
12. Be informed of the rules and regulations and to have an impartial hearing if he/she gets a notice of rule violation
13. Regular exercise and recreation periods when possible
14. Timely computation of good conduct, work time and special project credits
15. Access to the Administrative Remedy Procedure and the Inmate Grievance Office
16. Proper and secure storage of the personal property taken from him/her by staff
17. Wear clothing and hair as he/she wishes, if it does not violate institutional rules and is safe and clean.

### C. Identification (I.D.) Cards

All inmates will receive an identification card when they enter the Division. If an inmate loses his/her I.D. card, he/she must pay for a new one. An inmate must also pay for a replacement if it is stolen or damaged. An inmate must always carry the I.D. card and show it whenever asked to do so. The warden or facility administrator may require that an inmate wear the card when in certain areas or at certain times. If an inmate possesses another inmate's I.D. card, he/she shall be subject to disciplinary action. An inmate must immediately report the theft of his/her I.D. card to a correctional officer.

### D. Money

All inmates must turn in all money when they enter the Division. An inmate's money is placed in an account. An inmate will get a receipt for the money. An inmate's account follows him/her when he/she transfers from institution to institution. This account is a record of the following:

1. Money inmate had at entry
2. Money sent to the inmate from outside sources
3. Money paid for work
4. Money taken out of the inmate's account for purchases or other payments

There are two parts to an inmate account: **Reserve Account** and **Active Account**. The reserve account has money an inmate may not spend. The Division set up this account so the inmate will have money upon release. Some of his/her money goes into the reserve account every month until the account reaches a certain level. The inmate must have the warden's permission to spend money from his/her reserve account.

Inmates may spend money from their active account. Money from relatives or other sources goes into the inmate's active account. The inmate can use money from his/her active account to buy items from the commissary. *An inmate may send money outside from the active account, but he/she must have approval to do so.* An inmate needs special approval from the warden to send certain amounts.

Each prison has a variety of work assignments, jobs, and educational and occupational programs.



Most of them pay a daily wage. An inmate should check with his/her case management specialist to find out more about these assignments.

An inmate may not have money in his/her possession unless he/she is in the pre-release system (except Brockbridge Correctional Facility). This includes cash, checks, money orders, or any other form of currency. In the pre-release units, an inmate may possess spending money. An inmate cannot have more spending money than the rules allow.

An inmate may have a savings account in a bank. If the inmate escapes, his/her money is held or frozen until he/she returns. The Division may use this money to pay any travel costs to return the inmate. After a hearing, this cost may be deducted from the escaped inmate's account. If there are any questions about inmate money, an inmate is to see his/her case management specialist.

## **E. Sentence Calculation and Awarding of Diminution of Confinement Credits**

### **Generally:**

In accordance with Maryland law, inmates sentenced to the Division are entitled to earn diminution credits to reduce the length of their confinement.

**Term of Confinement:** the aggregate of all sentences—from the first day of the sentence beginning first to the last day of the sentence ending last (the maximum expiration date).

**Maximum Expiration Date:** the last day of the sentence ending last. **Example:** A term of five years beginning January 1, 2006 will expire January 1, 2011.

### **Types of Diminution Credits:**

**Local Credits:** are awarded by a local detention center for the period an inmate was held before sentencing. The Division applies local credits upon receipt of written certification from the local detention center if the sentencing court awarded credit for time served before sentencing. An inmate must direct concerns related to the awarding of credit for time spent in custody before sentencing to the sentencing court. An inmate must direct concerns related to the awarding of local diminution credits to the detention center where he/she was held before sentencing.

**Good Conduct Credits:** are awarded in advance over the period of the term of confinement from the date the inmate is sentenced to the custody of the Commissioner to the maximum expiration date of the term of confinement. Good conduct credit is awarded at the rate of:

- 5 days per calendar month, prorated for partial months, for terms imposed before 10/1/92 and for terms imposed on or after 10/1/92 that include a sentence for a crime of violence or a crime involving manufacturing, possession or distribution of CDS;
- 10 days per calendar month for all other inmates.



**Work Task (Industrial), Educational and Special Project Credits:** are awarded each month based on job and program participation. An inmate must be assigned by case management to receive credits for job or program participation. Credits shall not be awarded for volunteer job and program participation.

**Limits on earning diminution credits:**

For terms imposed **on or after** 10/1/92, a maximum of **20** days per calendar month.

For terms imposed **before** 10/1/92, a maximum of **15** days per calendar month.

**Revocation of diminution credits by the Division:** If the inmate violates the Division's rules of discipline, the inmate's good conduct or special project credits may be revoked. These credits may be restored at the discretion of the Division. Educational and industrial credits may not be revoked.

For a term that is greater than 12 months, diminution credits are deducted from the maximum expiration date of the term to establish a **mandatory supervision release date**. For a term that is 12 months or less, diminution credits are deducted from the maximum expiration date to establish an **expiration of sentence release date**. The release date is the date an inmate will be released if not granted parole, unless he/she is serving a life sentence. An inmate serving a life sentence may only be released if granted parole by the MPC or by court order. If an inmate is serving a life sentence with the possibility of parole, time credits will affect his/her parole eligibility date.

**Release by Expiration of Sentence:** is an unconditional release, and the individual is not subject to supervision.

**Mandatory Supervision Release (MSR):** once an inmate serving a term of confinement of over 12 months has been awarded a sufficient number of diminution credits, the inmate is released on mandatory supervision. While on mandatory supervision release, the individual is subject to the same laws and conditions as parolees, and is supervised by the Division of Parole and Probation. The individual is on mandatory supervision until the maximum expiration date of the term of confinement.

**Revocation of Parole:** if the individual violates the conditions of parole, the MPC may revoke the release and require the individual to serve the balance of the term of confinement, less credit for time between release and revocation ("street time") allowed within the discretion of the MPC.

If the inmate is sentenced to imprisonment for a crime committed while on parole, credits awarded before the inmate was paroled may not be applied to the inmate's term of confinement.

**Revocation of MSR:** If the individual violates the conditions of mandatory supervision release, the MPC may:

- revoke the release and require the individual to serve the balance of the term of confinement, less credit for time between release and revocation ("street time") allowed within the discretion of the MPC, and
- revoke **any or all** of the credits previously awarded before mandatory supervision release.

If the inmate is sentenced to imprisonment for a crime committed while on MSR, credits awarded before the release may not be applied to the inmate's term of confinement, even if the credits were not revoked by the MPC. (Effective 10/1/92 for **violent crimes** committed while on MSR, and effective 10/1/03 for **any crime** committed on MSR).

**Prohibition on earning additional diminution credits:** After mandatory supervision is revoked, the inmate may not earn any additional diminution credits on the term for which the inmate was on MSR. The inmate may earn diminution credits on any new sentences imposed after MSR.

The above is general information and does not include all the provisions of law that may be applicable to the calculation of an inmate's term of confinement. Specific questions or concerns should be submitted in writing to the regional commitment office where the inmate is housed.

#### **F. Access to Records**

An inmate's case record is confidential. An inmate may review certain materials in his/her records. An inmate may also authorize others to review materials in his/her records. For information on how to do this, an inmate should check his/her orientation materials or ask his/her case management specialist.

#### **G. Interstate Corrections Compact (ICC)**

The Division has ICC agreements with several states that could allow an inmate to serve his/her Maryland sentence in another state if he/she is unable to be safely housed in any Maryland prison, or if he/she is determined by the Commissioner/designee to be a special management case.

If the Commissioner/designee approves an inmate's transfer, the referral packet then goes to the other state with a request for them to accept this transfer. If the other state accepts the inmate, the actual transfer occurs when transportation arrangements are completed. The inmate's case management specialist will notify him/her of the final decision.

If an inmate transfers under the ICC, all decisions regarding case management will be made under the rules of the other state. However, the MPC will still have authority over the inmate's parole. The Division will update the inmate's mandatory supervision release date from progress reports from the other state.

ICC transfers are intended to be permanent, but either state may request an inmate's return. If an inmate is returned, it will be to the institution from which he/she was transferred.

#### **H. Sex Offender Registration**

If an inmate is identified as a child sex offender, or as a sex offender, sexually violent offender or sexually violent predator by Maryland law, he/she must register as one of these types of offenders prior to release from the custody of the Division. Refusal to register will result in the loss of good conduct credits at a disciplinary hearing, which will delay an inmate's mandatory supervision release

from the Division. Additional criminal charges will be brought against the inmate, which may result in an additional sentence or fine, or both.

#### **I. DNA Sampling**

Effective October 1, 2002, Maryland law authorized the Maryland State Police to take DNA samples from inmates who are convicted of felonies and certain offenses. The sample requires a saliva specimen and is painless. Failure to provide a sample will result in the loss of visiting privileges indefinitely, the loss of all good conduct credits, segregation time and an unfavorable report made to the MPC.

#### **J. Repatriation (Return to Country of Birth)**

If an inmate is a citizen of a foreign nation, it may be possible for him/her to serve his/her Maryland sentence in that country. The U.S. has treaties with certain countries that allow repatriation of incarcerated persons. An inmate must be able to prove citizenship in the country or territory.

#### **K. Mail**

Mail is correspondence, written materials, or publications. This includes, but is not limited to, letters, books, newspapers, magazines and other publications, addressed to or from an inmate. These items may be leaving or entering a Division facility via the U.S. Postal Service, or via a recognized courier system. This definition includes written communication between inmates within an institution. Only inmates who are immediate family, or co-defendants in an active legal action, may correspond. Correspondence between inmates is subject to inspection by staff at the sending and receiving institutions. All correspondence between inmates must be sent via U.S. Postal Service.

**Legal Mail** is identified on the envelope as from a court, judge, clerk of court, attorney-at-law, the American Civil Liberties Union, PRISM, Inc., Legal Aid Bureau, Commissioner of Correction, the Governor, Attorney General, Member of Congress, Maryland General Assembly, the Secretary of Public Safety and Correctional Services, Inmate Grievance Office, or Office of Administrative Hearings, when received on official stationery of the aforementioned persons or agencies. It is also mail addressed from an inmate to any of the above persons or agencies. Legal mail may be opened and inspected only in front of the inmate to whom it is addressed.

**Incoming Mail** must bear the inmate's name and Division identification number. It will be opened before delivery to the inmate and inspected only for money orders, cash, stamps, checks and contraband. Inmate mail will not be further reviewed unless there is evidence that it contains material that:

1. is contraband;
2. describes escape plans, devices or paraphernalia;
3. describes construction or use of weapons, ammunition, bombs, incendiary devices or other means of inflicting bodily harm;
4. describes procedures for brewing alcoholic beverages or the manufacture of drugs;
5. is in code;

6. is sexually explicit as stated in mail directives;
7. describes theory, design, or manufacture of prison security systems or equipment, including prison communication systems or equipment;
8. instructs in the commission of violation of Division directives that will produce a breach of security or order in the prison;
9. advocates or instructs the formation of inmate unions;
10. poses a direct and immediate danger of violence or physical harm to person(s) based upon current circumstances within the institution.

Outgoing mail may be sealed with the inmate's name, identification number, and name and return address of the institution on the envelope. Postage must be on the envelope, unless the inmate is indigent. If an inmate has less than \$4.00 in his/her active account for 30 days, he/she may be indigent. Indigent inmates can request postage and writing materials for seven letters each week. Indigent inmates may ask their case management specialists for additional postage and writing materials for legal mail. If the inmate has funds, his/her case management specialist can tell him/her how to use money from his/her account with his/her letter. Outgoing mail will be stamped to show that the mail is being sent by an inmate from a correctional institution and the date the mail was processed in the prison.

**Withholding Mail.** Incoming and outgoing mail, except packages, will not be held more than 24 hours, except on weekends and holidays, in unusual circumstances, or where it is shown that the mail contains materials described above. If mail is withheld, the inmate and the person who sent the mail to the inmate shall be afforded the following elements of due process:

1. The inmate will be notified that mail is being withheld 48 hours after the decision to withhold his/her mail. The notice will tell the inmate the reason the mail is withheld.
2. The person who sent the inmate the mail that is being withheld will receive written notice of the decision to withhold the mail and the reason for that decision.
3. The inmate and the person who sent the mail will be told how to appeal the decision to withhold the mail.

#### **L. Visits**

At reception, an inmate will complete a visitors' card of persons he/she would like to have as visitors. This list must be approved. To add or remove a name from this visitors list, an inmate should ask his/her case management specialist.

The inmate's lawyer and persons on official business can visit the inmate without being on an inmate's visiting list and will not be counted as a visit. A certified religious visitor must be recorded on an inmate's visiting list, but can visit the inmate without being counted as a visitor in the allowable maximum of 15 visitors. The warden or facility administrator must give permission before a visit from someone who is not on an inmate's visiting list. All visitors are subject to search.

To protect an inmate's visiting privileges, he/she must observe the rules for visits. ***Inmates are to NEVER give anything to, or accept anything from, a visitor.***

Each prison has specific visiting policies. An inmate should know the prison's policy on days, hours,



number of visitors allowed in one group, length of visits and number of visits per month. Otherwise, someone who comes may not be able to see the inmate. An inmate's case management specialist can give information about public transportation for his/her visitors.

The warden can deny a visit from anyone on an inmate's visiting list if there is good reason. Visitors may be denied entrance if they might be a threat to security, staff, inmates or the prison operations. Visits also may be denied where there has been a violation of visiting rules. ***Visiting privileges shall be suspended for six months the first time an inmate is found guilty of certain rule violations.***

***These rules are listed in the directive on disciplinary procedures. A second conviction will result in suspension of visiting privileges for 12 months; a third conviction will result in indefinite suspension of visiting privileges.***

#### **M. News Media**

If an inmate wishes to be interviewed by the media, the inmate may contact them by mail or have his/her family contact them. If a reporter wishes to interview an inmate and the inmate agrees to be interviewed, the inmate must sign a release form and get approval from the warden. The reporter's name will be placed on the inmate's visiting list and will be allowed to come in with a pencil and pad to conduct the interview; or, the inmate can make a collect call to the reporter and conduct the interview by phone. No inmate can be interviewed or photographed by someone from the news media without the inmate's written consent.

#### **N. Commissary**

The commissary is a store run by the institution. An inmate can buy hygiene items, snacks, and other items. If the commissary makes money, its profits go into the Inmate Welfare Fund. This money is for activities that benefit all inmates. All inmates will receive a list of rules for the commissary. Inmates will also receive a list of items for sale in the commissary at each prison. If an inmate is indigent, he/she may apply for welfare commissary.

#### **O. Institutional Work and Program Assignments**

All inmates must work unless they are unable to do so for medical, disciplinary, or safety reasons. Except for mandatory remediation programs, an inmate may decline to participate in academic or occupational training, self-help activities, or structured counseling. Some programs, such as domestic violence treatment, parenting and addictions treatment, require an evaluation by social work or addictions staff. Participation in these programs can speed up an inmate's progress within the Division of Correction. As of June 1, 2006, all substance abuse programs are mandatory remediation programs per case management policies and procedures.

Work assignments allow an inmate to learn new skills or practice the skills he/she already has. The inmate's work record is an important part of his/her institutional adjustment. It is a consideration at the inmate's parole and reclassification hearings.

Case management staff makes work and program assignments. Refusing a work assignment will subject an inmate to disciplinary action. Some prisons have a job bank to coordinate inmate



employment. The inmate's case management specialist can provide information on jobs available, rates of pay and job duties.

An inmate may have to take a job that is not his/her first choice. An inmate can change jobs if the case management staff approves a change. The pay an inmate earns will be placed into his/her account. An inmate can also earn industrial credit for his/her work and in some cases, special project credits.

#### **P. Detainers**

A detainer is a request from a criminal justice agency to be notified near the time of an inmate's release because of an open charge or unserved sentence in the agency's jurisdiction. Shortly before an inmate's release, the Division will contact the agency. If the agency still wants the inmate, he/she will be released to the agency and not to community supervision.

A detainer can be based on an arrest warrant, indictment, commitment order, letter, note, telephone call or other forms of communication. Not all detainers are for pending charges. A detainer may be filed against an inmate if he/she has a sentence to be served in a local jail or in another state. If a detainer is placed, the inmate will be notified by his/her case management specialist.

The inmate's case management specialist can help an inmate file for a speedy trial if the detainer is based on an untried criminal indictment, information or complaint. An inmate cannot file for a speedy trial for a violation of probation, violation of parole or contempt of court. If an inmate files for a speedy trial on an out-of-state detainer, he/she waives the right to fight extradition to the other state to stand trial or to serve any sentence he/she may receive at the trial. With a detainer, an inmate may get a higher security score at reclassification.

#### **Q. Escape**

Escape is a serious violation of Division of Correction rules and laws of Maryland. Escapes include walk-offs. All escapes are subject to disciplinary proceedings and may be prosecuted in a court of law. An escape is a felony with a maximum sentence of 10 years. Any escape sentence is consecutive and therefore is added to the inmate's original sentence. This sentence cannot be suspended. An escapee is also liable for all reasonable costs for return to the Division. It will affect any prior programs the inmate may have been involved in and will increase his/her security status. Also, if an inmate escapes from medium or maximum security during this incarceration, he/she will not be eligible for minimum or pre-release security until he/she is within 12 months of a definite release date.

#### **R. Leaves**

If eligible, an inmate may be allowed to leave the prison through an approved special leave, compassionate leave or family leave.

1. Special leave may be granted for pre-release security inmates to participate in designated community activities/programs. Only pre-release security inmates will be eligible.
2. Compassionate leave may be granted only to inmates in pre-release security in cases of very

- serious illness or death in the immediate family.
3. Family leave provides eligible and appropriate pre-release security level inmates with the opportunity to visit family at home for up to 48 hours.

Each type of leave has specific requirements and needs the approval of proper officials, including the Commissioner or designee. Their decisions include many factors, such as background information, criminal history and institutional adjustment. No leave is automatic, despite the situation. The inmate's case management specialist can tell him/her if he/she is eligible to apply. If an inmate gets approval for leave, he/she must follow specific instructions. Violations may result in disciplinary action, loss of future leaves and even criminal charges.

## **S. Property**

The Division has certain restrictions on allowable inmate property. An inmate will be told these restrictions as part of the prison orientation. The Division has a list of allowable inmate property. An inmate's property must be registered in his/her name, and he/she must have papers to show ownership of this property. An inmate may not sell, trade, give away or lend any property to another inmate, without the approval of the warden. Any unauthorized or disallowed property will be confiscated.

The **only** allowable property is listed in the appendix to the inmate property directive, unless the inmate is housed at MRDCC, MCAC, MCPRS or MCIW. If housed at one of these institutions, the inmate should check his/her prison handbook or orientation materials for any additions, substitutions, or restrictions to the Division's allowable property list.

At institutions where inmates wear uniforms, inmates will be provided with properly fitted, climatically suitable, durable and presentable clothing.

## **V. Services**

### **A. Medical**

All inmates receive medical and dental services. If an inmate is sick or injured, he/she should use a sick call form to request help. A nurse will pick up the slip and arrange for an appointment. An inmate will be considered on "sick call." An inmate may receive treatment in the dispensary, a regional infirmary, or in a local hospital depending on the seriousness of his/her condition. An inmate must cooperate with the doctor and staff when they prescribe treatment. The medical staff will decide whether the inmate may work or do other activities. The prison will follow the medical recommendations about work, other activities and/or diets. Inmates must not abuse medical services.

Maryland law requires an inmate to co-pay for medical services. This co-pay is decided by the medical provider. This medical co-pay is only for an initial sick call request by an inmate. There is no co-pay for all other health services (including emergency services, hospital services, physical examinations, chronic care, prenatal care, follow-up visits, referrals by staff, etc.). **NO INMATE WILL BE DENIED MEDICAL SERVICES AT ANY TIME BECAUSE OF LACK OF**

## **FUNDS TO MAKE THE CO-PAY.**

### **B. Mental Health**

To receive mental health services, an inmate may contact his/her case management specialist, the housing officer, obtain a referral through sick call or make a direct request in writing to the institutional psychology department to see a psychologist.

### **C. Education**

The State Department of Education provides an educational program at every maintaining prison and pre-release unit. Certified teachers provide educational programs, which include adult basic and adult secondary education. Adult basic education is for inmates who need to improve their reading, writing, and mathematic skills. Adult secondary education is for inmates preparing to take the high school equivalency examination. Special education is a program for inmates who have not reached their 21st birthday, who have not graduated from high school or its equivalent, and who have disabilities that interfere with their learning.

Beyond the high school level, there are post-secondary education programs at several institutions. These programs include occupationally related training and general studies. Courses are offered by local colleges and universities, as well as distance learning video courses endorsed by the American Council on Education. Inmates should contact their case management specialists or the principal of the institution for more information.

The Division and the State Department of Education take a strong stand on the importance of education. Persons committed to the Division after June 1, 1996 who are not high school graduates (or have not earned their GED) and have 18 months to be served must attend school successfully for 120 days. Students assigned to school under this policy receive a daily stipend. Mandatory education is a mandatory remediation program with serious consequences for non-participation.

Improving an inmate's education is important because it:

1. allows an inmate to qualify for occupational training
2. qualifies an inmate for employment with Maryland Correctional Enterprises
3. opens up opportunities for college
4. qualifies an inmate for institutional jobs
5. prepares inmates for employment upon release

### **Skill Training**

Many skill training opportunities will be available to inmates. The State Department of Education offers occupational education in many trade areas. Training is a combination of classroom and "hands-on" experience. Based on how quickly an inmate learns to do certain tasks or skills of the trade, this training will last about six months. The State Department of Education also contracts with community-based agencies to provide occupational training, and coordinates and approves these programs. Waiting lists for these programs are common.

Apprenticeship training is available in meat cutting and cooking. Apprentices work full-time and attend related classroom instruction. Hands-on training is provided through MCE or institutional assignment with the related classroom instruction provided by local community colleges. MCE offers less formalized training without classroom instruction. This is called on-the-job training and is available in MCE shops. MCE requires a high school diploma or GED for employment.

Institutional employment offers inmates the opportunity to develop work habits and skills in a practical work setting. Opportunities for learning and applying an inmate's skills are available in several departments, including food service and maintenance.

### **Occupational Skills Training Center (OSTC)**

The OSTC is a joint effort between the Division of Correction and the State Department of Education. The OSTC is an occupational/educational program that provides educational, skill and employment readiness training that will eventually lead to successful reentry into the community and to employment. A job developer assists recommended OSTC graduates to obtain trade-related employment. The OSTC offers seven occupational programs and is open to both male and female students. Male students reside at BCCC while female students reside at BPRUW.

### **Career Development Services**

When an inmate is released, finding a job is very important. Information on the job market can be found in the institutional library. Some libraries have special career centers to help inmates. They can help an inmate find out about different jobs. Inmates can find out what skills are needed for different jobs. Classes can help an inmate learn about getting a job and filling out an application or resume (a summary of a person's skills, education and work history). Inmates can also get help on how to get a copy of their social security card, birth certificate or I.D. The library also has information on groups who can help inmates after release.

### **Special Education**

If an inmate is under 21 years of age, not a high school or GED graduate and has trouble learning, special help may be available for him/her. If an inmate was in special classes in school, he/she will be considered for special education. Special education students have trouble reading, remembering, paying attention or listening. If an inmate is found to be eligible for special education, he/she will have an education plan (Individualized Education Plan). The inmate's parents or guardian will be asked to help set up this plan. The plan and services will help the inmate do better in school. Special education gives inmates legal rights. The teacher will talk to the inmate and his/her parents about these rights.

### **Library Services**

The State Department of Education provides library services. Maintaining prisons have institutional libraries. Inmates in the pre-release system have access to the Brockbridge Correctional Facility library by request. Prison libraries have a variety of books and information. They have DCDs, Institutional Directives, reference collections, newspapers, magazines, audiovisual equipment and



computer software. Information on community resources which can assist in an inmate's transition into the community is available in each library. A librarian will help an inmate find the information needed. Materials from other libraries may be available through interlibrary loan. Inmates can request photocopies of legal cases through the Legal Assistance to State Institutions (LASI) service and use a legal reference collection in each library. If an inmate misuses the library or library materials, he/she will lose their library privileges. Inmates will be charged for lost or damaged materials. An inmate must sign a borrower's agreement to use the library. Libraries are an important source of information available to inmates. Generally, inmates have the opportunity to visit the library weekly. Inmates in restrictive status can request library services through the institutional mail.

#### **D. Substance Abuse Treatment**

If an inmate has abused alcohol or drugs, the addictions specialist will help decide which treatment program best suits his/her needs. These include:

1. **Addictions Treatment Protocol (ATP)**, currently at MCTC, MCI-J, TBC, ECI, WCI, and MCIW, is a six-month cognitive behavioral program that utilizes skill-building techniques with an emphasis on pro-social behaviors.
2. **Residential Substance Abuse Treatment (RSAT) Program** at the Central Laundry Facility and Patuxent Institution for Women is a six-month intensive treatment program linked with post-release referral to community-based outpatient treatment centers.
3. **Regimented Offender Treatment Center (ROTC)** at Patuxent Institution is a four-month educational program that includes counseling and intensive planning focused on relapse prevention and subsequent return to incarceration.
4. **Intensive Treatment Program (ITP)** at MTC is a six-month treatment program that provides male inmates from Baltimore City with an intensive treatment program focused on substance abuse, emotional difficulties, and problems with crime.
5. **MCTC Therapeutic Community Program (MCTC TC)** at MCTC is a six-month modified therapeutic community program that addresses changing negative patterns of thinking and behavior through individual and group counseling; daily community meetings, where goals and objectives are reviewed, conflicts are resolved, and positive reinforcement is conveyed.

Inmates should see the addictions specialist or their case management specialist for more information about these programs.

#### **E. Social Work Counseling**

Social workers provide group counseling at institutions throughout the Division. The time span of these groups is about 10 to 16 weeks long. The groups meet twice a week for 90 minutes and help inmates at the most stressful times during their incarceration. Counseling is also provided to address problems of domestic violence and to increase parenting skills. Inmates are to consult social work staff at their facility about social work groups. Social workers help inmates with medical and mental health problems to plan for release and provide HIV pre-and post-test counseling.



## **F. Religious Programs**

Religious freedom will be observed. An inmate's opportunity to practice his/her religion is limited only by restrictions consistent with the safety, security, and order within the prison. Inmate participation in religious activities is voluntary. All prisons have religious programs. An inmate should see his/her case management specialist or the chaplain to find out the specific programs available and how to get into those programs.

## **G. Leisure Time and Recreation Activities**

Each institution can provide time and materials for individual and group projects. The programs may be different at each institution. An inmate can find out the programs offered at his/her institution at orientation or in his/her orientation materials.

## **H. Volunteer Activities**

All prisons have activities managed by the volunteer activities coordinator or designee that involve community volunteers. Examples are inmate organizations (such as service groups or leisure time groups), various educational programs and special entertainment events. An inmate may get details about these activities from his/her case management specialist or the volunteer activities coordinator. The volunteer activities coordinator welcomes inmate suggestions about what kinds of activities to offer.

## **I. Legal Services**

Inmates may have law books and other materials to read. The number of books and amount of material an inmate may have is based on the safety and security needs of the institution. Inmates may help each other with legal matters. Inmates may not charge each other for this help. An inmate may get help from:

1. his/her lawyer
2. A legal referral service or directory
3. Clerks of court
4. PRISM (Prisoner Rights Information System of Maryland, Inc.) - a group of attorneys who contract with the Department of Public Safety and Correctional Services to provide legal services to inmates with certain types of legal claims.
5. State Public Defender's Office
6. Trial judges (for special cases)
7. Institutional library (the library has law books, other legal materials and, in some institutions, typewriters.) Librarians may not give legal advice. They can help inmates in finding legal materials.

If an inmate needs legal help and cannot pay for a lawyer:

1. The courts will give an inmate a lawyer when his/her legal action falls under the Uniform Post-Conviction Procedure Act of the Annotated Code of Maryland.

2. The courts will give an inmate a lawyer when he/she makes a direct appeal to the Maryland Court of Appeals or Court of Special Appeals.
3. The U.S. District Court will give an inmate a lawyer when the court decides it is necessary.

If an inmate wishes to file a federal civil rights complaint, the inmate should ask his/her case management specialist for copies of the forms and instructions.

#### **J. Administrative Remedy Procedure (ARP)**

The Administrative Remedy Procedure (ARP) is a formal way to resolve complaints or problems that an inmate has been unable to resolve informally. Inmates may use the ARP for all types of complaints except the following:

1. case management recommendations and decisions
2. Maryland Parole Commission procedures and decisions
3. disciplinary hearing procedures and decisions
4. appeals of decisions to withhold mail

Full descriptions of the requirements of the ARP are in the library. Each institution has an Administrative Remedy Coordinator (ARC). The ARC is there to help inmates in getting forms, filling out the forms, and providing general guidance. An inmate's case management specialist may also answer questions about ARP.

Inmates should try to resolve problems informally by contacting the staff who can help verbally or submit an informal complaint form. When this does not work, an inmate may submit a formal "Request for Administrative Remedy" form to the warden that inmates can get from their case management specialists, housing unit officers or the library. Inmates must pay attention to the directions and filing deadlines on the forms.

The ARP has rights of appeal. An inmate may appeal the warden's response to the Commissioner. Then he/she may appeal the Commissioner's response to the Inmate Grievance Office (IGO) within 30 calendar days from the inmate's receipt of the Commissioner's response. The IGO will not accept complaints that can be handled through ARP, unless an inmate has already filed an ARP with the warden and appealed to the Commissioner. The next level of appeal after the IGO is the court.

#### **K. Inmate Grievance Office (IGO)**

The IGO reviews grievances and complaints of inmates against the Division of Correction or Patuxent Institution after the inmate has exhausted institutional complaint procedures, such as the Administrative Remedy Procedure. The IGO conducts a preliminary review of each complaint. Complaints received late or wholly lacking in merit are administratively dismissed without a hearing. Such dismissal is a final decision. Complaints that are not administratively dismissed are accepted and a grievance hearing date is set. Grievances are heard before an administrative law judge from the Office of Administrative Hearings, which is a state agency that makes decisions on grievances. The administrative law judge has the authority to issue subpoenas and administer oaths.

Hearings are held at the institution and may be conducted in person or via video conferencing

equipment. An inmate may, at his/her cost, have a lawyer at the hearing; or the inmate may have another inmate represent him/her. The Division does not have to transport inmates from one prison to another to represent an inmate. An employee selected by the warden will represent the agency. Witnesses may be examined or cross-examined, under oath, by the inmate or his/her representative. The hearing will be tape-recorded. The IGO and law judge have the right to review official records relating to a complaint and to subpoena evidence or witnesses. They may also examine and copy any documentary evidence, and have access to any person or institution being investigated or proceeded against.

The administrative law judge will issue a written Order which will find the case meritorious, meritorious in part, or dismissed. If the decision of the administrative law judge is that the grievance is dismissed, the Order is sent directly to the inmate by the Office of Administrative Hearings and is a final decision.

A final decision may be appealed to the circuit court of the county where the inmate is confined. It must be filed within 30 days of the date of the final decision.

Meritorious decisions and meritorious in part decisions are sent to the Secretary of Public Safety and Correctional Services. Within 15 days the Secretary affirms, reverses, or modifies the judge's Order, and directs the Order to be carried out. The Secretary's Order is a final decision.

### **Filing an IGO Complaint**

A complaint must be filed within 30 days of the date on which the Division's procedures have been exhausted, i.e., 30 days from the date of the disciplinary decision, case management decision, or ARP decision; or 30 days from the date the decision was due. The time limitation may be waived for a grievance that is a continuing problem. The grievance should include the following:

1. inmate's commitment name and number
2. date of correspondence
3. problem
4. person(s) involved
5. facts and evidence the inmate has about important details (give dates, times, and names of any person(s) involved, if known)
6. names and addresses of any witnesses the inmate has and the nature of their expected testimony
7. name and address of the person the inmate would like to appear at a hearing as his/her representative
8. ARP appeals with copies of the inmate's ARP complaints to the warden and the Commissioner, along with their responses, if any.

Mail it in a sealed envelope to:

Executive Director  
Inmate Grievance Office  
115 Sudbrook Lane – Suite 200  
Baltimore, MD 21208

## **L. Work Release**

The Division allows eligible pre-release inmates to participate in work release programs in the community. The work release privilege offers the inmate an opportunity to gain work experience and earn money. It also provides a chance to prove that an inmate is ready to reenter society and to continue working as a productive citizen.

## **VI. Parole**

Parole is a "conditional release" from prison. It allows an inmate to complete his/her sentence on the street under the supervision of the Division of Parole and Probation. Parole is not a right. The Maryland Parole Commission makes informed judgments about who is to be released on parole.

### **A. Maryland Parole Commission (MPC) Powers**

By law, the MPC has certain powers. It hears cases for parole release and revocation. The MPC may authorize parole of persons sentenced to six months or more in a correctional facility. The MPC may issue warrants for the return to custody of alleged violators of parole or mandatory supervision. It can revoke parole or mandatory supervision upon proof of a violation of the conditions of release and order an inmate's return to the Division to finish his/her sentence. The MPC recommends cases to the Governor for pardons, commutations of sentences, and parole of persons sentenced to life imprisonment. The MPC may negotiate and enter a MAP contract with an eligible inmate and the Division, setting a predetermined parole release date. An inmate's institutional progress, participation in recommended educational, occupational, substance abuse and other available programs will be taken into consideration at his/her parole hearing.

### **B. Parole Process**

Definition: "Violent Crimes"

A "violent crime" committed **before October 1, 1994** means any of the following offenses:

1. abduction;
2. arson first degree;
3. burglary (common law or statutory);
4. carjacking or armed carjacking;
5. child abuse;
6. escape;
7. housebreaking;
8. kidnapping;
9. manslaughter, except involuntary manslaughter;
10. mayhem;
11. murder;
12. rape;
13. robbery and robbery with a deadly weapon;



14. sexual offense first and second degree;
15. use of a handgun or other deadly weapon in commission or attempt to commit any crime;
16. assault with intent to commit any of these crimes;
17. attempt to commit any of these crimes.

A "violent crime" committed on or after October 1, 1994 means any of the following offenses:

1. abduction;
2. arson first degree;
3. assault with intent to maim;
4. assault with intent to murder;
5. assault with intent to rape;
6. assault with intent to rob;
7. assault with intent to commit a sexual offense in the first degree;
8. assault with intent to commit a sexual offense in the second degree;
9. burglary in the first, second or third degree;
10. carjacking or armed carjacking;
11. child abuse;
12. kidnapping;
13. manslaughter, except involuntary manslaughter;
14. mayhem and maiming;
15. murder;
16. rape;
17. robbery and robbery with a deadly weapon;
18. sexual offense first and second degree;
19. use of a handgun in the commission of a felony or other crime of violence;
20. attempt to commit any of the aforesaid offenses.

A "violent crime" committed on or after October 1, 1996 also includes assault first degree.

### **Investigation**

State law requires the Parole Commission to initiate an investigation to decide about granting parole to persons sentenced to six months or more whenever the inmate has served  $\frac{1}{4}$  of the term or consecutive terms. Some inmates are not eligible for parole, such as inmates sentenced under Maryland law as repeat drug offenders, as repeat violent offenders, for use of a handgun in the commission of a felony or other crime of violence, and for civil contempt.

### **Parole Eligibility and Hearing Policies**

**Life Sentences** – Maryland law requires a person serving a life sentence to serve 15 years less diminution of confinement credits, before receiving a parole hearing. If an inmate received a life sentence as the result of a death penalty proceeding for an offense committed after July 1, 1983, he/she must serve 25 years, less credit before being eligible for parole.

The Division will notify the Parole Commission when an inmate reaches eligibility on his/her life

sentence. If an inmate is also serving a consecutive fixed term(s), the  $\frac{1}{4}$  mark of that term(s) will then be calculated.

If an inmate is serving consecutive life sentences, he/she must serve 15 years (or 25 years) on **each** life sentence before a parole hearing. For example, if an inmate is serving life plus life consecutive, he/she must serve 30 years less credit before being scheduled. If an inmate received a life sentence with a portion suspended, he/she must still do 15 years less credit before being scheduled. Thus if an inmate is doing life, all suspended but 10 years, he/she will not receive a parole hearing because he/she will be released in less than 15 years.

***Crimes committed after January 1, 1985 and before October 1, 1994***– If an inmate's crime (or any one of multiple crimes) was committed after January 1, 1985, and he/she is not serving life, Parole Commission Policy 2-1 covers him/her. Under Policy 2-1, an initial parole hearing will be calculated at  $\frac{1}{4}$  of the inmate's term or consecutive terms, less one month.

***Crimes committed on or after October 1, 1994***– If an inmate committed a violent crime on or after October 1, 1994, he/she is required to serve  $\frac{1}{2}$  of his/her sentence before he/she is eligible for parole.

***Exceptions*** – A parole hearing may not occur after serving  $\frac{1}{4}$  or  $\frac{1}{2}$  if:

1. the victim makes a written request that the parole hearing be open to the public;
2. the Parole Commission reviews without a hearing and decides that no useful purpose would be served by a hearing;
3. the inmate is serving both a paroleable term and a non-paroleable term.

If a term includes a combination of paroleable and non-paroleable sentences, the inmate is not eligible for parole until after serving the greater of:

1.  $\frac{1}{4}$  of the term; or in the case of a violent crime that occurred on or after October 1, 1994,  $\frac{1}{2}$  of the term; or
2. a period of time equal to the non-paroleable sentence.

***Administrative Reviews*** – If an inmate is serving a life sentence or a term of 25 years or more, his/her parole file will be administratively reviewed at Parole Commission headquarters every five years to ensure that all necessary information is in the file and to gauge the inmate's progress during confinement. This review is not a parole hearing and is conducted without notice to the inmate. The inmate will receive a copy of the written review, which cannot be appealed.

If an inmate is serving a term of confinement for a violent crime that occurred on or after October 1, 1994, his/her parole file will be administratively reviewed at Parole Commission headquarters after he/she serves  $\frac{1}{4}$  of the term. If an inmate's term of confinement is less than 25 years, the review will not include a written decision.

***Notice of Parole Hearings and File Review*** – An inmate will be informed at least 15 days before any parole hearing. The institutional parole associate will give him/her written notice. This notice will include:

1. The month, year, and place of the hearing;
2. The factors that the Parole Commission will consider in making its decision;
3. The right of the inmate or a representative (attorney, Division professional staff member, or Parole and Probation agent) to examine and inspect, before the hearing, any file reports or other documents used by the Parole Commission in making its decision.

If an inmate wishes to review his/her file, the inmate should inform the institutional parole associate and file a notice on the form he/she gets from the parole associate. If an inmate wishes his/her representative to review the inmate's file, the name, address, and occupation of the representative must be included. The inmate must authorize this person on the form.

The inmate must tell the institutional parole associate about errors, disputed facts, or omissions in the file materials. Disputed information can be discussed at the inmate's hearing.

**Parole Hearing and Decision** – A parole hearing is an informal interview that allows an inmate to express his/her views and feelings about his/her case. The inmate's attorney cannot be present at this hearing, although he or she can contact the Parole Commission with any relevant information. The inmate's parole hearing will result in one of the following recommendations:

1. **Approval:** An inmate's release will be scheduled as soon as administratively possible;
2. **Approval for a delayed release:** An inmate's release will be scheduled for some future date;
3. **Rehearing:** The inmate will be rescheduled for another hearing at a specified date in the future;
4. **Refusal:** The inmate will remain incarcerated until his/her mandatory release;
5. **Interim Decision:**
  - a. **Hold:** The inmate's parole decision is deferred pending additional information; a new decision will be issued upon receipt and review of the information.
  - b. **Administrative Refusal:** The inmate is refused parole pending disposition of pending charges or open detainers; after they are resolved, an amended decision will be issued.

The hearing officer will inform the inmate of the recommendation after the hearing. This recommendation must be reviewed by a parole commissioner. The commissioner can:

1. Adopt the hearing officer's recommendation;
2. Disapprove the hearing officer's recommendation; or
3. Remand the case (send it back) to the hearing officer for immediate reconsideration and a new recommendation.

An institutional parole associate will give the inmate the written parole decision with an appeal form to appeal the decision. The form should be completed and sent to the parole associate according to the instructions. If an inmate appeals his/her parole decision, a panel of two commissioners will review the case at Parole Commission headquarters and will render one of the following final (non-appealable) written decisions:

1. Affirm the recommendation of the hearing officer;

2. Reverse the recommendation of the hearing officer and render a new decision; or
3. Remand the case (send it back) to the hearing officer for reconsideration and a new recommendation.

When the reviewing commissioner does not adopt the recommendation of the hearing officer, there will be an automatic "in-house" appeal, treated in the same manner as an inmate appeal. If an inmate is serving a life sentence or any sentence for a homicide offense, he/she will have a parole hearing before two parole commissioners. Cases heard by two commissioners cannot be appealed.

***Parole Approval*** - When the inmate receives a final decision approving his/her parole, he/she will be released when administratively possible. There are some exceptions, which include:

1. The inmate receive a delayed release date;
2. The inmate's home and employment plan is pending verification;
3. The inmate is convicted of a rule violation and the Parole Commission, upon notification, rescinds the approval and schedules another hearing.

The inmate must sign an order for release on parole before his/her release. This order defines the terms and conditions upon which the inmate's parole was granted. It is the inmate's certification of acceptance of the terms and conditions. Besides general parole conditions, the Parole Commission may impose special conditions.

### **C. Open Parole Hearings**

If an inmate has been convicted of any of the violent offenses listed under Section B. Parole Process, above, the victim of the inmate's offense (or the designated family member of a deceased victim) has the right to request that any parole hearing scheduled for the inmate be conducted as an open parole hearing. This means that a limited number of persons, generally no more than six, will be permitted to attend the inmate's hearing, in addition to Parole Commission personnel and the inmate's institutional case management specialist.

Persons who may be granted permission by the Parole Commission to attend an open parole hearing may include the victim and/or members of the victim's family, members of the inmate's family, media representatives, and other members of the general public. In addition, the victim (or victim's designee) attending the open parole hearing may exercise the right to make a five-minute statement at the beginning of the hearing. The inmate will not be permitted to respond. However, the rest of the open parole hearing will be conducted according to normal parole hearing procedures.

Open parole hearings may be held up to 90 days later than a regularly scheduled parole hearing in order to accommodate the open parole hearing at the regional open hearing center designated for the inmate's institution. The inmate will be provided with at least 60 days notice prior to the date of the open parole hearing. The inmate may submit a written request to postpone his/her open parole hearing at least 30 days prior to the open parole hearing date. The inmate may NOT request postponement for the sole reason that the parole hearing is open to the general public. If the inmate's request is for good cause, the Parole Commission may grant the request for postponement, which shall be for an indefinite period of time. When an inmate submits a written request to be



rescheduled for a parole hearing, it shall be rescheduled as an open parole hearing, and he/she will be notified of the date, time, and place.

#### **D. Mandatory Supervision**

An inmate's mandatory supervision release date is computed by deducting his/her good conduct, industrial, educational and special project credits from his/her maximum expiration date. The terms of release may include special conditions as ordered by the Parole Commission. The inmate will be asked to provide a home plan, and attempts will be made to verify the plan before the release date.

When released, a parolee will be under supervision until he/she reaches their maximum sentence expiration date. The requirements to report for mandatory supervision will be given to the inmate before release. A parolee will be under the supervision of a parole agent. It is the parolee's responsibility to report to the Division of Parole and Probation office on the date and time he/she is given.

If the inmate's offense was committed on or after July 1, 1989, and he/she is released via mandatory supervision and then revoked, he/she may not earn any new diminution credits on that portion of his/her term of confinement. Also, the parole commissioner conducting the revocation hearing may rescind some or all of the diminution credits previously earned on the sentence.

Except for diminution credits earned after return from release, if an inmate who is convicted and sentenced for a crime committed while on parole and the parole is revoked, diminution credits that were allowed prior to release on parole may not be applied toward the term of confinement upon return to the Division.

#### **E. Parole Retake and Revocation**

The Division of Parole and Probation supervises parolees. It enforces parole rules and special conditions. If a parolee's parole agent reports to the Parole Commission that the parolee has violated the terms of his/her parole, the Parole Commission may issue a retake warrant or a subpoena. A subpoena is issued when the Parole Commission decides that it is not necessary to take the parolee into custody but it does require him/her to appear at a revocation hearing.

If a parolee returns to Division custody as an alleged technical parole violator (meaning he/she violated a condition of parole other than the commission of a new offense), the parolee will receive a hearing before a preliminary hearing officer. This officer will decide if there is probable cause to detain the parolee. He/she will then be given a parole violation notice, which shows his/her right to counsel and to have witnesses at the revocation hearing. The parolee may waive the preliminary hearing if he/she wishes to proceed with a revocation hearing.

If a parolee returns to a prison as a parole violator, he/she should ask his/her case management specialist about his/her status and rights. If returned as a technical parole violator, it is within the discretion of the commissioner who revoked the parolee's parole to set a parole rehearing date. If the parolee received a new sentence, he/she will be scheduled for a parole hearing at eligibility according to Parole Commission policy.

In many cases the revocation of parole or mandatory supervision release will affect the diminution credits the inmate earned or may earn in the future. At the time of the parolee's revocation hearing he/she may wish to consult with the parole commissioner conducting his/her revocation hearing regarding this matter.

#### **F. Interstate Supervision Compact**

Inmates who desire to live in a state other than Maryland upon release must advise their case management specialists of their intent *no later than 180 days prior to their release*. Permission to travel will be granted only after a formal acceptance by the receiving state.

The out of state residence must be with immediate family members and the parolee must have a job or a letter of financial support from his/her family. A parole bond may also be required. The parolee's parole agent can assist him/her with this process. A parolee must receive his/her parole agent's permission prior to leaving Maryland. Sex offenders with a special condition of no contact with children should submit plans that are compatible with the restrictions.

## **VII. Inmate Orientation – Sexual Misconduct**

**The Department of Public Safety and Correctional Services (DPSCS) has a zero tolerance policy for sexual misconduct.**

It is the policy of DPSCS that inmate-on-inmate and staff-on-inmate sexual misconduct shall not be tolerated—all sexual conduct, including sexual contact, is against DPSCS rules and directives. All allegations of sexual misconduct, sexual threats, or staff voyeurism will be thoroughly investigated. Furthermore, any sexual predator will be disciplined and/or prosecuted.

#### **What is sexual misconduct?**

- A. **Sexual Act** means anilingus, cunnilingus, fellatio, anal intercourse (including penetration) regardless of whether semen is emitted or an act in which an object penetrates, however slightly, into another individual's genital opening or anus and can reasonably be construed to be for sexual arousal or gratification, or the abuse of either party.
- B. **Sexual Contact** means an intentional touching of the victim's or actor's genital, anal, or other intimate area (including breast, inner thighs, buttocks) for sexual arousal or gratification, or for the abuse of either party.

- **Sexual Contact** may also include, but not be limited to: kissing, hugging, and touching for sexual arousal or gratification, or for the abuse of either party.

**NOTE: Sexual Contact** does not include touching of the intimate parts of another person during a personal search in accordance with DPSCS procedures as outlined in directives or during a medical examination by health care staff for a proper medical purpose.

- C. **Sexual Misconduct** means any behavior or act of a sexual nature by an inmate, employee or

service provider. **Sexual Misconduct** has the same meaning as "Prison Rape" under the Prison Rape Elimination Act of 2003 U.S.C., §15609.

1. **Inmate-on-Inmate Sexual Misconduct** is when one or more inmates engage in sexual conduct, including sexual contact, with another inmate against his or her will, or by use of threats, intimidation or other coercive actions.
2. **Staff-on-Inmate Sexual Misconduct** is when an employee, volunteer, intern or outside contractor engages in sexual conduct, including sexual contact, with an inmate.

Sexual Misconduct includes a sexual act, sexual contact, vaginal and/or anal intercourse. It also includes the actions or attempted actions:

- Any comment, question, innuendo, or gesture made for the purpose of sexual arousal or gratification;
- Requests for sexual favors, sexual acts, sexual contact or vaginal and/or anal intercourse;
- Influencing, promising, or threatening an inmate's or offender's safety, supervision status, work status or program involvement in exchange for sexual favors, sexual acts, sexual contact, vaginal and/or anal intercourse; or
- Creating or encouraging an atmosphere of intimidation, hostility, or offensiveness by engaging in sexually offensive behavior or language.

D. **Attempt to Commit Sexual Misconduct** means when a person engages in conduct which tends to effect the commission of sexual conduct, including sexual contact.

E. **Sexual Threat** means any spoken, written or other threat to engage in sexual conduct forcibly or against a person's will.

**You have the right to be safe from sexual misconduct.** While you are incarcerated, no one has the right to pressure you to engage in sexual acts. You do not have to tolerate sexual misconduct or pressure to engage in unwanted sexual behaviors regardless of your age, size, race, ethnicity, or sexual orientation. You have the right to be safe from unwanted sexual advances and acts.

**ABOUT YOUR SAFETY:** If you feel that someone is pressuring you or sexually harassing you, staff is available to help you deal with this problem. If you are being pressured, threatened or extorted for sex, you should report this to staff. Also, if you have a concern about your safety upon your transfer to any correctional facility, you should immediately report your concerns to staff upon arrival. You should feel free to discuss your concerns about sexual misconduct, or implied or threatened sexual misconduct with any staff member. Staff is specially trained to help you deal with problems in this area. If you are in an emergency situation, approach any staff member.

## **AVOIDING SEXUAL MISCONDUCT**

Here are some things you can do to protect yourself against sexual misconduct:

- A. Carry yourself in a confident manner at all times. Do not permit your emotions (fear/anxiety) to be obvious to others.
- B. Do not accept gifts or favors from others. Most gifts or favors come with strings attached to them.
- C. Do not accept an offer from another inmate to be your protector.
- D. Find a staff member with whom you feel comfortable discussing your fears and concerns.
- E. Be alert! Do not use contraband substances such as drugs or alcohol; these can weaken your ability to stay alert and make good judgments.
- F. Be direct and firm if others ask you to do something you don't want to do. Do not give mixed messages to other inmates regarding your wishes for sexual activity.
- G. Stay in assigned areas of the institution.
- H. Choose your associates wisely. Look for people who are involved in positive activities like education programs, counseling programs or religious activities. Stay involved in positive activities.
- I. Trust your instincts. If you sense that a situation may be dangerous, it probably is. If you fear for your safety, report your concerns to staff immediately.
- J. Follow the inmate rules. Inmates are prohibited in any manner from:
  - committing, performing, or engaging in a non-consensual sex act.
  - committing, performing, or engaging in a consensual sex act.
  - committing, performing, or engaging in an act of indecent exposure to include masturbation.
  - any exhibition, demonstration, and conveyance of insolence, disrespect or vulgarity.

**What to do if you are assaulted.** If you become a victim of sexual misconduct, you should report it immediately to staff who will offer you immediate protection from the assailant, and will refer you for a medical examination and clinical assessment. Assistance will be provided regardless of whether or not you name the responsible person; however, specific information may make it easier for staff to help you. Even though you may want to clean up after the assault, it is important to see medical staff **BEFORE** you shower, wash, drink, eat, change clothing or use the bathroom. Medical staff will examine you for injuries which may or may not be readily apparent to you. They can also check you for sexually transmitted diseases and gather physical evidence of assault. The individual or individuals responsible for sexually abusing or assaulting inmates can only be disciplined and/or prosecuted if the misconduct is reported.

**How do you report an Incident of Sexual Misconduct?** It is important that you tell a staff member if you have been the victim of sexual misconduct. **You can tell any correctional officer, case manager, chaplain, medical practitioner, supervisor, or any DPSCS employee.** DPSCS staff members are instructed to keep the reported information confidential and only discuss it with the appropriate officials on a need-to-know basis.

You also have the option of reporting the misconduct or threats in writing. You may write to your assigned case management specialist, a chaplain, a security supervisor, or the warden's office. However, any delay in reporting an incident will make investigating the incident far more difficult.

**What happens when you report an Incident of Sexual Misconduct?** Allegations of sexual misconduct are reported to appropriate law enforcement officials in accordance with DPSCS policy



and will be thoroughly investigated. A report made in good faith based upon a reasonable belief that the alleged conduct did occur does not constitute lying for the purpose of disciplinary action, even if the investigation does not establish evidence sufficient to substantiate the allegation. No retaliation of any kind shall be taken against an inmate for good faith reporting of sexual misconduct or sexual threats.

However, if the investigation discloses that a person who knew the information was false made the allegation intentionally or with malice, he or she may be charged by the law enforcement agency with falsely reporting an incident and/or may be subject to disciplinary action. A person is guilty of falsely reporting an incident if it is proven beyond a reasonable doubt that, knowing the information reported, conveyed or circulated to be false or baseless, he or she reports to a law enforcement officer or agency the alleged occurrence of an offense or incident which did not, in fact, occur.

**Seek Medical Attention:** If you have been sexually assaulted, you should seek medical attention immediately. Although it may be difficult, it is important that you do not shower after the assault. Showering may wash off the hair and body fluids which are critical evidence, especially with the potential use of DNA technology. Also, do not wash, destroy or discard the clothes and underwear that you had on at the time of the assault, as these items may be used to collect critical evidence. You will be checked for the presence of physical evidence. A medical professional will perform a medical examination as deemed appropriate based upon his or her professional judgment, and document the existence of physical evidence that remains after the assault. This physical evidence is crucial in corroborating that the sexual assault occurred and in identifying the assailant. The examination will be conducted privately and professionally.

You should seek medical help if you have been sexually assaulted or had sexual relations with others to determine if you have been exposed to the HIV virus or other sexually transmitted diseases. Female inmates will be tested for pregnancy when appropriate.

**Confidentiality:** Information concerning the identity of an inmate victim reporting a sexual assault or misconduct, and the facts of the report itself, shall be limited to those who have a need to know in order to make decisions concerning the inmate-victim's welfare.

**Counseling Programs for Victims of Sexual Misconduct:** If you have been the victim of sexual misconduct by staff or inmates, you will be referred for counseling and/or advice from a mental health counselor, and/or a chaplain. Crisis counseling, coping skills, suicide prevention and mental health counseling are all available to you.

Often, people need help to recover from the emotional effects of sexual misconduct. If you are a victim of sexual misconduct while in prison, or if you were victimized in the past, professional staff is available to provide treatment.

**MARYLAND DIVISION OF CORRECTION**

**INMATE'S RECEIPT OF DIVISION OF CORRECTION INMATE HANDBOOK**

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Today I received a copy of the Division of Correction Inmate Handbook. I understand that I must keep this handbook, know its contents, and comply with its provisions.

\_\_\_\_\_  
Inmate's Signature

\_\_\_\_\_  
DOC Number

\_\_\_\_\_  
Date

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I personally gave the above-named inmate a copy of the Division of Correction Inmate Handbook, but the inmate refused to sign an acknowledgement of receipt.

\_\_\_\_\_  
Employee's Signature

\_\_\_\_\_  
Date