
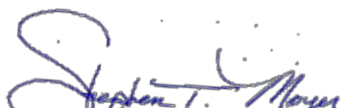




Executive Directive



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| Title: Employee and Inmate Visiting and Communication | Executive Directive Number: ADM.050.0043 Revised |
| Related MD Statute/Regulations: Correctional Services Article, §2-103, Annotated Code of Maryland | Supersedes: ADM.050.0043 dated 05/01/2015 |
| Related ACA Standards: 4-4048; 2-CO-1C-01; 4-ALDF-7F-01 | Responsible Authority:  Executive Director — Human Resources Services Division |
| Related MCCS Standards: N/A | Effective Date: May 15, 2016 Number of Pages: 8 |


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.01 Purpose.

This directive clarifies responsibilities for Department of Public Safety and Correctional Services (Department) employees to ensure compliance with Department policy concerning an employee visiting and communicating with an inmate.

.02 Scope.

This Directive applies to all Department employees.

.03 Policy.

- A. Except under specific circumstances that require written authorization from the employee's appointing authority or the Secretary, the Department prohibits an employee from visiting or communicating for non-business related reasons with any individual who is known to be an inmate, a relative of an inmate, or a friend of an inmate.
- B. A Department employee may not become socially, personally, or intimately involved with any individual who is known to be an inmate, a relative of an inmate, or a friend of an inmate.
- C. In those circumstances in which a Department employee has received authorization to visit or communicate with any individual who is known to be an inmate, a relative of an inmate, or a friend of an inmate, the employee shall ensure that authorized visiting or communication does not:
 - (1) Undermine the good order, efficiency, or discipline of the Department;
 - (2) Negatively reflect on the Department or employees; or
 - (3) Impair the Department's ability to protect the public, employees or individuals under the authority of the Department.

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- D. The Department shall ensure that all authorized non-business related visits or communication between an employee and an inmate, a relative of an inmate, or a friend of an inmate are appropriately monitored.

.04 Definitions

A. In this directive, the following terms have the meanings indicated.

B. Terms Defined.

- (1) “Communicate” means an exchange of thoughts or ideas between individuals using signs, signals, pictures, speech, or writing that may be transferred in person, by a third party, by mail, telephonically, or electronically using the Internet.
- (2) Employee.
 - (a) “Employee” means an individual assigned to or employed by the Department in a full-time, part-time, temporary, or contractual position regardless of job title or classification.
 - (b) “Employee” shall, except when stated otherwise, include:
 - (i) A volunteer;
 - (ii) An intern; and
 - (iii) A contractor.
- (3) Inmate.
 - (a) “Inmate” has the meaning stated in Correctional Services Article, §1-101, Annotated Code of Maryland.
 - (b) “Inmate” includes individuals under:
 - (i) Supervision by the Department; and
 - (ii) The authority of the Department and referred to as a detainee, resident, offender, client, or supervisee.
- (4) Non-Business.
 - (a) “Non-business” means that an employee is acting in a personal capacity, and is not performing Department assigned duties or acting at the direction of Department officials.
 - (b) “Non business” when used to describe communication, visiting, or similar activities involving an individual known or should be known by the employee to be an inmate, a relative of an inmate, or a friend of an inmate that unless the activity has been previously authorized by the

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employee's appointing authority means the employee is acting outside the scope of the employee's assigned duties.

- (c) "Non-business" includes terms such as off duty, personal time, and leave when used to describe the employee's work status.
- (5) "Relative" includes an individual who:
 - (a) Is a parent, spouse, sibling, grandparent, child, or grandchild;
 - (b) Has a relationship under §.04B(5)(a) through marriage, for example in-laws or step-child; or adoption;
 - (c) Is a biological co-parent of a child under 18 years old; and
 - (d) Is an uncle, aunt, niece, nephew, or cousin.
- (6) "Volunteer" has the meaning established in the Department's Volunteer Program Administrative Manual.

.05 Responsibility/Procedure.

- A. The Department's Standards of Conduct and Internal Administrative Disciplinary Procedures (Standards of Conduct) §§IIDD 1 — 4 prohibit non-business related interaction between an employee and:
 - (1) An inmate; and
 - (2) Relatives and friends of an inmate.
- B. Pursuant to the Standards of Conduct, §§IIDD1 – 4:
 - (1) "An employee may not visit the homes of inmates, offenders or clients, relatives of inmates, offenders or clients, or known friends of inmates, offenders or clients for any purpose other than official Agency business. If such a visit is necessary, prior written approval from the appointing authority or designee shall be obtained and made a matter of record. Such contacts shall be handled in an objective and professional manner."
 - (2) "An employee may not contact or visit inmates at any correctional facility, regardless of whether he/she is on or off duty, for any purpose other than official Departmental business. The exception to this shall be for an employee who is related to the inmate. Any request for permission to visit relatives shall be approved by both the employee's appointing authority or designee and by the appointing authority or designee of the institution or facility where the relative is incarcerated."
 - (3) "An employee may not become socially, personally or intimately involved in relationships with inmates, offenders or clients of the Department. This includes communication through written correspondence, telecommunications and social interactions."

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- (4) “An employee may not allow inmates to contact or visit with them for any purpose while off duty.”

C. Provisions established under this directive:

- (1) Intend to address circumstances where an employee interacts with an individual who is known or should be known to the employee to be an inmate, a relative of an inmate, or a friend of an inmate under conditions prohibited by the Standards of Conduct.
- (2) Shall not be read to hold an employee in violation for incidental interaction with an individual who is not known or could not be known by the employee to be an inmate, a relative of an inmate, or a friend of an inmate under conditions prohibited by the Standards of Conduct.

D. Employee Responsibility.

- (1) An employee shall advise the appropriate supervisor of attempts by an inmate to establish prohibited or non-business communication with an employee.
- (2) If under the exception in Standards of Conduct §IIDD 1, an employee needs to communicate with an inmate or the inmate’s family, relative, or friend, the employee shall obtain written authorization from the employee’s appointing authority, or a designee, before the employee communicates with the inmate or the inmate’s family, relative, or friend.
- (3) If under the exception in Standards of Conduct §IIDD 2, an employee intends to visit or communicate with an inmate because the inmate is a relative, the employee shall obtain written authorization from the employee’s appointing authority, or a designee, and the appointing authority, or a designee, with responsibility for the inmate before the employee visits with the inmate.
- (4) Except for provisions under §.05D(5) of this directive for volunteers communicating with inmates released to the supervision of the Division of Parole and Probation, an employee shall:
 - (a) Use a Human Resources Services Division (HRSD) Employee Interaction with Inmates or Offenders form (available on SafetyNet>Human Resources>Forms) to obtain written authorization from both the employee’s appointing authority, or a designee, and the appointing authority, or a designee, of the facility where the individual to be visited or communicated with is confined or supervised; and
 - (b) Provide a copy of the written authorization obtained under §.05D(4)(a) of this directive to:
 - (i) If other than an volunteer or intern, HRSD for placement in in the employee’s personnel file and entry into the Personal Contact Management (PCM) database.
 - (ii) If a volunteer or intern, the respective volunteer coordinator for updating the volunteer records.
 - (ii) If a contractor, the contractor’s Department supervisor responsible for oversight of the contractor.

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- (c) If the employee intends to visit or communicate with an inmate confined or detained in a correctional facility, submit the proper request for authorization.
- (d) If upon release under supervision from a correctional facility the inmate would reside with the employee, submit an independent request for authorization at least 60 days before release of the inmate.
- (e) Notify, through the chain of command, the employee's appointing authority, or a designee, of changes to circumstances involving the employee's approved visiting or communication with an inmate.
- (f) Sign and date a receipt for this directive, thereby acknowledging receipt and understanding and:
 - (i) Retain a copy of the receipt and directive for the employee's personal use;
 - (ii) Forward the signed and dated original and a copy of the receipt for this directive to the employee's appointing authority, or a designee; and
 - (iii) Forward a copy of the signed and dated receipt for this directive to the Intelligence Division.
- (5) If a volunteer intends to continue to communicate or interact with an inmate released to the supervision of the Division of Parole and Probation (DPP), the volunteer shall obtain written authorization from the Secretary, or a designee, before beginning or continuing communication with an inmate released to the supervision of DPP in accordance with the following process:
 - (a) The volunteer shall:
 - (i) Complete a Volunteer Interaction with Inmate or Offender form (attached); and
 - (ii) Submit the completed form to the volunteer coordinator.
 - (b) A volunteer coordinator receiving a completed form under §.05D(5)(a)(ii) of this directive shall:
 - (i) Ensure that the form contains the required information and, if the form is unacceptable, work with the volunteer to obtain required information; and
 - (ii) Forward a properly completed form to the Director of Religious and Volunteer Services (Director).
 - (c) Upon receipt of a form under §.05D(5)(b)(ii) of this directive, the Director shall:
 - (i) Review the form;
 - (ii) Indicate preliminary approval or disapproval on the form;

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- (iii) If disapproving the request, indicate a reason in the “Comments” section;
 - (iv) Sign and date the form; and
 - (v) Forward the form to the Deputy Secretary for Operations (DSO), or a designee.
- (d) Upon receipt of a completed form under §.05D(5)(c)(v) of this directive the DSO, or a designee, on behalf of the Secretary shall:
 - (i) Review the form;
 - (ii) If the request is to be approved, indicate approval, sign and date the form;
 - (iii) If the request is being disapproved, consult with the Secretary, or a designee, to confirm disapproving the request and have the Secretary, or a designee, sign and date the disapproved request; and
 - (iv) Return the approved or disapproved request to the Director.
- (e) Upon receipt of a completed form under §.05D(5)(d)(iv) of this directive, the Director shall:
 - (i) Place the original of an approved or disapproved request in the volunteer’s file;
 - (ii) If the request is approved, forward a copy of the approved request to the Director DPP;
 - (iii) If the request is approved, forward a copy of the approved request to the Director, Intelligence Division; and
 - (iv) Forward a copy of an approved or disapproved request to the respective volunteer coordinator who shall give a copy of the approved or disapproved request to the volunteer submitting the request.
- (f) A volunteer may not appeal a decision made by the DSO, or a designee, to approve; or by the Secretary, or a designee, to disapprove a request submitted under §.05D(5) of this directive.
- (g) Each volunteer coordinator shall ensure that each subordinate volunteer complies with requirements under §.05D(4)(f) for acknowledging receipt of this revised directive and understanding of the new exceptions under §.05D(5) of this directive.

E. Appointing Authority.

- (1) An employee’s appointing authority, or a designee, receiving an original and copy of a receipt for this directive shall:
 - (a) Forward the original to the appropriate Department personnel office, volunteer coordinator, or contractor’s supervisor for placement in the appropriate file; and

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- (b) Retain the copy for facility use.
- (2) An employee's appointing authority, or a designee, in cooperation with the appointing authority with responsibility for an inmate, may permit an employee and inmate to visit or communicate under circumstances established in the Standards of Conduct.
- (3) An appointing authority receiving a request under §.05D(2) or (3) of this directive shall:
 - (a) Review the written request; and
 - (b) If justified and the request is for an employee to visit or communicate with an inmate who is a relative, submit the request to the appointing authority, or a designee, with responsibility for the inmate for review and a decision on the request.
- (4) If the request is for an employee to visit or communicate with an inmate who is a relative, approval by both the employee's appointing authority, or a designee, and the appointing authority, or a designee, with responsibility for the inmate is required before the employee may visit or communicate with the inmate.
- (5) If the required appointing authority or authorities or designees, sign the request as approved, the employee's appointing authority, or a designee, shall forward:
 - (a) A copy of the approved request to the:
 - (i) Employee submitting the request;
 - (ii) Appointing authority with responsibility for the inmate; and
 - (iii) Intelligence Division; and
 - (b) The original approved request to the appropriate Department personnel office, volunteer coordinator, or contractor's supervisor for placement in the appropriate file.
- (6) If the required appointing authority, or authorities, or designees, deny the request, the employee's appointing authority, or a designee, shall forward:
 - (a) A copy of the denied request to the employee submitting the request; and
 - (b) The original denied request to the appropriate Department personnel volunteer coordinator, or contractor's supervisor for placement in the appropriate file.

F. Appeal.

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- (1) Except for provisions under §.05D(5) of this directive, an employee may appeal to the Deputy Secretary for Operations (DSO), or a designee, if a request to visit or communicate with an inmate is denied by an appointing authority, or a designee.
- (2) An employee appealing a request denied by an appointing authority, or a designee, under this directive shall submit the appeal in writing requesting that the DSO review the denial.
- (3) Upon receipt of a request under §.05F(2) of this directive, the DSO, or a designee, shall:
 - (a) Consult with the authority or authorities, or designees, denying the request;
 - (b) Based on information received under §.05F(3)(a) of this directive and the employee:
 - (i) Affirm the denial; or
 - (ii) Approve the request; and
 - (c) Notify all parties of the decision according to §.05E(5) or (6) of this directive.
- (4) A decision under §.05F(3)(b) of this directive is final and not subject to appeal.

G. An individual who does not comply with requirements under this directive is subject to appropriate disciplinary action under the Department’s disciplinary process up to and including termination.

.06 Attachments.

- A. Receipt and Acknowledgement of Content of Executive Directive ADM.050.0043 — Employee and Inmate Interaction.
- B. Volunteer Interaction with Inmate or Offender Exception form.

.07 History.

- A. This directive rescinds ADM.050.0043 dated May 1, 2015 by adding provisions for exceptions for a volunteer to communicate or interact with an inmate released under supervision to the Division of Parole and Probation.
- B. This Directive supersedes provisions of any other prior existing Department or unit communication with which it may be in conflict.

.08 Correctional Facility Distribution Codes.

- A
- B
- L
- S — Volunteers, Interns, and Contractors

**Receipt and Acknowledgement of Content
of Executive Directive
ADM.050.0043 — Employee and Inmate Interaction**

Under the Department’s Standards of Conduct, §§IIDD 1 — 4, visiting and communications between Department employees and inmates or supervisees, as well as the relatives and friends of inmates or supervisees, are strictly prohibited without specific approval from the employee’s appointing authority or designee. Specifically:

“1. An employee may not visit the homes of inmates, offenders or clients, relatives of inmates, offenders or clients, or known friends of inmates, offenders or clients for any purpose other than official Agency business. If such a visit is necessary, prior written approval from the appointing authority or designee shall be obtained and made a matter of record. Such contacts shall be handled in an objective and professional manner.”

“2. An employee may not contact or visit inmates at any correctional facility, regardless of whether he/she is on or off duty, for any purpose other than official Departmental business. The exception to this shall be for an employee who is related to the inmate. Any request for permission to visit relatives shall be approved by both the employee's appointing authority or designee and by the appointing authority or designee of the institution or facility where the relative is incarcerated.”

“3. An employee may not become socially, personally or intimately involved in relationships with inmates, offenders or clients of the Department. This includes communication through written correspondence, telecommunications and social interactions.”

“4. An employee may not allow inmates to contact or visit with them for any purpose while off duty.”

The Department shall investigate employee and inmate interaction to include, but may not be limited to, visual and electronic surveillance, including monitoring inmate telephone calls.

My signature below acknowledges receipt of Executive Directive ADM.050.0043 — Employee and Inmate Interaction and that I understand the policy and procedures contained therein and that disciplinary action, up to and including termination, may result from non-compliance.

Employee’s Printed Name

Employee’s Signature

Date

Original to: Employee’s Personnel File
Copy to Employee
Employee’s Appointing Authority
IID — Intelligence Unit



DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES

VOLUNTEER INTERACTION WITH INMATE OR OFFENDER EXCEPTION FORM

INSTRUCTIONS: This form is to be completed and forwarded to the Director of Religious and Volunteer Services by a volunteer requesting contact with an inmate or an offender under supervision of Parole and Probation. Approval of these contacts is required by the Secretary, or a designee. A volunteer may not engage in communication with an inmate or offender outside the workplace without prior written approval from the Secretary, or a designee.

| | |
|--------------------------------|--|
| Requester's Name: _____ | Request Applicable to: <input type="checkbox"/> Individual <input type="checkbox"/> Organization |
|--------------------------------|--|

(If applicable) **Affiliation- Organization's Name:** _____

CHECK ALL OF THE FOLLOWING THAT WOULD APPLY REGARDING YOUR PROPOSED INTERACTION

Providing services to offender(s) via place of worship, non-profit organization, etc.:
 -Name of Program: _____

Working with offender(s) via re-entry efforts:
 Job training/placement; Housing; Substance abuse treatment; Life skills training; Mentoring
 -Name of Program - _____

Employing offender(s)

Other: _____
 CLEARLY DEFINE CONTACT REASON: _____

Type of Contact: visiting/meeting written correspondences telephone
 Other (define): _____

If the names extends past this area you may append another sheet of paper detailing applicable information

| INMATE/OFFENDER NAMES | SID/DOC # | CURRENTLY INCARERATED- YES/NO | CURRENT FACILITY | EST. RELEASE DATE | CURRENTLY UNDER SUPERVISION – YES/NO |
|-----------------------|-----------|-------------------------------|------------------|-------------------|--------------------------------------|
| | | | | | |
| | | | | | |
| | | | | | |

Volunteer's Signature: _____ Date: _____

Address: _____

Phone Number: _____ email (optional) _____

Required Signatures:

| | |
|---|-----------------|
| <input type="checkbox"/> Approved | Comments: _____ |
| <input type="checkbox"/> Disapproved | |

Signature of Dir. of Religious/Volunteer Services: _____ Date: _____

| | |
|---|-----------------|
| <input type="checkbox"/> Approved | Comments: _____ |
| <input type="checkbox"/> Disapproved | |

Signature of Secretary/Designee: _____ Date: _____