DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES

MARYLAND COMMISSION ON CORRECTIONAL STANDARDS

DEFINITIONS

STANDARDS MANUAL

A. The following terms have the meanings indicated.

B. Terms Defined.

(1) **"Abusive sexual act"** means:

(a) Any abusive sexual act that is made or threatened to be made without consent of the individual who is the recipient of the action, as defined by COMAR, Title 10, Subtitle .01, Section .18 and the Prison Rape Elimination Act (United States Department of Justice Final Rule 29 C.F.R. Part 115.6).

(1) Sexual abuse of an inmate, detainee, or resident by another inmate, detainee, resident; and
(2) Sexual abuse of an inmate, detainee, or resident by a staff member, contractor, or volunteer.

(b) The inclusion of sexual harassment, sexual assault, and any other sexual action prohibited by State or federal law.

(1) Sexual abuse of an inmate, detainee, or resident by another inmate, detainee, or resident; and
(2) Sexual abuse of an inmate, detainee, or resident by a staff member, contractor, or volunteer.

(2) **"Administration of medications"** means the act of giving a single dose of a prescribed or over-the-counter drug to an inmate according to established guidelines.

(3) **"Administrative segregation**" means a form of physical separation of an inmate from the general population determined by the classification process or authorized personnel when the continued presence of an inmate in the general population would pose a serious threat to:

(a) Life;
(b) Property;
(c) Self;
(d) Staff or other inmates;
(e) The security or orderly functioning of the facility; or
(f) The well-being of society.

(4) **"Adult community correctional facility"** means a community-based program operated by local government, state government, or private corporation under contract with a jurisdiction providing a group residence and special treatment services for sentenced and unsentenced inmates.

(5) **"Adult correctional institution"** means the Patuxent Institution or a facility operated by the Division of Correction for the confinement of sentenced inmates.

(6) **"Adult detention center"** means a facility operation by state or local government for the detention of an inmate pending adjudication and for the confinement of sentenced inmates, expect for the Patuxent Institution or a facility operated by the Division of Correction.

(7) **"Adult place of confinement"** means any state, local, or private adult community correctional facility, adult correctional institution, or adult detention center.

(8) **"Adverse job action"** means a disruption to the normal operation of the institution by concerted action or inaction of facility employees.

(9) **"Annual"** means an action or activity performed each calendar year at intervals of 12 months.

(10) **"Appeal"** means a formal request for review of an action or decision by a higher authority,

(11) **"Applicable statute"** means approved legislation or formal regulation which governs a particular activity, operation or function.

(12) **"Approved standards"** means those specifications in the following areas that apply to state adult correctional facilities and may be adopted in whole or in part, for use by a local adult correctional facility:

(a) Administration;
(b) Counseling;
(c) Education and vocational training;
(d) Inmate property control;
(e) Inmate work programs:
(f) Library services;
(g) Mail and visiting;
(h) Management;
(i) Personnel;
(j) Physical plant;

(k) Planning and coordination;
(l) Reception and orientation;
(m) Recreational activities;
(n) Release preparation;
(o) Religious services;
(p) Research and evaluation;
(q) Rules and discipline;
(r) Special management inmates;
(s) Training; and
(t) Volunteers.

(13) **"Audit"** means an inspection of an adult place of correctional confinement by the Commission on Correctional Standards.

(14) **"Audit team"** means Commission staff and other duly authorized inspectors.

(15) **"Authorized Personnel"** means an employee of the facility or agency empowered by the managing official to carry out designated tasks, duties, responsibilities, or functions.

(16) **"Authorized representative of the State Fire Marshal"** means an employee of a local fire agency who has been empowered to fulfill the duties and perform the functions of the Office of the State Fire Marshal in that jurisdiction.

(17) **"Body cavity search"** means a procedure performed by qualified health care personnel by which internal cavities of the body including anal, vaginal, oral nasal and aural areas are physically examined either manually or by instrument to check for the presence of contraband.

(18) **"Case records"** means information concerning an inmate's personal, criminal and medical history, behavior, and activities while incarcerated, which may include, but is not limited to:

(a) Classification actions;
(b) Commitment papers;
(c) Court orders;
(d) Detainees
(e) Disciplinary reports and hearing results;
(f) Fingerprints;
(g) Miscellaneous correspondence;
(h) Personal property receipts;

(i) Photographs;
(j) Program activity reports;
(k) Progress notes;
(l) Record of complaints;
(m) Release of information consent forms;
(n) Visitors' list; and
(o) Work assignments.

(19) **"Caustic material"** means a substance capable of corroding, dissolving, or destroying by chemical action or reaction.

(20) **"Certification"** means a written document indicating that an individual or agency has complied with the formal requirements or an authorizing organization, body, or association which permits the individual or agency to perform specified activities.

(21) **"Chairperson"** means the Chairperson of the Commission on Correctional Standards.

(22) **"Chemical agent"** means an active substance used to deter activities that might cause personal injury or property damage.

(23) **"Classification"** means a formal, comprehensive, and continuing process by which an inmate is assessed for risk and needs, and assigned to programs and services, a level of security, and degree of supervision in relation to existing resources.

(24) **"Commission"** means the Maryland Commission on Correctional Standards.

(25) **"Compliance criteria"** means those elements that auditors require to determine compliance.

(26) **"Compliance explanation"** means an interpretation of the compliance criterial to assist in understanding the intent of the standards and methods of meeting them.

(27) **"Contraband"** means an item, material, or substance that is not authorized by the managing official.

(28) **"Controlled substance"** means a medication that requires a written prescription listing the prescribing physician's or dentist's Drug Enforcement Administration registration number.

(29) **"Deadly force**" means the force that a trained and authorized professional employee uses with the purpose of causing, or which the authorized personnel employees knows will create, a substantial risk of death or serious bodily harm.

(30) **"Disciplinary detention"** means a form of physical separation in which an inmate found guilty at a disciplinary hearing is confined apart from the general population for a designated period of time.

(31) **"Disciplinary hearing"** means an impartial, non-judicial administrative procedure to determine if substantial evidence exists to find an inmate guilty of a rule violation.

(32) **"Dispensing medication"** means the act of preparing a prescription drug by the issuance of one of more doses from a stock or bulk container by authorized health care personnel.

(33) **"Disturbance"** means a situation which disrupts the normal operational order of an institution, and for which the assistance of additional off duty staff may be required.

(34) **"Duly authorized inspector"** means a person designated to perform an audit under the authority of the Secretary.

(35) **"Emergency"** means a situation occurring within a facility or its property requiring the deployment of resources to save lives, protect public safety, and property, ensure the proper level of security, or avert or lessen the severity of the situation.

(36) **"Emergency communications systems**" means equipment which may be utilized to contact on short notice local and state law enforcement, a rescue or safety agency and, facility personnel to respond to a crisis situation.

(37) **"Emergency medical services"** means care for an acute illness, serious injury, or other unexpected health care need that cannot be delayed and which is provided by qualified health care personnel, a local ambulance service, or a hospital emergency room or health care clinic.

(38) **"Escape**" means unauthorized departure of an inmate from a place of lawful confinement or custody.

(39) **"Evacuation"** means to remove inmates, staff, and visitors from a threatened area of hazard to a safe, secure location.

(40) **"Exclusionary offense"** means:

(a) An act alleged or committed by a child 14 years old or older which, if committed by an adult, would be a crime punishable by death or life imprisonment; or

(b) A robbery or attempted robbery with a dangerous or deadly weapon.

(41) **"Executive Director"** means the Executive Director of the Commission.

(42) **"Exercise"** means a scheduled out of cell or out of room activity, including individual or team sports, and indoor or outdoor opportunities.

(43) **"Facility perimeter"** means the outer portion of a correctional facility and grounds that provides the secure confinement of inmates.

(44) **"Formal internal complaint system"** means the method by which an inmate may address a grievance to the appropriate authority regarding circumstances or actions considered to be unjust.

(45) **"General population"** means inmates assigned to a custody status absent restrictions with respect to programs, services and opportunities.

(46) **"Governing authority"** means:

(a) The Commissioner of Correction with reference to adult places of confinement under the jurisdiction of the Division of Correction;
(b) A county sheriff with reference to adult places of confinement under the jurisdiction of the sheriff; or
(c) The highest executive authority having jurisdiction over any other state or local adult place of confinement.

(47) **"Health trained"** means correctional personnel who have been instructed to carry out specific duties with regard to the performance of certain health care functions.

(48) **"Indigent"** means an inmate with limited funds and insufficient resources necessary to provide for basic needs.

(49) **"Initial reception facility"** means a correctional facility where an inmate is first admitted for processing from police custody, a court lockup, or other holding facility.

(50) **"Inmate**" means an individual in pretrial, unsentenced, or sentenced status who is lawfully confined in correctional facility.

(51) **"Inspection"** means the observation or examination of an item to assess its condition and utility.

(52) **"Inventory"** means a detailed listing used to determine the presence of certain items during a specific period of time.

(53) **"Juvenile"** means a person under the age of majority who has not been adjudicated as an adult or who has not committed an Exclusionary offense.

(54) **"Legal Mail**" means:

(a) Correspondence between an inmate and the courts;
(b) Legal counsel; and
(c) Other judicial, legislative, and executive authorities specifically designated as privileged.

(55) **"Managing official"** means the person responsible for the administration and operation of a correctional facility.

(56) **"Mandatory standards"** means those rules in the following areas that apply to state and local adult correctional facilities:

(a) Administrative record keeping;
(b) Classification;
(c) Food services;
(d) Hearings;
(e) Inmate rights;
(f) Inmate safety; and
(g) Security and inmate control.

(57) **"Medical isolation**" means the physical housing of an inmate apart from the general population based on a medical judgement or diagnostic decision rendered by qualified health care personnel.

(58) **"Medical screening**" means a system of structured observation and formal health assessment by qualified health care personnel or a trained person to identify an individual who poses a health or safety threat to them self or others.

(59) **"Menstrual hygiene products"** has the meaning stated in Correctional Services Article §§4-214 and 9-616, Annotated Code of Maryland.

(60) **"Organic agents"** means chemical compound that comprises of plants, animals and organic organisms found in rocks.

(61) **"Person of interest**" means an individual who is the subject of a record or a representative designated by that person.

(62) **"Personal Hygiene Article"**

(a) "Personal hygiene article" means an item used by an individual to clean the individual's body or clothing, and to preserve sanitary conditions, as well overall health.

(b) "Personal hygiene article" includes, but is not limited to deodorant, shaving items for males, shampoo, soap, tooth brush, and tooth paste.

(63) **"Physical examination"** means a thorough evaluation of a patient's current physical condition and medical history by authorized health care personnel.

(64) **"Physical force"** means the minimal amount of physical contact used by trained and authorized correctional personnel to control an individual's behavior and enforce or restore order.

(65) **"Policy"** means a statement of guiding principles approved by the appropriate authority which determines the general direction of present or future decisions and actions of correctional facility personnel toward the attainment of the stated goals and objectives.

(66) **"Post Orders"** means a list of general job functions, duties, tasks, and responsibilities required of each duty position.

(67) **"Procedure"** means the detailed and sequential set of steps, or actions to ensure the implementation of the approved policy.

(68) **"Protective custody"** means a form of separation from the general population for an inmate requesting or requiring protection from others, or for reasons of health or safety.

(69) **"Protocol"** means a written order that specifies the steps to be taken in appraising a person's physical status.

(70) **"Qualified health care personnel"** means a physician, dentist, psychiatrist, or psychologist, nurse, physician's assistant, nurse practitioner, pharmacist, and other professional person licensed, registered, or certified according to state requirements.

(71) **"Records retention schedule"** means an official document listing and describing all of the records of a facility or agency, and providing authorization for the destruction of those records that are not essential to its operation after the lapse of a state period of time, and for permanent maintenance of those records considered to be of enduring value.

(72) **"Responding agencies and organizations**" means a body which is identified in the emergency plans as potentially involved in or responsible for the implementation of a portion of these plans.

(73) **"Secretary"** means the Secretary of the Department of Public Safety and Correctional Services.

(74) **"Security round"** means a tour, check, or other action in which correctional personnel walk through the facility, particularly inmate living and activity areas, to observe inmate behavior, monitor security and safety equipment, conduct informal searches, and note irregularities or unusual circumstances.

(75) **"Sexual harassment"** means:

(a) Repeated and unwelcome sexual advances, request for sexual favors, or verbal comments, gestures or actions of a derogatory or offensive sexual nature by one inmate, detainee or resident directed towards another; and

(b) Repeated verbal comments or gestures of a sexual nature to an inmate, detainee or resident by a staff member, contractor, or volunteer including demeaning references to gender, sexually suggestive or derogatory comments about body or clothing, or obscene language or gestures.

(76) **"Sick call"** means the medical care provided an inmate who:

(a) Has expressed a need for non-emergency medical attention through an established request system; and
(b) Is evaluated and treated in a clinical setting.

(77) **"Standard**" means an instrument to measure comparison for quantitative or qualitative value according to established guidelines as stated in COMAR, Title 12, Subtitle 14.

(78) **"Standing order"** means a written medical instruction that specifies the same course of treatment for each person suspected of having a giving condition.

(79) **"Strip search"** means an observation of an inmate's unclothed body to determine the presence or contraband.

(80) **"Toxic material"** means a substance that directly or through chemical reaction or mixture can produce possible injury or harm to the body through the skin, digestive tract, or respiratory tract.

(81) **"Trained personnel"** means any person receiving required information for which documentation can be produced.

(82) **"Training"** means the formal process by which staff are made aware or informed of essential duties and responsibilities.

(83) **"Zero tolerance"** means a policy of strict enforcement and application of the law regarding sexual abuse and sexual harassment and outlining the agency's approach to preventing, detecting, and responding to such conduct within adult places of confinement.