DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES

MARYLAND COMMISSION ON CORRECTIONAL STANDARDS

INTRODUCTION

STANDARDS MANUAL

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

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

The Commission members were appointed in October 1980, and met for the first time the following month. In January 1981, an Executive Director and Assistant Executive Director were selected with the approval of the Secretary. In April 1981, a work plan was approved which authorized: continued inspection of local detention facilities under the existing minimum standards promulgated in May 1972; the development of rules and regulations to accomplish the Commission's objectives; and, the drafting of correctional standards.

In developing the standards, the staff studied case law as well as the available bodies of correctional standards from other states and those of national organizations to ensure reasonable compatibility. In addition, the staff consulted and coordinated with other departments and agencies at the local and State levels and with legislatively mandated Advisory Boards to ensure that the proposed standards were realistic and attainable.

In July 1981, a working set of standards was developed by the staff, approved by the Commission, and forwarded to the Advisory Boards for comment. After further reviews by the Commission and Advisory Boards, an initial draft of standards was presented to the Secretary in November 1981. These standards were reviewed by the Secretary and returned to the Commission for revision. After revision the standards were approved and proposed by the Secretary for official publication. The repeal of the former Minimum Jail and Lockup Standards was also proposed at this time.

On April 26, 1982, approximately 75 minimum standards for state prisons, local jails and community correctional facilities became effective and the former standards were repealed. These mandatory standards address the issues of Security and Inmate Control, Inmate Safety, Inmate Food Services, Inmate Housing and Sanitation, Inmate Rights, Classification, Hearings, and Administrative Record Keeping. During May 1982, nine training sessions were held throughout the state to familiarize managing officials with the **Standards Manual**, which was developed to assist facility personnel in meeting the standards. Auditing activities began in June 1982 and averaged about three per month.

In May 1983, the staff recognized the need to revise and amend several of the standards based on audit experiences, input from correctional practitioners and an increased awareness of the intent and requirements of the standards. Suggested revisions as well as a few new standards were presented to the Commission in June 1983. The standards were then forwarded to the Advisory Boards for comment in July 1983. After further review by the Commission, the revised standards were approved at its September 28, 1983 meeting and forwarded to the Secretary who proposed them in November 1983 as Departmental regulations. During December 1983, five training sessions on the revised Standards Manual were held throughout the State to update managing officials on the changes. The initial round of audits was also completed in December 1983. The revised standards became effective on February 27, 1984, with the second round of audits starting at approximately the same time.

In the spring of 1984, it became apparent that additional standards should be developed to complete the work on the life, health, safety and constitutional issues. Suggested concepts were presented to the Commission in May 1984. The concepts were then forwarded to the Advisory Boards for comment on June 28, 1984. Their remarks were considered by the Commission at its July 25, 1984 meeting. The standards were then developed by staff, reviewed by the Commission and passed on to the Advisory Boards for comment on November 30, 1984. After further review by the Commission, the new regulations were approved at the January 9, 1985 meeting and forwarded to the Secretary. He approved the standards without modifications and proposed them in March 1985. All but two became effective on July 29, 1985. These two new standards were again proposed and became effective on February 10, 1986.

In June 1985, the staff also felt that the existing standards needed to be revised and amended to minimize inconsistencies in language and to address problems with interpretation. These minor changes were approved by the Commission on July 24, 1985 and forwarded to the Secretary for adoption. The Secretary approved them without modification and proposed the new standards in November 1985. They became effective on February 10, 1986.

During December 1985, five training sessions on the revised **Standards Manual** were held throughout the state to update managing officials on the changes. The third round of audits was initiated in January 1986 and continued until March 1988.

A meeting of the Advisory Boards was held on May 7, 1987 to discuss the progress of the Commission, potential modifications to the standards and audit process, and possible development of additional regulations. Also, surveys were distributed in May and August 1987 to all managing officials of adult correctional facilities to evaluate the basic auditing principles and the existing regulations. In addition, a two-hour workshop at the Maryland Correctional Administrators Association (MCAA) conference was held June 15-17, 1987, on the topic of standards in corrections. The workshop was conducted to determine the perspective of local corrections officials with regard to future standards development and current implementation. On October 7, 1987, the Commission conducted its second Public Meeting to assist in the assessment of future standards development and to offer modifications to the system of inspecting and reporting. The results of the meeting supplemented the input from the previously mentioned survey, and provided the basis for the development and presentation of a long range planning document to the Secretary. The final product was approved by the Commission at its meeting on May 25, 1988 and forwarded to the Secretary for his consideration in June 1988.

In June 1988, a "refresher" course was held at three locations for all interested parties on the audit process and "problem" standards prior to the implementation of the fourth audit cycle in July 1988. The Future Directions of the Commission plan was discussed with the Secretary on September 28 and October 5, 1988 and he met with the Commission on December 13, 1988 to chart the course for the next several years with regard to standards development and audit process changes. The audit cycle continued until completion in December 1990.

In June 1990, surveys were disseminated to all managing officials soliciting input about the possibility of new standards development, revision to the existing regulations for the first time since February 1986, and modifications to the audit process and report format. The Commission requested and was granted a moratorium in January 1991 to concentrate full-time on standards revisions and development and modification of the audit process and report format. The Advisory Boards were convened on March 15, May 17 and July 17, 1991 to review and comment on the suggested changes to the Administrative Procedures and the proposed Minimum Standards for Adult Detention Centers, Adult Correctional Institutions and Adult Community Correctional Facilities. After considerable discussion, the Secretary of the Department of Public Safety and Correctional Services submitted the process changes and revised jail standards in the August 23, 1991 edition of the Maryland Register. On September 11, 17 and 24, 1991, technical assistance/orientation sessions were held at three locations throughout the State for local jurisdictions and staff of the Division of Audits and Compliance. The fifth full audit cycle commenced in November 1991 for detention centers.

The revised standards for prisons and community corrections facilities were approved by the Commission but held pending the study of additional standards development. They remained on hold until May 1994 when the Secretary directed the Commission and staff to revisit these issues. Copies of the draft proposed revisions from 1991 were sent to all correctional administrators in Maryland for review and comment. A due date of June 15, 1994 was set for responses. Those responses were then reported in July 1994 to the Commission Members who

Instructed the staff to schedule Advisory Boards meetings. The Advisory Boards for Adult Detention Centers, Adult Community Correctional Facilities, Adult Correctional Institutions and the Technical Assistance Committee were convened in December 1994 at the Howard County Detention Center. The Advisory Board for Adult Correctional Institutions held another meeting at the Maryland House of Correction in January 1995 to finalize their review of the standards. Following the meetings, the suggestions from all Advisory Boards and the Technical Assistance Committee were compiled and forwarded to the Commission for consideration and inclusion in the final revisions. The revisions were submitted to the Department's Regulations Coordinator to ensure they were in final COMAR format. They then were forwarded to the Assistant Attorney General to review for legal sufficiency. Secretary Bishop L. Robinson received the finalized versions in June 1995. After his review, he signed the regulations, thereby initiating the promulgation process. The revised standards are expected to be printed in the Maryland Register for public review and comment in September 1995. The regulations will be in effect in the fall of 1995. Orientation sessions were held by the Commission Chair and staff on June 14, 1995 at the Division of Correction Headquarters and June 15, 1995 at Brockbridge Correctional Facility. Additional orientation sessions will be conducted to ensure a smooth transition for all affected by the revisions.