DEFINITIONS

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

(2) "Appropriate authority" means any person or entity that has a legal right to access documentation in the possession of a monitoring agency, or that is to be informed of certain activities or events of a monitored individual.

(3) "Approved location" means the monitored individual's residence and any location designated by the court where the monitored individual is permitted to be.

(4) "Audit" means an inspection of a private home detention monitoring agency by the Maryland Commission on Correctional Standards to determine compliance with applicable standards.

(5) "Authorized personnel" means an employee of the private home detention monitoring agency empowered by the agency to carry out designated tasks, duties, responsibilities, or functions.

(6) "Business relationship" means any transaction involving goods or services or other thing of value between an monitored individual and a monitoring agency, or one who is employed by such an agency, in exchange for goods or services or other things of value. The only exception to this is a monetary fee payment in exchange for monitoring services.

(7) "Case records" means information concerning a monitored individual's personal, criminal, and current medical history, behavior, and activities while in a private home detention monitoring program, which may include, but is not limited to:
- (a) Court documents
- (b) Residence verification documentation;
- (c) Correspondence;
- (d) Photographs;
- (e) Program activity reports
- (f) Progress notes;
- (g) Record of complaints;
- (h) Release of information consent forms; and
- (i) Approvals from owners or leaseholders of required telephone services and the electronically monitored residence.

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

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

(10) "Continuously signaling" means a type of electronic monitoring equipment that:
  (a) Uses a transmitter affixed to a monitored individual, a receiver and dialer, telephone and host computer; and
  (b) When used in proper combination:
    (i) Continuously detects whether the monitored individual is at the approved location, and
    (ii) Detects and notifies the private home detention monitor of the time that the monitored individual leaves and returns to the approved location.

(11) "Emergency" means a situation related to the monitoring of an individual which requires the deployment of resources to protect public safety and/or property, ensuring the appropriate authorities are notified timely, and to avert or lessen the severity of the situation.

(12) "Escape" means an act in which a monitored individual violates any restriction on movement imposed under the terms of a home detention order or agreement.

(13) "Home detention" means a system of monitoring that requires a monitor to:
  (a) Verify the activities of a monitored individual while in the community; and
  (b) Determine the monitored individual's presence at an approved location using either
    (i) Continuous signaling or
    (ii) Satellite monitoring.

(14) "Internal complaint process" means the private home detention agency's method by which a monitored individual may address a grievance regarding circumstances or actions related to monitoring services and receive a response.

(15) "Inspection" means the observation or examination of an item to asses its condition and utility.

(16) "Instance" means any period of time, no matter how small, in which the monitoring agency cannot account for the whereabouts of a monitored individual even if the agency accounts for the time after the fact, but not where the monitored individual is on escape or is engaging in an unscheduled activity. This type of activity is the responsibility of a monitoring agency, (e.g., equipment malfunction).

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

(18) "License" means a certificate issued by the Secretary authorizing the licensee to operate a business that provides monitoring services for a fee to an individual who is under a court order that requires monitoring by a private home detention monitoring agency.

(19) "License" means a person who has been issued a license.

(20) "Monitor" means a private home detention monitor.

(21) "Monitor individual" means an individual who is under a court order that requires monitoring by a private home detention monitoring agency.

(22) "Monitoring" means the activities by which a private home detention monitoring agency determines the location or activities, or both, of a monitored individual.

(23) "Monitoring agency" means a private home detention monitoring agency.

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

(25) "Policy" means a statement of guiding principles approved by the licensee, which determines the general direction of present and future decisions and actions of private home detention agencies and their personnel. A policy generally states what a monitoring agency is doing and why it is doing it.

(26) "Primary documentation" means documentation records a monitoring agency's policies, procedures, offender orientation materials, and any other documentation that describes a monitoring agency's rules, regulations, and operations.

(27) "Private home detention monitor" means an employee or owner of a monitoring agency who performs, within the state, the activities by which a private home detention monitoring agency determines the locations or activities, or both, of a monitored individual.

(28) "Private home detention monitoring agency" means a person conducting a business that provides home detention for a fee to a monitored individual.

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

MCCS Definitions (cont'd)

(30) "Satellite monitoring" means a type of electronic monitoring equipment that:
(a) Uses a transmitter affixed to a monitored individual, wireless and land line communication devices, and host computer; and
(b) When used in proper combination:
(i) Continuously tracks the location of a monitored individual, and
(ii) Detects and notifies a private home detention monitor of the monitored individual's location at all times.

(31) "Secondary documentation" means working documents of the daily operations of a private home detention monitoring agency created to supply evidentiary support that a monitoring agency's policies, procedures, and other primary documentation are, in fact, being followed and enforced.

(32) "Secretary" means the Secretary of Public Safety and Correctional Services or designee.

(33) "Scheduled activity" means and approved activity and location of a monitored individual during a period of time:
(a) Allowed by court order
(b) Planned in advance with the monitoring agency; and
(c) Prior to the activity, entered into the electronic monitoring system or approved written schedule.

(34) "Standard" means an instrument to measure comparison for quantitative or qualitative value according to established guidelines as stated in COMAR 12.11.10.

(35) "Statement attesting to good character and reputation" means a notarized statement made under oath by a reputable citizen having no financial or other interest in a private home detention monitoring agency, who resides in the county of residence of the subject individual, attesting to the good character and reputation of the subject individual.

(36) Training" means the formal process by which staffs are made aware or informed of duties and responsibilities.

(37) "Unscheduled activity" means a monitored individual is at an activity and location during a period of time:
(a) Allowed by court order
(b) Acknowledged in advance by the agency; but
(c) Not entered into either of the following *prior to the activity*:
(i) The electronic monitoring system; or
(ii) The approved written schedule (e.g., unscheduled overtime allowed by court order and agency/monitor agreement).

(38) "Working day" means a day other than Saturday, Sunday, or a legal holiday.