Department Directive

Title: **Charitable Activity — Incarcerated Individual Participation and Contributions**	**Directive Number:** **OPS.245.0008 – Revised**
Related MD Statute/Regulations: United States Internal Revenue Code (26 U.S.C. §501(c); Fundraising; Md. Code. Ann., Corr. Serv. §8-103, Establishment of Standards	**Supersedes:** OPS.245.0008 - dated July 1, 2018
Related ACA and MCCS Standards: 5-ACI-1B-07, 5-ACI-2E-06, 5-ACI-5C-02, 1-CORE-4A, 1-CORE-7D-03	**Nija Roberts** Chief Financial Officer Division of Financial Services
Related Directives & Manuals: OPSM.160.0001 — Food Services Manual DOC.245.0008 — Inmate Donations to Charity	**Issued:** July 14, 2026 **Effective:** July 1, 2026
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.01 Purpose.

The purpose of this directive is to implement a process for a Managing Official to approve a charitable activity that involves incarcerated individual participation at a Department of Public Safety and Correctional Services (Department) correctional facility.

.02 Scope.

This directive applies to all units of the Department responsible for the custody and security of an individual under the authority of the Department.

.03 Policy.

A. A Department correctional facility may approve a charitable activity that has been approved by a Commissioner or the Director on behalf of the Deputy Secretary for Operations (DSO).

B. The Department correctional facility approving a charitable activity under this directive shall ensure that:

(1) The charitable activity benefits a legally recognized charitable community-based organization;

(2) An incarcerated individual participating in the charitable activity meets the eligibility requirements established by this directive;

(3) Items or goods specifically approved for the charitable activity and received by an eligible incarcerated individual participating in or contributing to the charitable activity do not constitute contraband;

(4) The Department or unit shall be reimbursed in full for expenses (e.g. food, supplies) that were incurred as a result of approving the charitable activity;

(5) Purchases made related to the charitable activity comply with DPSCS.040.0001 - Financial Operations Manual in addition to State procurement law and regulations.

(6) Only food vendors vetted by Security Operations and approved by a Commissioner or Director may be utilized for charitable activities.

(7) Neither the charitable organization receiving proceeds from the approved charitable activity nor a vendor receiving payment for services or goods related to the charitable activity may be operated by a State employee, a relative, or a personal associate of a State employee.

(8) All costs and proceeds, obtained as a result of the charitable activity shall be documented in accordance with §.05H of this directive.

(9) Net proceeds shall be reviewed by the Fiscal Services Chief, or designee, and delivered to the approved community-based charitable organization within 14 business days of the charitable activity.

(10) This directive does not create any private cause of action, claim, legal right, benefit, or remedy for any vendor or charitable organization.

.04 Definitions.

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

B. Terms Defined.

(1) "Charitable organization" means an association that is:

(a) Formed to serve a purpose that benefits the public interest;

(b) A tax-exempt non-profit organization according to United States Internal Revenue Code 26 U.S.C. §501(c);

(c) Not permitted to distribute proceeds to a private shareholder or individual, in accordance with United States Internal Revenue Code 26 U.S.C. §501(c); and

(d) Eligible to receive a tax-deductible charitable contribution.

(2) "Commissioner" means the Commissioner of Correction or the Commissioner of Pretrial and Detention Services.

(3) "Community-based organization" means, according to 20 U.S.C. §7801(6), a public or private nonprofit organization of demonstrated effectiveness that:

(a) Represents a community or significant segment of a community; and

(b) Provides an educational or related service to individuals in the community.

(4) "Coordinator" means a managing official, or a designee, who is responsible for oversight of administrative and operational activities related to an approved charitable activity at the managing official's facility.

(5) "Director" means the Director of Patuxent Institution.

(6) "Managing official" has the meaning stated in Correctional Services Article, § 1-101, Annotated Code of Maryland.

(7) Participate.

(a) "Participate" means an individual physically performs an administrative, operational, or support role as part of a charitable activity, including, but may not limited to:

(i) Providing an approved service in exchange for pledged contributions to a charitable activity;

(ii) Distributing brochures related to the charitable activity; or

(iii) Maintaining records related to incarcerated individual participation and pledged contributions.

(b) "Participate" means activity going beyond making a monetary contribution to a charitable activity.

(8) "Voucher" means an approved form used by an incarcerated individual to request disbursement of funds from the individual's spending account for a:

(a) Purpose authorized under existing procedures related to incarcerated individual finances; or

(b) Monetary donation as part of a charitable activity authorized by this directive.

.05 Responsibility/Procedure.

A. A managing official may request that a Department correctional facility approve a charitable activity that has been approved in accordance with the provisions established under this directive.

B. A correctional facility employee or an Incarcerated Individual Advisory Board (IIAB) may request that the correctional facility approve a charitable activity.

C. Facility Charitable Activity — Request and Approval.

(1) A correctional facility employee or IIAB requesting that the correctional facility approve a charitable activity shall:

(a) Make the request in writing in a format approved by the Commissioner or the Director and, at a minimum, provide in the request:

(i) A description of the charitable activity;

(ii) The name, address, telephone number, e-mail address, and contact person for the charitable community-based organization;

(iii) Purpose of the charitable activity;

(iv) The dates and times that the activities intended to accomplish the stated purpose will take place;

(v) The location or locations for the activities intended to accomplish the stated purpose;

(vi) A list of correctional facility resources needed to accomplish the stated purpose, including, but not limited to, staff, supplies, and equipment;

(vii) A description of opportunities for incarcerated individual participation;

(viii) A list of any prior activities conducted with the charitable community-based organization; and

(ix) Other information concerning correctional facility or Department obligations related to the charitable activity; and

(b) Forward the request to the managing official, or a designee, at least 60 days before the charitable activity is to begin.

(2) Upon receipt of a request under §.05C(1) of this directive, the managing official shall designate a coordinator or act as the coordinator for the charitable activity.

(3) The coordinator shall:

(a) Review the request to ensure that required information is provided;

(b) Verify that the organization meets requirements for a tax exempt charitable organization by:

(i) Requesting the charitable organization to provide a copy of the organization's tax exempt form;

(ii) Requesting the charitable organization to provide a letter from the United States Internal Revenue Service (IRS) recognizing the organization's tax exempt status;

(iii) Personal contact with the IRS to obtain the organization's tax exempt status; or

(iv) By using the IRS on-line services; and

(v) Verifying the charitable organization is registered with the Maryland Charities Division.

(c) Decide to support or reject the request to approve a charitable activity based on minimum requirements established under:

(i) §.05C(3) of this directive; and

(ii) Applicable requirements established under Department policy for recreational and charitable activities.

(4) If the coordinator decides that the request to permit a charitable activity:

(a) Does not meet requirements for permission under §.05C(3), the coordinator shall notify, in writing, the employee making the request; or

(b) Meets requirements for permission under §.05C(3), the coordinator shall work with personnel affected by the approval of the charitable activity in order to obtain the necessary approvals and complete the request approved by the Commissioner or the Director, used to process the request to approve a charitable activity.

(5) The coordinator, if not the managing official, shall:

(a) Receive all necessary approvals under §.05C(4)(b) of this directive and forward the completed checklist and information assembled as required under this directive to the managing official; or

(b) If all necessary approvals under §.05C(4)(b) of this directive are not received, notify the managing official in writing.

(6) The managing official possessing a request and related information under §.05C(5)(a) of this directive shall forward the checklist and supporting documentation with a recommendation to approve the charitable activity through the managing official's chain of command to the Commissioner or the Director.

(7) Upon receipt of a recommendation under §.05C(6) of this directive, the Commissioner or the Director, on behalf of the DSO, shall review the recommendation and supporting documentation and if the Commissioner or the Director determines the request is:

(a) Not approved, the Commissioner or the Director, shall return the request and a written disapproval, through the chain of command, to the coordinator, who shall notify the employee or IIAB making the original request; or

(b) Approved, the Commissioner or the Director, on behalf of the DSO, shall return the request and written approval, through the chain of command, to the coordinator, who shall initiate appropriate actions related to approval of the charitable activity and provide a copy of the approved request to the Director of Financial Services, or designee.

(8) The Director of Financial Services, or designee shall review, follow-up with coordinators, as appropriate, and prepare an annual summary report on charitable activities approved by the Commissioner or the Director.

D. Charitable Activity — Coordinator Responsibilities.

(1) The coordinator shall:

(a) Serve as the facility's contact with the charitable community-based organization;

(b) Coordinate administrative and operational activities with Operations personnel affected by the charitable activities to ensure approved resources and services are provided;

(c) Collect completed and signed vouchers;

(d) Verify that each voucher has the appropriate incarcerated individual's signature, before submitting the voucher to the Fiscal Services Chief, or designee;

(e) Create an electronic spreadsheet that lists the name and State Identification Number of each incarcerated individual submitting a voucher;

(f) Copy each voucher to be retained for the purpose of an audit;

(g) Forward the original, signed voucher and a completed requisition form to the Fiscal Services Chief;

(h) Document and maintain a record of income and expenditures in accordance with standard accounting principles approved by the Department's Director of Financial Services;

(i) Receive and inventory items purchased as a result of the charitable activity;

(j) Distribute items purchased as a result of the charitable activity permitted for an incarcerated individual to possess based on the Allowable Property Matrix;

(k) Forward appropriate documentation to the Fiscal Services Chief; and

(l) Prepare a final report as required under §.05H of this directive.

E. Charitable Activity — Food Services Manager and Security Operations.

(1) If the charitable activity includes food purchased through the Department's existing food service vendor(s), the Director of Food Services shall ensure:

(a) Approved food is ordered, in accordance with established procedures for standardized meal and incarcerated individual events;

(b) Dietary staff is available, if needed;

(c) Expenditures for food, food related items, and resources are recovered from charitable activity proceeds; and

(d) All purchases are consistent with existing food service vendors' contracts, and any applicable procurement laws and regulations.

(2) If the charitable activity includes food purchased through an outside vendor, the coordinator shall work with the Director of Food Services to ensure that:

(a) Written verification is obtained that indicates the outside vendor complies with all state and local regulations regarding food service;

(b) The vendor is vetted by the Director of Security Operations, or designee;

(c) If successfully vetted, approved by the Commissioner or Director; and

(d) All purchases are consistent with any applicable procurement laws and regulations.

(3) The coordinator shall work with the Director of Security Operations, or designee, to ensure that:

(a) The charitable organization benefiting from the incarcerated individuals' donations is registered as a 501(c)(3) business in Maryland; and

(b) Neither the charitable organization nor the outside vendor providing the goods and/or services is operated by a State employee, a relative or personal associate of a State employee.

(4) The coordinator shall work with the Director of Food Services and the facility's dietary officer to ensure that all food related to the charitable activity:

(a) Is prepared and served in a manner that meets established governmental health and safety codes;

(b) Is maintained in accordance with the guidelines established in the Department's Food Services manual; and

(c) Conforms to the dietary requirements or restrictions of affected incarcerated individuals.

F. Charitable Activity — Fiscal Services Chief.

(1) The Fiscal Services Chief shall:

(a) Manage incarcerated individual account activities in accordance with the Department Financial Operations Manual and standard accounting practices;

(b) Recommend approving or disapproving a request to approve a charitable activity in accordance with Department financial policy and procedure; and

(c) Maintain records of income and expenditures related to an approved charitable activity income and expenditures.

(2) The Fiscal Services Chief shall ensure:

(a) Charitable activity transactions are processed in accordance with this directive;

(b) Approvals are received from the appropriate authority before merchandise, items for sale, or supplies related to the charitable activity are purchased;

(c) That, for audit purposes, funds are accounted for and appropriate documentation is retained for 3 years from the date the charitable activity ended; and

(d) Costs incurred by the Department or unit related to the charitable activity are deducted from the gross proceeds from the charitable activity before the final donation is sent to the charitable community-based organization.

G. Charitable Activity — Incarcerated Individual Responsibilities.

(1) An incarcerated individual may participate in or donate to an approved charitable activity if the individual is eligible.

(2) An incarcerated individual shall not be required to participate in a charitable activity.

(3) Eligibility Criteria.

(a) All incarcerated individuals in the facility hosting the charitable activity are eligible to participate, except as provided in. §05G(2)(b) of this directive.

(b) An incarcerated individual is **ineligible** to participate in the charitable activity if the individual has:

(i) Received any infraction in the 30 days preceding the charitable event;

(ii) Been on disciplinary segregation during the previous 3 months;

(iii) A guilty finding for a Category IA Rule Violation 104 through 125 during the previous 12 months; or

(iv) A guilty finding for the following Category IA Rule Violations during the previous 24 months:

a. 100 if participating in a riot, fire, or any activity that disrupts food or drink service;

b. 101; or

c. 102 or 103 if assault resulted in death or involved the use of a weapon.

(4) Participation Rules.

(a) Incarcerated Individual Accounts may only process the vouchers one time.

(b) A voucher cannot be cancelled after the order is placed.

(c) There will be no refunds.

(d) If an incarcerated individual violates any of the eligibility criteria during the time between the order placement/charitable activity and the delivery of the item, eligibility shall be forfeited.

(e) The quantity of items available for purchase will be determined by the facility based on the security of the facility and the requirements of the fund raising event.

(5) An incarcerated individual donating to a charitable activity shall use a voucher form, which may be obtained from a:

(a) Correctional case management specialist; or

(b) Correctional officer.

(6) An incarcerated individual shall ensure the voucher contains the:

(a) Individual's name;

(b) State Identification Number;

(c) Payee's name;

(d) Payee's mailing address and zip code;

(e) Dollar value of the voucher;

(f) Signature; and

(g) Purpose of the disbursement (charitable activity).

(7) During the charitable activity an incarcerated individual shall comply with the facility's procedures and rules of conduct.

H. Final Report.

(1) The coordinator shall complete a final report for the managing official and Fiscal Services Chief.

(2) The final report shall, at a minimum, include:

(a) The total proceeds collected from incarcerated individuals supported by completed vouchers;

(b) The total proceeds collected from other sources;

(c) The total Department and agency expenses;

(d) The total proceeds (less Department or unit expenses) sent to the charitable community-based organization;

(e) A summary of a review of the outcomes of and operational concerns related to the conducting of the charitable activity;

(f) Supporting documentation that the Fiscal Services Chief sent the net proceeds to the charitable community-based organization by a single Department check; and

(g) Documentation that the Department or unit has been reimbursed for expenditures for services and resources used in connection with conducting the charitable activity.

.06 Appendix.

A. Incarcerated Individual Charitable Activities Request, OPS Form # 245-8aR.

B. Eligibility Requirements.

.07 History.

A. This directive replaces Executive Directive Number OPS.245.0008, dated June 25, 2018 and supersedes provisions of any other prior existing Department or unit communication with which it may be in conflict.

B. Executive Directive Number OPS.245.0008, dated July 14, 2015 and superseded Executive Directive Number OPS.245.0008, dated April 19, 2013.

C. Executive Directive Number OPS.245.0008, dated April 19, 2013 supersedes provisions of any other prior existing Department or unit communication with which it may be in conflict.

.08 Correctional Facility Distribution Code.

A
D
L
S Commissioner of Correction
Commissioner of Pretrial and Detention Services
Director of Patuxent Institution
Director, Financial Services
Deputy Commissioner
Managing Official
Assistant Warden
Security Chief
Food Service Manager
Fiscal Services Chief

INCARCERATED INDIVIDUAL CHARITABLE ACTIVITY REQUEST

Directive Number: OPS.245.0008 – Appendix A

Facility Name:

Activity:

Purpose:

Activity Details:

Date(s):

Time(s):

Charitable Organization (Name):

Facility Coordinator:

Coordinator Phone #:

Coordinator E-mail Address:

Activity Location(s):

Supply Requirements:

1. **Equipment Requirements:**
2. **Staffing Requirements:**

Vouchers to be delivered to Fiscal Services Chief by: _____
(Date)

APPROVALS

Warden/Asst. Warden/Designee: _____Approved: ☐ Disapproved: ☐ Date: _____
Comments: _____
_____

Food Service Unit: _____Approved: ☐ Disapproved: ☐ Date: _____
Comments: _____
_____

Fiscal Services Chief: _____Approved: ☐ Disapproved: ☐ Date: _____
Comments: _____

Assistant Commissioner _____Approved: ☐ Disapproved: ☐ Date: _____
Comments: _____

Commissioner or Director: _____Approved: ☐ Disapproved: ☐ Date: _____
Comments:_____

Director of Fiscal Field Operations via email: _____ Date: _____
Comments:_____

This form must be submitted to the Commissioner or Director for approval 30 days prior to the event.

Eligibility Criteria for Participation in Incarcerated Individual Charitable Activity

To be eligible to participate in a charitable activity an incarcerated individual may not have:

(a) Received any infraction in the 30 days preceding the charitable activity;

(b) Been on disciplinary segregation during the previous 3 months; or

(c) Received a guilty finding for a Category IA Rule Violation during the previous 6 months.

Participation Rules:

(a) The Finance Office—Incarcerated Individual Accounts can only process a voucher one time.

(b) A voucher cannot be cancelled after the order is placed.

(c) No refunds will be given.

(d) If an incarcerated individual violates any of the eligibility criteria during the time between the order placement for the charitable activity and the delivery of the item, it shall be forfeited.

(e) The quantity of items available for purchase will be determined by the facility based on the security of the facility and the requirements of the fund raising event.