

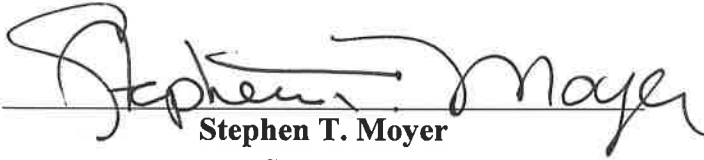


Executive Directive



Title: Charitable Activity — Inmate Participation and Contributions	Executive Directive Number: OPS.245.0008 – Revised
Related MD Statute/Regulations: United States Internal Revenue Code (26 U.S.C. §501(c); Annotated Code of Maryland, §8-520, Fundraising; §8-103, Establishment of Standards; Annotated Code of Maryland 1957, art. 41, §4-401 (b)(7)-(8)	Supersedes: OPS.245.0008 - dated July 17, 2015
Related ACA and MCCS Standards: 4-4045 – 4-4047, 4-ALDF-7D-16; 2CO-1B-05 & 14.	Responsible Authority:  Commissioner, Division of Correction  Commissioner, Pretrial Detention and Services
Related Directives:	Effective Date: July 1, 2018 Number of Pages: 9


Stephen T. Moyer
Secretary


J. Michael Zeigler
Deputy Secretary for Operations

.01 Purpose.

- A. This directive continues a process to sponsor a charitable activity that may involve inmate participation at a Department of Public Safety and Correctional Services (Department) correctional facility.
- B. This directive continues policy and procedures for conducting administrative and operational activities related to an approved charitable activity at a 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 sponsor a charitable activity that has been approved by a Commissioner on behalf of the Deputy Secretary for Operations (DSO).
- B. The Department correctional facility sponsoring an approved charitable activity under this directive shall ensure that:

- (1) The charitable activity benefits a legally recognized charitable community-based organization;
- (2) No outside food or beverages may be brought into the facility for the activity;
- (3) The Department or unit is reimbursed for expenses for resources such as, food, supplies, or overtime incurred as a result of sponsoring the charitable activity;
- (4) Purchases made related to the approved charitable activity comply with State procurement law and regulations and Department financial policy and procedure;
- (5) Net proceeds, obtained as a result of the charitable activity are delivered to the approved community-based charitable organizations; and
- (6) Property received by an inmate as the result of participating in or contributing to a charitable activity complies with existing procedures concerning inmate personal property.

.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) Operated exclusively for the following purposes:
 - (i) Religious;
 - (ii) Educational;
 - (iii) Charitable;
 - (iv) Scientific;
 - (v) Literary;
 - (vi) Testing for public safety;
 - (vii) Fostering national or international amateur sports competition;
 - (viii) Promoting the arts; or

- (ix) Fostering prevention of cruelty to children or animals;
- (d) 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
- (e) Eligible to receive a tax-deductible charitable contribution.
- (2) “Commissioner” means the Commissioner of Correction or the Commissioner of Pretrial and Detention Services.
- (3) Correctional Facility.
 - (a) “Correctional facility” has the meaning stated in Correctional Services Article, §1-101, Annotated Code of Maryland.
 - (b) “Correctional facility” includes a:
 - (i) Detention facility; and
 - (ii) Pre-release facility.
- (4) “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.
- (5) “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.
- (6) “Inmate Voucher” means an approved form intended to be used by an inmate to request disbursement of funds from the inmate’s spending account for a:
 - (a) Purpose authorized under existing procedures related to inmate finances; or
 - (b) Monetary donation as part of a charitable activity authorized by this directive.
- (7) “Participate”:
 - (a) 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 inmate participation and pledged contributions.
- (b) Goes beyond simply making a monetary contribution to a charitable activity.
- (8) "Sponsor" means the Department or an agency is officially involved with organizing, endorsing, or promoting a charitable activity authorized by this directive.

.05 Responsibility/Procedure.

- A. A managing official may request that a Department correctional facility sponsor a charitable activity that has been approved under provisions established under this directive.
- B. A correctional facility employee may request that the correctional facility sponsor a charitable activity.
- C. Facility Charitable Activity — Request and Approval.
 - (1) A correctional facility employee requesting that the correctional facility sponsor a charitable activity shall:
 - (a) Make the request in writing in a format approved by the Commissioner and, at a minimum, provide with 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 inmate 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)(b) 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 community-based 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
 - (c) Decide to support or reject the request to sponsor 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 sponsor a charitable activity:
 - (a) Does not meet requirements for sponsorship under §.05C(3), the coordinator shall notify, in writing, the employee making the request.
 - (b) Meets requirements for sponsorship under §.05C(3), the coordinator shall work with personnel affected by sponsorship of the charitable activity in order to obtain the necessary approvals and complete the request approved by the Commissioner, used to process the request to sponsor a charitable activity.
- (5) The coordinator, if not the managing official, shall:
 - (a) If all necessary approvals under §.05C(4)(b) of this directive are received, forward the completed checklist and information assembled as required under this directive to the managing official.

- (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 sponsor the charitable activity through the managing official's chain of command to the Commissioner.
- (7) Upon receipt of a recommendation under §.05C(6) of this directive, the Commissioner, on behalf of the DSO, shall review the recommendation and supporting documentation and if the Commissioner:
 - (a) Disapproves the request, the Commissioner, shall return the request and written disapproval, through the chain of command, to the coordinator, who shall notify the employee making the original request.
 - (b) Approves the recommendation, the Commissioner, 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 sponsorship of the charitable activity and provide a copy of the approved request to the Director of Financial Services.
- (8) The Director of Financial Services shall review, follow-up with coordinators, as appropriate, and prepare an annual summary report on charitable activities approved by the Commissioner.

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 inmate vouchers;
 - (d) Verify that each inmate voucher has the appropriate inmate's signature, before submitting the voucher to the Fiscal Services Chief;
 - (e) Create an electronic spreadsheet that lists the name and Department identification number of each inmate submitting a voucher;
 - (f) Copy each inmate voucher to be retained for the purpose of an audit;
 - (g) Forward the original, signed inmate 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 inmate to possess based on the inmate 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.

- (1) If food is included as part of an approved charitable activity, the Food Services Manager shall ensure:
 - (2) Approved food is ordered, in accordance with established procedures for standardized meal and inmate events; and
 - (3) If necessary, dietary staff is available.
- (4) The Food Services Manager shall ensure expenditures for food, food related items, and resources are recovered from charitable activity proceeds.

F. Charitable Activity — Fiscal Services Chief.

- (1) The Fiscal Services Chief shall:
 - (a) Manage inmate account activities in accordance with the Department Financial Operations Manual and standard accounting practices;
 - (b) Recommend approving or disapproving a request to sponsor 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 — Inmate Responsibilities.

- (1) An inmate may participate in or donate to an approved charitable activity.
- (2) An inmate donating to a charitable activity shall use an inmate voucher form, which may be obtained from a:
 - (a) Correctional case management specialist; or
 - (b) Correctional officer.
- (3) (3) An inmate shall ensure the inmate voucher form contains the:
 - (a) Inmate's name;
 - (b) Inmate's identification number;
 - (c) Payee's (Pay To) name;
 - (d) Payee's mailing address and zip code;
 - (e) Dollar value of the voucher;
 - (f) Inmate's signature; and
 - (g) Purpose of the disbursement.
- (4) An inmate participating in a charitable activity shall comply with approved facility policy and 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 inmates supported by inmate 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 sponsoring 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 sponsoring the charitable activity.

I. A managing official may not issue a facility directive regarding sponsoring a charitable activity.

.06 Attachments.

Inmate Charitable Activities Request, DPSCS OS 26 ADM

.07 History.

- A. This directive replaces Executive Directive Number OPS.245.0008, dated July 14, 2015 and supersedes provisions of any other prior existing Department or unit communication with which it may be in conflict.
- B. This directive replaces Executive Directive Number OPS.245.0008, dated April 19, 2013 and 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, Financial Services
 Deputy Commissioner
 Managing Official
 Assistant Warden
 Security Chief
 Food Service Manager
 Fiscal Services Chief



INMATE CHARITABLE ACTIVITY REQUEST

Directive Number: OPS.245.0008 – Attachment

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: _____ Approved: ____ Disapproved: ____ Date: ____
Comments: _____

Director, Financial Services via email: _____ Date: ____
Comments: _____

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