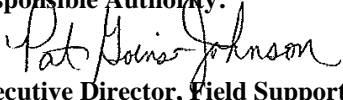
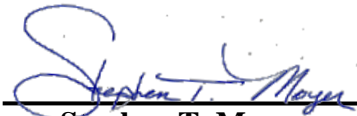
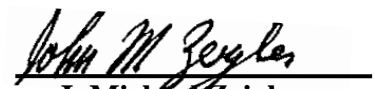


# Executive Directive



|  |   |
|--|---|
| <b>Title:</b><br><b>Violence Reduction</b>   | <b>Executive Directive Number:</b><br><b>OPS.110.0022</b><br><b>REVISED</b>   |
| <b>Related MD Statute/Regulations:</b><br>Correctional Services Article, §2-103,<br>Annotated Code of Maryland | <b>Supersedes:</b><br>OPS.110.0022 dated 08/20/16   |
| <b>Related ACA Standards:</b><br>4-4225-1  | <b>Responsible Authority:</b><br><br>Executive Director, Field Support<br>Services |
| <b>Related MCCS Standards:</b><br>N/A  | <b>Effective Date:</b><br>February 28, 2017<br><b>Number of Pages:</b> 9  |

  
**Stephen T. Moyer**  
Secretary

  
**J. Michael Zeigler**  
Deputy Secretary  
for Operations

## .01 Purpose.

This directive updates policy and procedures for the Department of Public Safety and Correctional Services (Department) intending to minimize incidents of a violent nature involving inmate-on-inmate and inmate-on-employee interaction.

## .02 Scope.

This directive applies to all Department units responsible for the custody, security, and supervision of individuals under the authority of the Department.

## .03 Policy.

- A. The Department is committed to providing employees with a work environment free of actions that endanger or harm an employee.
- B. The Department does not tolerate acts of violence resulting during inmate-on-inmate or inmate-on-employee interaction.
- C. The Department shall ensure that each incident of misconduct involving violence is properly investigated and analyzed in order to minimize acts of violence.
- D. The procedures established in this directive do not replace or in any way diminish responsibilities for reporting, processing, investigating, resolving, and documenting incidents of inmate or employee misconduct established by Department or unit procedural documents.

## .04 Definitions.

- A. In this directive, the following terms have the meanings indicated.
- B. Terms Defined.

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- (1) “Assault” means the crimes of assault, battery, and assault and battery, which retain their judicially determined meanings (Criminal Law Article, §3-201(b), Annotated Code of Maryland).
- (2) “Assault in the first degree” (Criminal Law Article, §3-202, Annotated Code of Maryland):
  - (a) Means a person may not intentionally cause or attempt to cause serious physical injury to another.
  - (b) Means a person may not commit an assault with:
    - (i) A firearm, including a handgun, antique firearm, rifle, shotgun, short-barreled shotgun, or short-barreled rifle, as those terms are defined in Criminal Law Article, § 4-201, Annotated Code of Maryland;
    - (ii) An assault pistol, as defined in Criminal Law Article, §4-301, Annotated Code of Maryland;
    - (iii) A machine gun, as defined in Criminal Law Article, §4-401, Annotated Code of Maryland; and
    - (iv) A regulated firearm, as defined in Public Safety Article, §5-101, Annotated Code of Maryland.
  - (c) Is a felony and on conviction is subject to imprisonment not exceeding 25 years.
- (3) “Assault in the second degree” (Criminal Law Article, §3-203, Annotated Code of Maryland):
  - (a) Means that an individual may not commit an assault as defined under §.04B(1) of this directive.
  - (b) Except under §.04B(3)(c) of this directive, is a misdemeanor and upon conviction is subject to imprisonment not exceeding 10 years or \$2,500 fine or both.
  - (c) Law Enforcement Officer.
    - (i) In §.04B(3)(c)(ii) of this directive, "physical injury" means any impairment of physical condition, excluding minor injuries.
    - (ii) A person may not intentionally cause physical injury to another if the person knows or has reason to know that the other is a law enforcement officer engaged in the performance of the officer's official duties; or a parole or probation agent engaged in the performance of the agent's official duties.
    - (iii) A violation of §.04B(3)(c)(ii) of this directive is a felony and on conviction is subject to imprisonment not exceeding 10 years or a fine not exceeding \$5,000 or both.
- (4) Battery.
  - (a) “Battery” is an element of assault and means unwanted physical contact with another.
  - (b) “Battery” requires:

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- (i) Physical contact or attempted physical contact; and
  - (ii) The act to be intentional (intending to cause harmful or offensive contact) or reckless (a disregard for serious risk of offensive contact).
- (5) Contact with Bodily Fluid (Criminal Law Article, §3-205, Annotated Code of Maryland).
  - (a) “Contact with bodily fluid” means an inmate may not maliciously cause or attempt to cause an employee of a State correctional facility, a local correctional facility, or a sheriff’s office, regardless of employment capacity, to come into contact with:
    - (i) Seminal fluid, urine, or feces; or
    - (ii) Blood, if the contact with the blood is not the result of physical injury resulting from physical body contact between the inmate and the employee.
  - (b) “Contact with bodily fluid”:
    - (i) Is a misdemeanor and on conviction is subject to imprisonment not exceeding 10 years or a fine not exceeding \$2,500 or both.
    - (ii) Requires that a sentence imposed as a result of a conviction is served consecutively to any sentence that the inmate was serving at the time of the crime or that had been imposed, but was not yet being served at the time of sentencing for a violation contact with bodily fluid.
    - (iii) Prohibits suspension of a sentence imposed for a conviction of contact with bodily fluid.
- (6) Correctional officer.
  - (a) “Correctional officer” has the meaning stated in Correctional Services Article, §8-201, Annotated Code of Maryland.
  - (b) “Correctional officer” includes:
    - (i) A Division of Parole and Probation agent and Drinking Driving Monitor;
    - (ii) Department law enforcement officer; and
    - (iii) All classifications or ranks of correctional officer.
- (7) Employee.
  - (a) “Employee” means an individual assigned to or employed by the Department in a full-time, part-time, temporary, or contractual position.
  - (b) “Employee” includes:
    - (i) A volunteer; and
    - (ii) An intern.

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- (8) "Homicide" has the meaning established under Criminal Law Article, Title 2, Annotated Code of Maryland.
- (9) Inmate.
  - (a) "Inmate" has the meaning as stated under Correctional Services Article, §1-101, Annotated Code of Maryland.
  - (b) "Inmate" includes an individual referred to as:
    - (i) Detainee;
    - (ii) Resident; and
    - (iii) Offender.
- (10) Law enforcement officer.
  - (a) "Law enforcement officer" has the meaning stated in Public Safety Article, §3-101(e)(1) Annotated Code of Maryland without application of §3-101(e)(2) of the same article.
  - (b) "Law enforcement officer" includes:
    - (i) A correctional officer at a correctional facility; and
    - (ii) An officer employed by the WMATA Metro Transit Police, subject to the jurisdictional limitations under Article XVI, § 76 of the Washington Metropolitan Area Transit Authority Compact, which is codified in § 10-204 of the Transportation Article.
- (11) "Minor Injury" means that an incident resulted in injury or illness to an employee that does not require action by a licensed medical or mental health practitioner in order for the employee to resume assigned duties following the incident.
- (12) "Parole and probation agent" has the meaning stated under Code of Maryland Regulations (COMAR) 12.10.01.01 for mandated employee.
- (13) "Serious physical injury"(Criminal Law Article, §3-201(d), Annotated Code of Maryland) means physical injury that:
  - (a) Creates a substantial risk of death; or
  - (b) Causes permanent or protracted serious:
    - (i) Disfigurement;
    - (ii) Loss of the function of any bodily member or organ; or
    - (iii) Impairment of the function of any bodily member or organ.

(14) Violence.

- (a) “Violence” means an act that imposes the will of an individual on another individual that involves physical force, or causes physical injury or harm to another individual.
- (b) “Violence” includes, but may not be limited to:
  - (i) Assault
  - (ii) Assault in the first degree;
  - (iii) Assault in the second degree;
  - (iv) Battery;
  - (v) Contact with bodily fluid; and
  - (vi) Homicide.

**.05 Responsibility/Procedures.**

A. Reduction of Violence Committee.

- (1) Except for the Division of Parole and Probation (DPP) as provided under §.05A(2) of this directive, each managing official shall establish for the respective facility a Reduction of Violence Committee (Committee) that, at a minimum, consists of the following:
  - (a) Assistant Managing Official or Facility Administrator (Chair);
  - (b) Security Chief, if available at the facility;
  - (c) Facility Adjustment Coordinator;
  - (d) Investigative Captain;
  - (e) Intelligence Officer, if available at the facility;
  - (f) Case Management Supervisor, or a designee, if available at the facility;
  - (g) Social Work Supervisor, or a designee, if available at the facility;
  - (h) Psychology Supervisor, or a designee, if available at the facility; and
  - (i) Correctional Officer Sergeant.
- (2) The Director, DPP shall establish a Committee required under §.05A(1) of this directive for each region substituting, to the degree possible, appropriate employees in classifications necessary to carry out the responsibilities established for the Committee under §.05A(3) of this directive.
- (3) The Committee shall meet at least monthly to review and assess all incidents occurring at the facility during the preceding month that impact custody, security, and similar related operational activities in conjunction with:

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- (a) Notice of Inmate Rule Violation forms documenting assault and acts of violence;
  - (b) Incidents involving the use of force (spontaneous or planned);
  - (c) All Serious Incident Reports involving violence as defined in this directive;
  - (d) Employee First Report of Injury forms (if available);
  - (e) Offender Case Management System (OCMS) Events Performance Based Measurements
  - (f) Monthly reports of:
    - (i) Administrative Remedy Process (ARP) findings;
    - (ii) Special confinement (restrictive) housing placements;
    - (iii) Security Threat Group (STG) membership levels and new validations;
    - (iv) Use of force statistics;
    - (v) Canine activities; and
    - (vi) Random urinalysis testing;
  - (g) Intelligence reports (submitted by facility intelligence officers); and
  - (h) Other information related to custody, security, and safety at the facility.
- (4) If as part of the required review under §.05A(3) of this directive the Committee reviews an incident involving the use of force or violence, within 5 days of the date the Committee reviews an incident involving the use of force or violence, the Committee shall:
- (a) Complete a Post Incident Review Checklist (see §.05B of this directive) for each incident involving the use of force or violence;
  - (b) Forward the Post Incident Review Checklist to the facility's managing official for review.
- (5) The Committee shall complete the Monthly Facility Incident Report (attached) that includes incidents reviewed other than incidents recorded on a Post Incident Review Checklist required under §.05A(4) of this directive that summarizes the results of Committee recommendations made related to incidents that did not include the use of force or violence; and:
- (a) Within 10 work days of the date the monthly meeting was held, forward the report to the managing official for review and applicable action; and
  - (b) File a copy of the report in a file created to maintain documentation resulting from Committee actions.

B. The Post Incident Review Checklist required under §.05A(4) of this directive, at a minimum, shall include the following information:

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- (1) Date and time of the incident;
- (2) Facility;
- (3) A description of the incident;
- (4) Specific location within the facility where the incident occurred;
- (5) OCMS Event Number;
- (6) Serious Incident Report (SIR) number;
- (7) Incident type;
- (8) Names of individuals (employees and inmates) involved;
- (9) Prior incidents involving violence for the individuals involved (employees and inmates);
- (10) Inmate SID number;
- (11) Inmate's security status at the time of the incident;
- (12) Inmate's housing status at the time of the incident;
- (13) An opinion as to:
  - (a) The root cause of the incident and contributing factors;
  - (b) If the violence was avoidable in terms of an alternative approach that would have lessened or avoided violent action;
  - (c) If the incident itself was avoidable;
  - (d) If determined to be avoidable, recommendations as to modifying or establishing new policy or procedure or other action to prevent or minimize the potential for similar incidents;
  - (e) Resolution action taken; and
  - (f) Recommendations as to follow up corrective actions, (medical, psychological, training);
- (14) An indication that disciplinary action has been initiated or is recommended for the employee or inmate involved;
- (15) Rule violation decision;
- (16) Sanctions imposed as result of rule violation;
- (17) Additional sanctions imposed by the managing official, or a designee;
- (18) If appropriate, a description of the extent of injury to employees and inmates;
- (19) If an employee sustained injury:

- (a) A statement indicating the filing or lack of filing of a First Report of Injury;
  - (b) The extent of treatment provided the injured employee; and
  - (c) If any, the time lost from work resulting from the violent incident;
- (20) The names of Committee members participating in the post incident review; and
- (21) Was the Internal Investigative Division (IID) notified and the results of that notification.

**C. Managing Official's Review of Post Incident Review Checklist.**

- (1) Within 5 work days of receipt, a managing official, or a designee, shall review a Post Incident Review Checklist received in accordance with §.05A(4) of this directive to:
  - (a) Ensure that the information is complete; and
  - (b) Appropriately approve or disapprove the content submitted by the Committee.
- (2) If the managing official, or a designee, disapproves a Post Incident Review Checklist, the managing official, or a designee, shall work with the Committee to rectify identified issues.
- (3) Once a Post Incident Review Checklist is approved, the managing official shall:
  - (a) Immediately forward a copy of an approved Post Incident Review Checklist to the Operations Headquarters Security Operations Unit, Operations Data Specialist; and
  - (b) Ensure that the original Post Incident Review Checklist is placed in the file for the incident for which the Post Incident Review Checklist was completed.

**D. HRSD Responsibilities.** — In accordance with responsibilities assigned under procedures related to assaults on correctional officers (separate directive), the Executive Director, HRSD shall ensure that appropriate HRSD Legal Services staff, in cooperation with the Operations Data Specialist review and analyze data concerning violent incidents in order to:

- (1) Determine the effect of facility and Department actions taken to minimize incidents of violence; and
- (2) Produce reports that may be required by the:
  - (a) Secretary;
  - (b) Secretary's Director — Office of Investigative Services;
  - (c) Secretary's Director, Professional Standards, Police/Correctional Officer & Labor Liaison;
  - (d) Department's Office of the Inspector General; and
  - (e) Correctional Training Commission.



**F. Housing Assignment.**

- (1) As part of a review of a Post Incident Review Checklist required under §.05C of this directive or a report submitted by the Reduction of Violence Committee under §.05A(5) of this directive the Reduction of Violence Committee may make a recommendation to the managing official that inmate involved in an incident involving violence should be housed in accordance with Department procedures for housing violent offenders.
- (2) If a managing official receiving a recommendation under §.05F(1) of this directive agrees that the inmate's housing assignment should be changed to address the demonstrated violent behavior, the managing official shall refer the inmate's case to Case Management for review and appropriate action related to housing assignment.

**.06 Attachment(s)/Link(s).**

- A. Post Incident Review Checklist (Editable version available at [SafetyNet>DPSCS>Forms>All DPSCS Forms](#))
- B. Monthly Facility Incident Report

**.07 History.**

This directive supersedes OPS.110.0022 dated August 20 2016 and provisions of any other prior existing Department or unit communication with which it may be in conflict.

**.08 Correctional Facility Distribution Code.**

- A
- L

## Post Incident Review Checklist

Page 1 of 2

Facility:              Date & Time of Incident:

OCMS Event ID#:              SIR #:

Incident Type:              Specific Location:

Describe Incident

Root Cause and contributing factors

Resolution Action Taken

Recommendations as to follow up corrective actions (medical, psychological, training)

Was incident avoidable? ☐

Was violence avoidable? ☐

If avoidable, recommendation as to modifying or establishing new policy, procedures, or action to prevent or minimize future incidents

### Employees Involved

| Name | Prior involvement in violence | Disciplinary Action |
|------|-------------------------------|---------------------|
|      | <input type="checkbox"/>      |                     |

*Repeat Employees' names and provide additional details below*

| Name | First Report of Injury   | Extent of Treatment | Time Lost due to injuries |
|------|--------------------------|---------------------|---------------------------|
|      | <input type="checkbox"/> |                     |                           |

### Inmate/Detainees Involved

| SID | Name | Prior involvement in violence | Security Level | Housing Status (Special, General Pop, etc) |
|-----|------|-------------------------------|----------------|--|
|     |      | <input type="checkbox"/>      |                |  |

*Repeat Inmate/Detainees SID provide additional details below*

| SID | Extent of Injury | Rule Violation decision | Sanctions | Any additional sanctions |
|-----|------------------|-------------------------|-----------|--------------------------|
|     |                  |                         |           |                          |

Committee Members

IID Notified: ☐

Action or Inaction taken and why

Date Checklist Completed:

Name of Committee Chair:

Managing Official Approval: ☐

Comments

Managing Official's Signature: \_\_\_\_\_

**Maryland Department of Public Safety and Correctional Services**  
**Monthly Facility Incident Report**

**Facility:** \_\_\_\_\_

**Month:** \_\_\_\_\_ **Year:** \_\_\_\_\_

| Type of Incident | # Employees | # Inmates | Cause/<br>Contributing<br>Factors | Was the Incident<br>Avoidable? |    | Follow up<br>Recommendation(s) |
|------------------|-------------|-----------|-----------------------------------|--------------------------------|----|--------------------------------|
|                  | Involved    | Involved  |                                   | Yes/How                        | No |                                |
|                  |             |           |                                   |                                |    |                                |
|                  |             |           |                                   |                                |    |                                |
|                  |             |           |                                   |                                |    |                                |
|                  |             |           |                                   |                                |    |                                |
|                  |             |           |                                   |                                |    |                                |
|                  |             |           |                                   |                                |    |                                |
|                  |             |           |                                   |                                |    |                                |

Type of Incident – Examples: Assault, Threat, Homicide  
Cause/Contributing Factors – Examples: Drugs, Gang Activity

\_\_\_\_\_  
Chair Signature and Date