



Secretary's Directive

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Emergency COVID-19 Procedures Related to Segregation Housing and Discipline	Secretary's Directive Number: EmD.OPS.105.0013
Related MD Statute/Regulations: COMAR 12.03.01—Inmate Discipline Process	Supersedes: Not Applicable
Related ACA and MCCS Standards: 5-ACI-3C-02	Authorized By: Kimberly Stewart, Esq. Chief Hearing Officer, Inmate Discipline
Related Directives: None	Issued Date: April 29, 2020 Effective Date: April 30, 2020
Variance: Each Division may issue a Division Information Bulletin necessary to implement and comply with this directive.	Number of Pages: 4

.01 PURPOSE.

The purpose of this directive is to minimize movement of inmates during the COVID-19 State of Emergency for disciplinary reasons in order to maintain the safety and security of inmates, staff, and facilities within the Department.

.02 SCOPE.

This directive is applicable to Department correctional facilities.

.03 POLICY.

- A. Pursuant to COMAR 12.03.01.33, the Secretary is authorized to modify, suspend, or terminate the inmate disciplinary process consistent with due process. During the declared state of emergency and under the authority of the Secretary, a managing official may replace a disciplinary segregation sentence with cell restriction and loss of privileges otherwise permitted under COMAR 12.03.01.28, without regard for whether or not the hearing officer imposed alternative or informal sanctions.
- B. This directive, in accordance with other Department policy shall remain in effect for the duration of the COVID-19 State of Emergency, or until rescinded or amended by a subsequent directive.

.04 DEFINITIONS.

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

B. Terms Defined.

- (1) "Commissioner" means the Commissioner of Correction and the Commissioner of Pretrial and Detention Services.
- (2) "Inmate" has the meaning stated in Correctional Services Article, §1-101, Annotated Code of Maryland: "[An] 'Inmate' means an individual who is actually or constructively detained or confined in a correctional facility."
- (3) "Managing Official" has the meaning stated in Correctional Services Article, §1-101, Annotated Code of Maryland: "[A] 'Managing official' means the administrator, director, warden, superintendent, sheriff, or other individual responsible for the management of a correctional facility."

.05 PROCEDURES.

A. Administrative Segregation-Pending Adjustment.

- (1) Before moving an inmate from general population housing to administrative segregation-pending adjustment, the Managing official, or designee shall review the inmate's case to determine if the inmate can be safely maintained in the inmate's current cell.
- (2) The inmate shall only be transferred to a new location with a status of administrative segregation-pending adjustment, if the managing official, or designee determines that the:
 - (a) Inmate is a physical risk to the safety and security of him or herself, other inmates, staff, or the facility based on the inmate's alleged behavior; and
 - (b) Physical safety and security risk outweighs the risk of COVID-19 transmission to the inmate, other inmates, and staff.
- (3) If the managing official determines that the risk:
 - (a) Of COVID-19 transmission outweighs the physical safety and security risks, then the inmate shall remain in the inmate's cell on administrative segregation-pending adjustment; or
 - (b) To the physical safety of the inmates, staff, and facility outweighs the risk of COVID-19 transmission, then the procedures established in § .05C of this directive shall be followed.

B. Disciplinary Segregation.

- (1) If a correctional hearing officer imposes disciplinary segregation for an inmate who is not housed in a segregation unit, the managing official, or designee shall conduct an immediate review of the imposed sanctions and determine if the:

- (a) Inmate is a physical risk to the safety and security of him or herself, other inmates, staff, or the facility based on the inmate's alleged behavior; and
 - (b) Physical safety and security risk outweighs the risk of COVID-19 transmission to the inmate, other inmates, and staff.
- (2) If the managing official determines that the risk:
- (a) Of COVID-19 transmission outweighs the physical safety and security risks, then the inmate shall remain in the inmate's cell on disciplinary segregation; or
 - (b) To the safety and security of the inmates, staff, and facility outweighs the risk of COVID-19 transmission, then the procedures established in § .05C of this directive shall be followed.

C. Placement for Segregation.

- (1) If the managing official, or designee, under the procedures stated in §§ .05 A and B of this directive, determines that an inmate requires administrative or disciplinary segregation because the inmate is a sufficient risk to the safety and security of self, other inmates, staff, or the facility, then the managing official shall authorize an inmate location placement in the order of the following alternatives:
- (a) First Alternative: The inmate will remain in the current cell or housing unit and the inmate's movement and/or privileges shall be restricted to the extent possible consistent with the inmate's administrative or disciplinary segregation status.
 - (b) Second Alternative: The inmate will be moved to another housing location within the same facility in order to accommodate the inmate's administrative or disciplinary segregation status.
 - (c) Third Alternative: An inmate currently housed within a facility shall be transferred to another facility in the same Division with the approval of the Commissioner.
 - (d) Last Alternative: If a DPDS inmate cannot be housed at any DPDS facility as determined and agreed to by both Commissioners, then the DPDS inmate may be transferred to a DOC facility. This option shall be a last resort and DPDS shall utilize every available resource including using holding cells and/or facilities not normally designated as segregation bed space.

.06 Appendix.

None

.07 History.

This directive supersedes provisions of any other prior existing communication with which it may be in conflict.

.08 Distribution.

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