

Chapter 01 The Operations Manual

Section 02 - Terms and Definitions

A. Definitions.

(1) Except as provided in paragraph (2) of this subsection, the definition of a term listed in subsection B of this section shall apply throughout this manual.

(2) When a chapter or a subpart of a chapter contains a defined term or a definition that is not listed in subsection B of this section, the defined term or definition shall apply only within the chapter or the chapter subpart containing it.

B. Terms Defined.

(1) "Agent" means a divisional employee:

(a) Who is certified by the Maryland Correctional Training Commission to supervise offenders; and

(b) Whose primary job duty is to supervise offenders or to conduct investigations.

(2) "Appointing authority" means a State government officer who is empowered to make appointments and to terminate employment.

(3) "Assistant Program Administrator" means an administrator who assists a program administrator in administering a program and who, in the absence of the program administrator, serves as the program administrator.

(4) "Assistant Regional Administrator" means an administrator who assists a regional administrator in administering a program and who, in the absence of the regional administrator, serves as the regional administrator.

(5) "Bail bond" means security in cash or property that may be posted by, or on behalf of, an arrestee for the purpose of pretrial release.

(6) "Business record" means a paper or electronic record generated or received by an employee in the ordinary course of the Division's business of supervising, monitoring, or investigating an offender or a defendant.

(7) "Central Administration" means the Office of the:

(a) Director;

(b) Executive Deputy Director for Operations;

(c) Deputy Director for Administrative Services; and

(d) Deputy Director for Program Services.

(8) "Central Repository" means the Maryland Criminal Justice Information System Central Repository.

(9) "Chain of command" means the Division's and the Department's organizational and operational lines of authority.

(10) "Controlled dangerous substance (CDS)" means a substance, or its derivative, that is illegal to use or to possess without a medical prescription and which is listed in Schedules I through V of the Criminal Law Article, §§ 5-402–5-406, Annotated Code of Maryland.

(11) "Conviction" means a final judgment from a verdict or finding of guilty, a plea of guilty, or a plea of *nolo contendere*.

(12) "County" means a Maryland county and the city of Baltimore.

(13) "Criminal history record information" means data initiated or collected by a criminal justice agency about an individual regarding an event listed in Criminal Procedure Article, §10-215(a), of the Annotated Code of Maryland.

(14) "Criminal Justice Information System (CJIS)" means equipment, facilities, procedures, agreements, and personnel that are used to collect, process, preserve, and disseminate criminal history record information.

(15) "Day" means calendar day.

(16) "Defendant" means the accused person in a criminal prosecution or other criminal proceeding.

(17) "Department" means the Maryland Department of Public Safety and Correctional Services.

(18) "Deputy Director" means a deputy director of the Maryland Division of Parole and Probation.

(19) "Detainer" means a writ or other legal instrument commanding that a prisoner be held where confined.

(20) "Director" means the Director of the Maryland Division of Parole and Probation.

(21) "Division" means the Maryland Division of Parole and Probation.

(22) "Division of Correction" means the Maryland Division of Correction.

(23) "Drinking Driver Monitor Program" means the divisional program that monitors a driver pursuant to a court order or a referral by the Motor Vehicle Administration or its Medical Advisory Board.

(24) "Employee" means a divisional employee.

(25) "Employer" means a person for whom an individual works or volunteers time or services.

(26) "*Et sequentia (et seq.)*" means "and the pages which follow".

(27) "Executive Deputy Director" means the executive deputy director of the Maryland Division of Parole and Probation.

(28) "Extradition" means the formal surrender or delivery of a prisoner from the custody of one sovereign to that of another.

(29) "Field book" means a binder used by an agent or monitor for the purpose of keeping paper field notes.

(30) "Field note" means a paper or electronic business record, usually made by an agent or monitor, regarding an offender.

(31) "Field Supervisor I" means an immediate supervisor whose position in the chain of command falls between agent and field supervisor II.

(32) "Field Supervisor II" means an intermediate supervisor whose position in the chain of command falls between field supervisor I and:

(a) Regional administrator; or

(b) Program administrator for the Correctional Options Program.

(33) "Fugitive" means an offender for whom an arrest or parole retake warrant is outstanding.

(34) "Immediate supervisor" means a supervisor who evaluates and directly oversees or directs the work of others.

(35) "Individual" means a human being.

(36) "Intake" means the process, conducted by a divisional employee, of obtaining legal and personal information about an offender newly placed on parole, probation, mandatory supervision, or pretrial release, entering that information into a database, and assigning the case to an agent, a monitor, or the Case Monitoring Unit.

(37) "Intake reviewer" means a divisional employee whose primary job duty is to conduct intakes.

(38) "Intermediate supervisor" means a supervisor who evaluates and oversees or directs the work of an immediate supervisor.

(39) "Mandatory supervision" means a conditional release from confinement that is based upon diminution credits earned by an inmate.

(40) "Mandatory supervisee" means an offender who is:

(a) Released from a correctional facility under a mandatory supervision release certificate issued by the Division of Correction; and

(b) Supervised as if on parole.

(41) "May" means that a specified action or result is permissive.

(42) "May not" means that a specified action or result is prohibited.

(43) "Medical Advisory Board" means a board of the Motor Vehicle Administration composed of physicians and optometrists who determine the fitness of licensees or applicants to drive safely.

(44) "Monitor" means a divisional employee:

(a) Who is certified by the Maryland Correctional Training Commission to monitor drunk or impaired drivers; and

(b) Whose primary job duty is to monitor drunk or impaired drivers.

(45) "Monitor Supervisor I" means an immediate supervisor in the Drinking Driver Monitor Program whose position in the chain of command falls between monitor and monitor supervisor II.

(46) "Monitor Supervisor II" means the working title of an intermediate supervisor in the Drinking Driver Monitor Program whose position in the chain of command falls between monitor supervisor I and program administrator for the Drinking Driver Monitor Program.

(47) "Motor Vehicle Administration (MVA)" means the Maryland Motor Vehicle Administration of the Department of Transportation.

(48) "MVA referral" means a referral from the Administrator of the Motor Vehicle Administration, or its Medical Advisory Board, to the Drinking Driver Monitor Program.

(49) "*Nolo contendere*" means a plea stating that a defendant will not contest a criminal charge but does not admit guilt or claim innocence.

(50) "*Nolle prosequi* (nol pros)" means a formal entry on the record by the State that declares the State's intention not to prosecute a charge.

(51) "Offender Based State Correctional Information System II (OBSCIS II)" means the Division's computer database that contains legal and other information about an offender or pretrial releasee.

(52) "Offender" means a parolee, probationer, or mandatory supervisee.

(53) "Parole" means a conditional release of an inmate from jail or prison, pursuant to a written order of the Parole Commission.

- (54) "Parole Commission" means the Maryland Parole Commission.
- (55) "Parolee" means an offender released from a correctional facility under a written order for parole.
- (56) "Parole retake warrant" means the legal instrument which commands the arrest and detention of a parolee or mandatory supervisee for violating one or more of the conditions of release.
- (57) "Person" means an individual, a corporation, a partnership, an unincorporated association, organization or society, a limited liability company, or a governmental entity.
- (58) "Probation" means a judicially ordered conditional release of an individual from the execution or imposition of all or part of a term of incarceration, usually with the individual subject to divisional supervision or monitoring.
- (59) "Probation before judgment" means a stay of the entering of a guilty judgment by a court, followed by the placing of the defendant on probation.
- (60) "Probationer" means a defendant who is conditionally released to the community by judicial order, in lieu of, or in addition to, a term of incarceration.
- (61) "Program Administrator" means the administrator of the Correctional Options Program or the Drinking Driver Monitor Program.
- (62) "Region" means the designated geographic area for which a regional administrator is operationally and administratively responsible.
- (63) "Regional Administrator" means the administrator of a region.
- (64) "Residence" means the place where an individual actually lives.
- (65) "Revocation hearing" means an administrative hearing, conducted by a parole commissioner, to determine whether a parolee or mandatory supervisee violated a term or condition of release.
- (66) "SafetyNet" means the Department's non-public, intranet network.
- (67) "Secretary" means the Secretary of the Department.
- (68) "Shall" means that a specified action or result is mandatory.
- (69) "Special condition" means a condition of probation, parole, mandatory supervision, or pretrial release that is in addition to the standard release conditions.
- (70) "Standards of Conduct" means the Departmental Standards of Conduct and Internal Administrative Disciplinary Process Manual.

(71) "*Stet processus* (stet)" means a stay or suspension of further proceedings in a criminal prosecution or a civil matter.

(72) "Violation of probation hearing" means a court proceeding held to determine whether a probationer violated a term or condition of probation.

(73) "Workday" means a divisional business day. "Workday" does not include legal holidays, Saturdays, or Sundays.