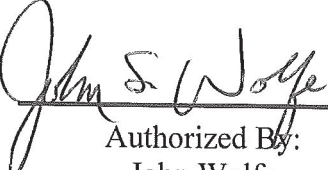
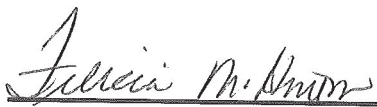




**Division of Pretrial
Detention and Services**

Brenda Shell

Approved By:
Brenda Shell
Commissioner

Title: Inmate Rights	Directive Number: DPDS.200.0003
Related MD Statute and Regulations: ADA 42 U.S.C.	Supersedes: CRDET-200-0003, titled Inmate Rights, issued August 18, 2014
COMAR: Related ACA Standards: 1-CORE-2A-06; 1-CORE-5B-03; 1-CORE-5C-04; 1-CORE-5C-05; 1-CORE-5C-06; 1-CORE-5C-07; 1-CORE-6A-01; 1-CORE-6A-02; 1-CORE-6A-03; 1-CORE-6A-04; 1-CORE-6A-05; 1-CORE-6A-06; 1-CORE-6A-07; 1-CORE-6A-08; 1-CORE-6B-01; 1-CORE-6B-02; 1-CORE-6B-03; 1-CORE-6C-01; 1-CORE-6C-03; 1-CORE-6C-04; 1-CORE-2A-06.	Responsible Authority:  Authorized By: John Wolfe Assistant Commissioner  Authorized By: Felicia M. Hinton Acting Deputy Commissioner
Related Department of Public Safety and Correctional Services Directives: Inmate Rights; Medical Testing Ban; Detainee Orientation; Inmate Transport; Use of Force; Supervision of Inmates; Separation of the Sexes; Accommodations for Persons with Disabilities; General Food Services Procedures; Heat Stratification Protocol; Arrestee Entrance/Refusal; Periodic Medical Evaluations, Post-Intake; Routine Health Services; Emergency Medical Services; Licensing/Certification of Medical Personnel; Clothing Issue and Return; Personal Accommodation for; Inmate Personal Hygiene Articles; Inmate Legal Matters; Practice of Religion; Mailroom Operations; Case Management and Housing; Media Access; Recreation Program; Program Events; Personal Grooming; Provision and Control of Clothing and Linen; Awarding Diminution of Confinement Credits.	Effective Date: October 19, 2015 Number of Pages: 9
Related MCCS Standards: .01G; .05A thru .05O	

Division of Pretrial Detention and Services Directive

.01 Purpose.

This directive establishes written policy and procedures governing inmate rights of the Division of Pre-Trial Detention and Services.

.02 Scope.

This directive is applicable to the Division of Pretrial Detention and Services (DPDS) excluding Baltimore City Correctional Center (BCCC) and Chesapeake Detention Facility (CDF).

A. Baltimore Central Booking and Intake Center (BCBIC);

B. Baltimore Pretrial Complex (BPC);

(1) Annex;

(2) Jail Industries Pretrial and Pre-Release Unit;

(3) Women's Detention Center; and

(4) Wyatt.

C. Maryland Reception Diagnostics Classification Center (MRDCC); and

D. Metropolitan Transition Center (MTC).

.03 Policy.

It is the policy of the Division of Pretrial Detention and Services, that an inmate who is committed and confined to a DPDS facility has the following rights:

A. Safety and security within the facility.

(1) No inmate is subjected to:

(a) Corporal punishment;

(b) Personal abuse;

(c) Personal injury;

(d) Disease;

(e) Property damage;

(f) Harassment;

(g) Use of unnecessary force; or

(h) Subjected to:

(i) Medical;

(ii) Pharmaceutical; or

(iii) Cosmetic experiments.

(2) An inmate is advised of pertinent information necessary for one's safety and well-being regarding:

(a) An emergency plan;

(b) The evacuation procedure; and

(c) Fire safety.

(3) An inmate is restrained only when necessary and with the minimum amount of force necessary to:

(a) Maintain control; and

(b) Security of the institution.

(4) At no time shall an inmate be:

(a) Supervised;

(b) Directed by; or

(c) Under the control of another inmate.

B. Non-discrimination within the facility.

(1) An inmate shall not be discriminated against due to:

(a) Race;

(b) Religion;

(c) National origin;

(d) Gender;

(e) Disability;

(f) Sexual orientation; or

(g) Political beliefs.

(2) The inmate shall receive:

- (a) Essential equality in living conditions;
- (b) Nondiscriminatory decision making affecting status;
- (c) The adequate recreational activities and terms of incarceration; and
- (d) Equal access to:
 - (i) Institutional programs;
 - (ii) Community programs;
 - (iii) Assignments; and
 - (iv) Resources.

(3) A violation of this provision is reported promptly to the Commissioner by the Warden.

C. A nutritionally adequate diet that is:

- (1) Wholesome; and
- (2) Properly prepared in a:
 - (a) Clean; and
 - (b) Sanitary environment.

D. Health care services to include:

- (1) An assessment of health needs and general conditions at admission followed by a thorough physical examination; and
- (2) Access to:
 - (a) Medical;
 - (b) Dental;
 - (c) Mental Health Services provided by a person with appropriate training and under the supervision of a licensed:
 - (i) Physician;
 - (ii) Dentist;

(iii) Psychiatrist

(d) Access to emergency treatment on a 24-hour basis; and

(e) Access to a licensed medical facility.

E. Sufficient clothing to provide for the basic need, to include:

(1) Appropriate; and

(2) Seasonal clothing for workers.

F. Adequate personal hygiene supplies and equipment, including:

(1) Toilet;

(2) Bathing; and

(3) Bedding necessities.

G. Personal grooming choices regarding appearance, limited only by facility requirements for safety, security, identification, or hygiene:

(1) Wearing hair in a style within the framework of good grooming.

(2) Wearing of personal clothing for authorized appearances outside the facility, if available, or the wearing of inconspicuous issued clothing.

H. Access to the:

(1) Court;

(2) Public Defender system;

(3) Private Attorney;

(4) Legal Counsel during the Court Commissioner process;

(5) Appropriate criminal justice agency; and

(6) Attorney conferences in a private setting within the parameters of order and security.

I. The practice of one's religion within the parameters of facility rules and regulations. An inmate shall have access to:

(1) Clergy;

(2) A spiritual advisor;

(3) Religious publications; and

(4) Religious services.

J. Sending and receiving mail in a legal manner consistent with facility's rules and regulations:

(1) Incoming mail is opened for the inspection of contraband, but the mail is not read; and

(2) Outgoing mail is not inspected.

K. An indigent inmate is afforded a:

(1) Reasonable; and

(2) Specified amount of free postage for legal mail and correspondence necessary to maintain community ties.

L. Participate in the Case Management process. An inmate presents:

(1) An opinion;

(2) A preference; or

(3) A request for suitable classification assignments.

M. Reasonable access to communication media.

N. Being informed of facility rules and regulations and having an impartial hearing to determine guilt or innocence when charged with a violation of those rules.

O. No penalty for rule violations shall include physical punishment.

P. An inmate shall receive:

(1) Regular exercise;

(2) Recreation periods; or

(3) Passive recreation in a common room except when facility emergencies occur.

Q. An inmate who engages in misconduct precludes this type of regimen.

R. Timely computation of diminution of confinement credits by Detention staff in compliance with:

(1) State law;

- (2) Regulations;
- (3) Institutional policy; and
- (4) Procedure.

S. Property that is not retained by an inmate shall get:

- (1) Inventoried;
- (2) Neatly and adequately stored to prevent:
 - (a) Damage;
 - (b) Loss; or
 - (c) Theft.

T. Having complaints and concerns heard through the:

- (1) Inmate Grievance Process; or
- (2) Help Request Process.

.04 Definitions.

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

B. Terms Defined.

- (1) “Harassment” means to create an unpleasant or hostile situation for especially by uninvited and unwelcome verbal or physical conduct.
- (2) “Indigent” means extremely poor, lacking the necessities of life.
- (3) “Inmate” means as contained in §1-101 of the Correctional Services Article of the Annotated Code of Maryland.

.05 Responsibility.

A. The Warden ensures that:

- (1) Inmate’s rights are not violated.
- (2) “The rights to have access to courts is ensured” (1-CORE-6A-01).
- (3) “Library services are available to inmates” (1-CORE-5C-04). Refer to directive DPDS-135-0002 titled, Library Services.

- (4) "Inmate working conditions comply with all applicable federal, state or local work safety laws and regulations" (1-CORE-5C-05).
- (5) Inmates have the opportunity to participate in practices of their religious faith consistent with existing state and federal statistics" (1-CORE-5C-06) .
- (6) "An inmate commissary or canteen may be available from which inmates can purchase approved items that are not furnished by the facility. The commissary canteen's operations are strictly controlled using standard accounting procedures" (1-CORE-5C-07).
- (7) "Inmate access to counsel is ensured. Such contact includes, but is not limited to telephone communications, uncensored correspondence, and visits" (1-CORE-6A-02).
- (8) "Inmates have access to legal materials" (1-CORE-6A-03).
- (9) "New inmates are allowed to complete at least one telephone call during the admission process and are assisted, as needed, to notify persons of their admission to custody" (1-CORE-6A-04).
- (10) "Foreign nationals have access to the diplomatic representative of their country of citizenship" (1-CORE-6A-05).
- (11) "Inmates are not subjected to personal abuse, corporal punishment, personal injury, disease, property damage, or harassment" (1-CORE-6A-06) (Mandatory).
- (12) "Inmates are allowed freedom in personal grooming except when a valid governmental interest justified otherwise" (1-CORE-6A-07).
- (13) "Indigent inmates access to health care, programs, services, and activities is not precluded by inability to pay" (1-CORE-6A-08).
- (14) "An inmates grievance procedure is made available to all inmates and includes at least one level of appeal" (1-CORE-6B-01).
- (15) "There is no discrimination regarding administrative decisions or program access based on an inmate's race, religion, national origin, gender, sexual orientation, or disability. When both males and females are housed in the same facility, available services and programs are comparable" (1-CORE-6B-02).
- (16) "Inmates with disabilities, including temporary disabilities, are housed and managed in a manner that provides for their safety and security. Housing used by inmates with disabilities, including temporary disabilities, is designed for their use and provides for integration with other inmates. Program and service areas are accessible to inmates with disabilities" (1-CORE-6B-03).
- (17) "There are written guidelines for resolving minor inmate infractions. Serious infractions are handled consistent with the requirements for limited due process" (1-CORE-6C-01).
- (18) An inmate charged with rule violation receives a written statement of the charge(s), including a description of the incident and specific rules violated. The inmate is given the statement at the same

time the disciplinary report is filed with the disciplinary committee but no less than 24 hours prior to the disciplinary hearing. The hearing conducted by an impartial person or panel of persons, may only be held in less than 24 hours, with the inmate's written consent. A record of the proceedings is made and retained" (1-CORE-6C-03).

- (19) "An inmate charged with rule violations is present at the hearing unless the inmate waives that right in writing or through behavior. An inmate may be excluded during testimony. An inmate's absence or exclusion is documented. Inmates have an opportunity to appeal disciplinary decisions" (1-CORE-6C-04),
- (20) "No inmate or group of inmates is given control, or allowed to exert authority, over other inmates" (1-CORE-2A-06).
- (21) "Inmates are provided with access to telephones" (1-CORE-5B-03).
- (22) "No inmate or group of inmates is given control, or allowed to exert authority over other inmates (1-CORE-2A-06).
- (23) Newly received inmates are provided information about inmate rights, general facility schedules, procedures and facility plans. This orientation may be provided through a group session.

.06 Attachment(s).

There are no attachments for this directive.

.07 History.

- A. This directive replaces CRDET-200-0003, titled Inmate Rights, issued on August 18, 2014.
- B. This directive supersedes provisions of existing Division of Pretrial Detention and Services communication with which it becomes in conflict.

.08 Distribution.

A

L