


STATE OF MARYLAND
DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES
DIVISION OF CORRECTION

 DIVISION OF CORRECTION DIRECTIVE	PROGRAM: INMATES
	DCD #: 200-1
	TITLE: Inmate Rights
	ISSUED: December 7, 2001
	AUTHORITY: <i>Jack Javanagh</i> PROGRAM DIRECTOR
	APPROVED: <i>Deborah D. Anderson</i> COMMISSIONER

I. References:

- A. Section VI.A. includes specific references to other DCDs
- B. MCCS Standards .01G and .05
- C. COMAR 12.14.04.02 and 12.14.05.02

II. Applicable to: Headquarters, All institutions and State Use Industries

III. Purpose: To list the rights of Division of Correction inmates.

IV. Definitions: None

V. Policy: Inmates committed to and confined in the Division of Correction have the following rights:

A. Safety and security within the institution.

1. No inmate shall be subjected to corporal punishment, personal abuse, personal injury, disease, property damage, harassment, use of unnecessary force, or be subject to medical, pharmaceutical or cosmetic experiments.
2. Inmates shall be advised of pertinent information necessary for their safety and well being regarding emergency plans, evacuation procedures and fire safety.
3. Inmates shall be restrained only when necessary and only with the minimum amount of force necessary to maintain control and security of the institution.
4. Inmates shall not be supervised, directed or under the control of any other inmate.

B. Nondiscrimination, i.e., equal access for all inmates to programs, services and activities, without regard to race, religion, national origin, sex, disability, or political beliefs, unless membership in any of these classes necessitates the exercise of the constitutional duty to afford an inmate reasonable protection from harm. Wardens shall ensure that violations of this provision are promptly reported to the Commissioner.

- C. A wholesome, properly prepared, nutritionally adequate diet prepared in a clean and sanitary environment.
- D. Health care services comparable in quality to those available to the general population of the State, including:
 - 1. An assessment of health needs and general conditions of the inmates at admission,
 - 2. A thorough physical examination,
 - 3. Access to medical and dental services provided by persons with appropriate training and under the supervision of a licensed physician or dentist,
 - 4. Availability of emergency medical and dental treatment on a 24-hour basis,
 - 5. Access to a licensed medical facility, and
 - 6. Access to trained mental health personnel.
- E. Sufficient clothing to provide for basic needs. Workers shall be provided with such extra, special, and/or seasonal clothing as may be necessary.
- F. Adequate toilet, bathing and bedding facilities; adequate personal hygiene supplies.
- G. Access to the courts, public defender system, private attorney and any other appropriate criminal justice agency, including conferences with attorneys in a private setting within the parameters of order and security.
- H. Practice of one's religion, within the parameters of institutional rules and regulations; access to clergy, spiritual advisors, religious publications and related services that allow inmates to follow their legitimate religious practices.
- I. Sending and receiving mail in a legal manner consistent with Division of Correction and institutional rules and regulations. Outgoing mail shall not be inspected and incoming legal mail shall be opened for inspection only in the presence of the inmate.
- J. Postage allowance for indigent inmates.
- K. Participation in the classification case management process. Inmates are entitled to present opinions, preferences, and requests for appropriate classification assignments. Inmates may refuse to participate in programs and treatment, with certain specified exceptions.

- L. Reasonable access to communications media.
 - M. Being informed of Division and institutional rules and regulations; having an impartial hearing to determine guilt or innocence when charged with violation of those rules. (No penalty for violations of rules shall include physical punishment).
 - N. Regular exercise or recreation periods except when institutional emergencies and/or inmate misconduct preclude such a regimen.
 - O. Personal grooming choices regarding appearance, limited only by institutional requirements for safety, security, identification, and/or hygiene.
 - 1. Wearing hair in any style within the framework of good grooming.
 - 2. Wearing of personal clothing for authorized appearances outside the institution, if available, or the wearing of inconspicuous issued clothing.
 - P. Timely computation of diminution of confinement credits by institutional staff in compliance with State law, Division of Correction regulations, and institutional policy and procedure.
 - Q. Having all property that is not retained by the inmate inventoried, neatly stored, and sufficiently secure to prevent loss or theft.
 - R. Having complaints and concerns heard through the institutional and Division Administrative Remedy Procedure and by the Inmate Grievance Office.
- VI. Procedure:
- A. Procedures to fulfill the requirements as described in the policy section of this DCD are detailed in other DCDs. The DCDs cited clarify inmate rights. Refer to the DCDs listed below and to any changes to them as issued:
 - 1. Safety and Security - DCDs 50-2, 110-3, 110-23, 110-26, 80-1, 80-2, 80-5
 - 2. Access to Legal Services - DCDs 195-1, 200-2, 135-2
 - 3. Religion - DCD 140 Series
 - 4. Mail and Postage Allowance - DCD 250-1
 - 5. Case management - DCD 100 Series
 - 6. Exercise - DCD 145-1
 - 7. Inmate Property and Clothing - DCD 220 Series

8. Access to media - DCD 60-1
9. Rules and Disciplinary process – DCD 105 Series
10. Food Service - DPSCSD 160-1
11. Access to Medical and Mental Health Care - DPSCSD 124 and 130 Series
12. Personal Hygiene Supplies - DCD 175-2
13. Inmate Complaints - DCD 180 and 185 Series

B. Inmate rights shall be printed in the Division of Correction Inmate Handbook.

C. Each warden shall ensure that newly received inmates are provided information about inmate rights, general institutional schedules, procedures and institutional plans. This orientation may be provided through group sessions or by giving the inmate an orientation package.

1. Special assistance shall be provided to inmates with language or reading problems.
2. If the orientation materials or handbooks are not given to inmates, the institution shall make the materials available to the inmates for reference in the library or a designated area.

VII. Attachment: None

VIII. Rescission: DCD 200 – 1, dated May 1, 1999

Distribution:

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