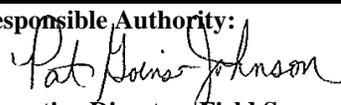
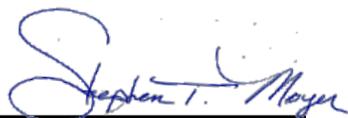


Executive Directive



Title: Contraband — Criminal Violations	Executive Directive Number: OPS.105.0001 Revised
Related MD Statute/Regulations: Correctional Services Article, §2-103, Annotated Code of Maryland and Criminal Law Article, §§9-410— 9-417, Annotated Code of Maryland (Effective October 1, 2007)	Supersedes: OPS.105.0001 dated May 5, 2014
Related ACA Standards: 4-4120; 4-4228; 4-4231 and 4-4503 4-ALDF-2A-27; 4-ALDF-3A-01 and 02 and 4-ALDF-7C-03	Responsible Authority:  Executive Director, Field Support Services
Related MCC Standards: .05F	Effective Date: August 7, 2015 Number of Pages: 6



Stephen T. Moyer
Secretary



Wendell M. France
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.01 Purpose.

This directive continues policy and responsibilities for the Department of Public Safety and Correctional Services (Department) to address amendments to the criminal law that make possessing or delivering contraband at a place of confinement a criminal act.

.02 Scope.

This directive applies to all units of the Department.

.03 Policy.

- A. The Department shall ensure that employees, visitors, and inmates are informed that possessing or delivering contraband at a place of confinement is a criminal violation.
- B. The Department shall enforce the criminal act of possessing or delivering contraband at a place of confinement to the same extent and according to the same procedures as other criminal violations occurring under the jurisdiction of the Department.

.04 Definitions.

- A. In this directive, the following terms have the meanings indicated.
- B. Terms Defined.
 - (1) “Alcoholic beverage” means beer, wine, or other distilled spirits.
 - (2) Contraband.
 - (a) “Contraband” means any item, material, substance, or other item that:

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- (i) Is not authorized for inmate possession by a managing official; or
 - (ii) Is brought into a correctional facility in a manner prohibited by the managing official.
- (b) “Contraband” does not include:
- (i) The amount of an item, material, substance, or other thing that exceeds the quantity of the item, material, substance, or other thing that the managing official has authorized an inmate to possess that is to be handled as excess personal property; or
 - (ii) A Department owned and issued telecommunication device necessary for a Department employee to conduct Department business while at a place of confinement.
- (c) “Contraband” includes, but may not be limited to:
- (i) An alcoholic beverage;
 - (ii) A controlled dangerous substance;
 - (iii) Except under §.04B(2)(b)(ii) of this directive, a telecommunication device; and
 - (iv) A weapon.
- (3) “Controlled dangerous substance” has the meaning stated in Criminal Law Article, §5-101, Annotated Code of Maryland.
- (4) 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;
 - (ii) An intern; and
 - (iii) Other individual (contractor) providing goods or services to the Department.
- (5) Managing Official.
- (a) “Managing official” means the individual responsible for a place of confinement.
 - (b) “Managing official” includes:
 - (i) An administrator;
 - (ii) A director;
 - (iii) A warden;

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- (iv) A superintendent;
- (v) A sheriff; or
- (vi) Other individual with the same responsibility.

(6) Place of Confinement.

(a) “Place of confinement” means:

- (i) A correctional facility as defined under Correctional Services Article, §1-101, Annotated Code of Maryland;
- (ii) A detention center for juveniles;
- (iii) A facility for juveniles listed in Article 83C, §2-117(a)(2), Annotated Code of Maryland;
- (iv) A place identified in a juvenile community detention order; or
- (v) Any other facility in which a person is confined under color of law.

(b) “Place of confinement” does not include a place identified in a home detention order or agreement.

(c) “Place of confinement” includes:

- (i) Buildings and property used for the purpose, or in support, of detaining or confining an individual in the custody or under the supervision of the Department; and
- (ii) Appurtenances to a place of confinement.

(7) Telecommunication Device.

(a) “Telecommunication device” means:

- (i) A device that is able to transmit telephonic, electrical, digital, cellular, or radio communications; or
- (ii) A part of a device that is able to transmit telephonic, electrical, digital, cellular, or radio communications, regardless of whether the part itself is able to transmit.

(b) “Telecommunication device” includes a:

- (i) Cellular telephone;
- (ii) Digital telephone;
- (iii) Picture telephone; and

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(iv) Modem equipped device.

(8) “Weapon” means a gun, knife, club, explosive, or other article that can be used to kill or inflict bodily harm.

.05 Responsibility.

A. Criminal Violation.

- (1) Except under §§.05A(2) and (3) of this directive, it is a misdemeanor punishable by 3 years imprisonment or \$1,000 fine, or both for an individual to:
 - (a) Deliver contraband to an individual detained or confined in a place of confinement;
 - (b) Possess with the intent to deliver contraband to an individual detained or confined in a place of confinement; or
 - (c) Knowingly possess contraband in a place of confinement.
- (2) It is a felony punishable by 10 years imprisonment or \$5,000 fine, or both for an individual to:
 - (a) Deliver contraband to an individual detained or confined in a place of confinement with the intent to effect an escape;
 - (b) Possess contraband with the intent to deliver contraband to an individual detained or confined in a place of confinement to effect an escape;
 - (c) Deposit or conceal contraband in or about a place of confinement to effect an escape; or
 - (d) If detained or confined in a place of confinement, knowingly possess or receive contraband to effect an escape.
- (3) If the contraband is a weapon, it is a felony punishable by 10 years imprisonment or \$5,000 fine, or both for an individual to:
 - (a) Deliver a weapon to an individual detained or confined in a place of confinement;
 - (b) Possess a weapon with the intent to deliver contraband to an individual detained or confined in a place of confinement;
 - (c) Deposit or conceal a weapon in or about a place of confinement to effect an escape; or
 - (d) If detained or confined in a place of confinement, knowingly possess or receive a weapon.

B. Uniform Procedures.

The Executive Director — Field Support Services, or a designee, shall ensure that procedures and signs developed in accordance with this directive are, to the degree possible, uniform for all places of confinement under the Department’s authority.

C. Notification.

- (1) A managing official shall ensure that an individual at a place of confinement, to include: employees, visitors, and individuals detained or confined in a place of confinement, are informed of the prohibitions concerning contraband.
- (2) A managing official shall establish local procedures for informing employees, visitors, and individuals detained or confined in a place of confinement of the prohibitions concerning contraband that, at a minimum, include:
 - (a) Universal signage that is consistent throughout the Department depicting the prohibitions for contraband that is displayed:
 - (i) At each point of entry onto place of confinement property;
 - (ii) At each point of entry into the secure area of the place of confinement;
 - (iii) At each point of entry used by an employee at a place of confinement;
 - (iv) At each point of entry used by a visitor to a place of confinement;
 - (v) In any waiting area where a visitor is waiting to see an individual detained or confined in the place of confinement;
 - (vi) At a point of entry used by an individual detained or confined to a place of confinement; and
 - (vii) At a point of entry to an area used by an individual detained or confined in a place of confinement to meet with a visitor;
 - (b) Provisions for a visitor to temporarily secure personal property legally possessed by the visitor, but otherwise not permitted in a place of confinement by law or Department or facility policy;
 - (c) Written notification of prohibitions for contraband for:
 - (i) An individual detained or confined in a place of confinement;
 - (ii) An individual included on a visitor list of an individual detained or confined in a place of confinement;
 - (iii) Other visitors to the place of confinement; and
 - (iv) Employees;
 - (d) Written notification of and acknowledgement by an individual detained or confined in a place of confinement that the individual is responsible for notifying a visitor named on the individual's visitor list of prohibitions for contraband; and

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- (e) Retention of documents used to notify inmates and employees of prohibitions for contraband under this directive.

D. Reporting, Investigating, and Documenting Violations of Contraband Prohibitions.

- (1) Reporting, investigating, and documenting alleged criminal and administrative violations of contraband prohibitions shall be accomplished according to existing Department policy and procedure for reporting, investigating, and documenting criminal and administrative violations.
- (2) The managing official, or a designee, shall report alleged criminal and appropriate employee administrative violations of contraband prohibitions to the Internal Investigative Division (IID).
- (3) The Director of the IID shall ensure that a report of an alleged criminal or appropriate employee administrative violation of contraband prohibitions is recorded and resolved according to existing IID and Department procedures.

E. Disciplinary Action.

- (1) An action taken in response to an alleged criminal violation of contraband prohibitions does not preclude Department disciplinary action against an employee that, if found guilty of the criminal violation with sanctions up to and including termination of employment with the Department
- (2) An action taken in response to an alleged criminal violation of contraband prohibitions does not preclude administrative action against individual detained by or in the custody of a place of confinement for violation inmate rules.

.06 Attachment(s)/Links.

There are no attachments or links to this directive.

.07 History.

This Directive rescinds OPS.105.0001 dated May 5, 2014 and supersedes provisions of any other prior existing Department or unit communication with which it may be in conflict.

.08 Correctional Facility Distribution Code.

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