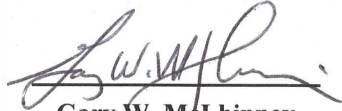
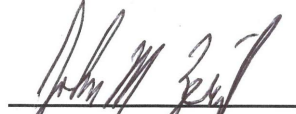
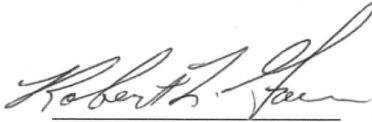


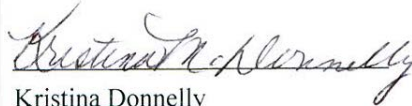


Executive Directive


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Title: No Cost: Admission, Menstrual Hygiene, and Welfare Kits	Executive Directive Number: OPS.175.0002 - Revised
Related MD Statute/Regulations: Correctional Services Article, § 9-616, Annotated Code of Maryland; COMAR 12.14.03.05 and 12.14.04.04	Supersedes: OPS.175.0002, effective February 5, 2019.
Related ACA and MCCS Standards: ACA: 1-CORE-1A-02; 1-CORE-2C-01; 1-CORE-4B-03; 1-CORE-5C-07; 4-4025; 4-4035; 4-4042; 4-4044; 4-4166; 4-4226; 4-4274; 4-4283; 4-4331; 4-4342; 4-4489; 4-ALDF-1A-04; 4-ALDF-4B-06; 4-ALDF-6A-08; 4-ALDF-6A-09; 4-A DF-7D-15; and MCCS: .04A(4) and .05E.	Authorized By:  Kristina Donnelly Acting Executive Director Field Support Services
Related Directives: ADM.245.0001 - Fiscal Operations for Inmate Funds OPS.110.0047 -Personal Search Protocols - Inmates OPS.250.0001 -Inmate Mail-Mail Room Procedure	Issued Date: July 31, 2019 Effective Date: August 1, 2019
Variance: Each correctional division within the Department shall issue an agency directive necessary to implement and comply with this policy.	Number of Pages: 8

.01 Purpose.

This directive establishes policy and procedure to ensure that personal hygiene articles, including menstrual hygiene products for female inmates, are available to inmates upon admission, routinely thereafter, and upon request.

.02 Scope.

This directive applies to all correctional divisions responsible for detaining and maintaining custody of inmates.

.03 Policy.

A. The Department shall provide personal hygiene articles to inmates including:

- (1) No-cost Admission Kits;
- (2) No-cost menstrual hygiene products to female inmates;
- (3) No-cost Welfare Kits; and
- (4) Routine commissary access.

B. The Department shall maintain a menstrual hygiene management program that effectively:

- (1) Safeguards the dignity, bodily integrity, and overall programmatic, work, and visitation opportunities of female inmates;

- (2) Provides menstrual hygiene products in quantities appropriate to the healthcare needs of each inmate;
 - (3) Reduces health risks associated with poor menstrual hygiene;
 - (4) Ensures secure and sanitary receptacles for the daily disposal of soiled menstrual hygiene products are available to inmates; and
 - (5) Provides products that conform to applicable industry standards.
- C. When consistent with program limitations and the welfare of the inmate, medical and mental health treatment staff with explicit written documentation, may modify an inmate's Admission, Menstrual Hygiene, and Welfare Kits, as well as commissary purchases.

.04 Definitions.

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

B. Terms Defined.

(1) Admission Kit.

(a) "Admission Kit" means a package of personal hygiene articles that:

- (i) Allows an inmate to maintain proper personal hygiene;
- (ii) Is given to an inmate at the time of intake and admission to a correctional facility; and
- (iii) Is provided at no-cost by the Department.

(b) "Admission Kits" for men shall include deodorant, soap, toothbrush, and toothpaste.

(c) "Admission Kits" for women shall include: deodorant, soap, toothbrush, toothpaste, and 24 menstrual hygiene products as described in §.06B(1)(b) of this directive.

(2) "Menstrual Hygiene Kit" means a prepackaged supply of menstrual hygiene products that:

- (a) Is provided at the time of admission and each month thereafter;
- (b) Is provided at no-cost: and
- (c) Includes a choice of sanitary napkins and tampons in a range of absorbencies and sizes for use in connection with the menstrual cycle.

(3) Indigent inmate has the meaning stated in [COMAR 12.02.20.01](#):

- (a) "Indigent inmate" means an inmate who, within the previous 2 weeks, has not received pay for an assignment in work or school, and who has less than \$2 in his or her spending account, or an inmate received within the previous 2 weeks who has not had \$2 in his or her spending account.

- (b) “Indigent inmate” does not mean an inmate who establishes a pattern of receiving and spending funds within a 30-day period, thereby manipulating the inmate's account balance in order to be eligible for the benefits.
- (4) “Inmate” has the meaning stated in Correctional Services Article, §1-101, Annotated Code of Maryland.
- (5) “Personal hygiene articles” means any item in an Admission, Menstrual Hygiene, or Welfare Kit, except for envelopes, writing paper, and pens.
- (6) “Spending account” means an inmate’s unencumbered financial account to be used as described in Executive Directive Number: [ADM.245.0001- Fiscal Operations for Inmate Funds](#).
- (7) Welfare Kit.
 - (a) “Welfare Kit” means a package of no-cost personal hygiene items and mail supplies provided to an indigent inmate:
 - (i) For the inmate’s physical and mental welfare; and
 - (ii) At regular intervals, as described in § .06C of this directive.
 - (b) “Welfare Kits” shall include:
 - (i) Deodorant, shampoo, soap, toothbrush, toothpaste, a comb, and shaving or hair removal items; and
 - (ii) Envelopes, a writing tablet, and a pen.

.05 Responsibility.

- A.** The Division of Correction (DOC), the Division of Pretrial Detention and Services (DPDS), and Patuxent Institution — concomitant with DOC, shall adopt and maintain policies consistent with this Executive Directive that ensure:
 - (1) A sufficient supply of personal hygiene articles are available to all inmates;
 - (2) A variety of sizes and absorbencies of menstrual hygiene products that are appropriate to the healthcare needs of each inmate are available;
 - (3) Financial and administrative processes for the procurement and distribution of personal and menstrual hygiene articles are effectively communicated to inmates and correctional supply and housing unit officers; and
 - (4) Records related to the procurement and distribution of personal and menstrual hygiene products are kept in accordance with DOC Retention Schedule No. 1406-14 and DPDS Retention Schedule No. 1623, Section 2B.

B. A managing official shall ensure that the facility:

- (1) Has a sufficient supply of menstrual hygiene products available to meet the needs of the inmate population at all times;
- (2) Is adhering to standards adopted by the Maryland Commission on Correctional Standards regarding the proper disposal of menstrual hygiene products;
- (3) Maintains an accurate record of the inventory and provisioning of menstrual hygiene products; and
- (4) Implements procedures necessary for the efficient and timely distribution of menstrual hygiene products.

C. A managing official shall ensure inmate access to necessary items through various practices to include:

- (1) The issuance of no-cost:
 - (a) Admission Kits to committed detainees awaiting a bail hearing, inmates upon arrival at a direct intake facility, and to inmates upon arrival at a maintaining facility;
 - (b) Welfare Kits to indigent inmates;
 - (c) Menstrual Hygiene Kits to all female inmates upon admission and on a monthly basis thereafter; and
 - (d) Menstrual hygiene products—that are given upon request and in addition to those menstrual hygiene products contained in the Admission Kit or Menstrual Hygiene Kit routinely provided to the inmate—from the point of first entry into a correctional facility until the inmate's release.
- (2) The onsite provision of soap or other required hygiene articles within inmate work areas (e.g. dietary, sanitation, etc.); and
- (3) Regularly scheduled access to commissary purchases.

D. The Regional Finance Office shall determine an inmate's eligibility to receive Welfare Kits consistent with procedures established in this policy and the policies established in the Department's Finance Procedures Manual.

.06 Procedure.

A. Admission, Menstrual Hygiene, and Welfare Kits.

- (1) A managing official shall designate a correctional supply officer for:
 - (a) Ordering and issuing no-cost:
 - (i) Admission Kits;

- (ii) Welfare Kits;
 - (iii) Menstrual Hygiene Kits; and
 - (iv) Individually requested menstrual hygiene products; and
- (b) Record keeping related to the audit and ongoing supply, purchase, and dissemination of all Admissions, Menstrual Hygiene, and Welfare Kits, as well as individually requested menstrual hygiene products.
- (2) A managing official shall designate correctional housing officers and correctional case managers to:
- (a) Provide inmates with Welfare Kit Request forms (Appendix A);
 - (b) Collect the forms from inmates who apply for a Welfare Kit; and
 - (c) Forward the completed forms to the Regional Finance Office for review and determination of indigence.
- (3) A correctional supply officer shall use the appropriate form for ordering all kits (Appendix B).

B. Menstrual Hygiene Products.

- (1) Menstrual Hygiene Kits —Admission Supply and Monthly Supply.
- (a) Each facility that houses female inmates shall have an ample supply of all menstrual hygiene products identified in §.06B(1)(d) for distribution to female inmates at the time of admission and each month thereafter.
 - (b) At the time of admission/intake into a facility each female inmate may choose from the prepackaged Menstrual Hygiene Kits listed in §.06B(1)(d)(i)—(vi) for a total of 24 items.
 - (c) Each month each female inmate may choose from the prepackaged Menstrual Hygiene Kits listed in §.06B(1)(d)(i)—(vi) for a total of 48 items.
 - (d) When selecting the allowable number of prepackaged Menstrual Hygiene Kits, an inmate may choose any combination of the following:
 - (i) 8 pack of regular absorbency sanitary napkins;
 - (ii) 8 pack of maxi/super absorbency sanitary napkins;
 - (iii) 4 pack of overnight absorbency sanitary napkins;
 - (iv) 4 pack of light absorbency tampons;
 - (v) 8 pack of regular absorbency tampons; and
 - (vi) 8 pack of super absorbency tampons.

- (2) Menstrual Hygiene Items — Upon Request.
 - (a) In addition to the distribution of prepackaged Menstrual Hygiene Kits, female inmates shall receive additional no-cost individually wrapped menstrual hygiene items upon request:
 - (i) From a designated correctional supply or housing unit officer;
 - (ii) At the conclusion of a strip search in accordance with [Executive Directive OPS.110.0047 – Personal Search Protocols - Inmates](#); and
 - (iii) At the direction of a medical or mental health treatment provider.
 - (b) All of the menstrual hygiene products described in §.06B(1)(d) shall be available upon request from a correctional supply or housing unit officer as individually wrapped items.
 - (c) Except under §.06B(3), a correctional supply or housing officer shall issue no more than two (2) individually wrapped items described in §.06B(1)(d) of this directive per day.
- (3) When medically necessary, a medical or mental health treatment provider may provide written direction to a correctional supply officer to provide an inmate with:
 - (i) A modified Menstrual Hygiene Kit;
 - (ii) More than two (2) individually wrapped items upon request; or
 - (iii) Other menstrual hygiene products appropriate for postpartum or other medical conditions.
- (4) If a female inmate was required to remove a tampon or sanitary napkin as a result of a strip search, the Officer In Charge (OIC) shall provide a female inmate with one (1) menstrual hygiene product listed in §.06B(1)(d) of the female inmate's choosing, upon the completion of the strip search.

C. Determination of Indigence for Welfare Kit.

- (1) An inmate who meets the criteria for indigence, but has a pattern of receiving and spending funds in order to manipulate account balances to qualify as indigent, may not qualify as an indigent inmate; and the value of a Welfare Kit received during the 30-day period may be deducted from the inmate's spending account;
- (2) On a schedule established by the DOC and the DPDS, the correctional supply officer shall collect Welfare Kit Request forms (Appendix A) from inmates.
- (3) Upon receipt of a Welfare Kit Request form, a correctional supply officer or a correctional case manager shall forward that request to the facility's Regional Finance Office for review.
- (4) The Regional Finance Office shall determine an inmate to be eligible for a Welfare Kit if the inmate's:

- (a) Financial account information has not been received by the current correctional facility from the previous correctional facility following a transfer that may result in the inmate's inability to purchase necessary items from the commissary for a significant period of time;
 - (b) Current spending account balance is less than \$ 2.00 and the inmate has not received state pay for a job/school assignment during the last 30 days; or
 - (c) Current spending account balance is less than \$ 2.00 and the inmate does not have a job/school assignment.
- (5) A determination of indigence by the Regional Finance Office shall be applied to an inmate's status for a period of one (1) month.
- (6) The Regional Finance Office, may not retroactively debit the cost of a Welfare Kit from an inmate's account, if during the next Welfare Kit distribution cycle the inmate was determined **not** to be indigent.
- (7) A correctional facility may **not** establish a separate threshold for determining indigency.
- (8) Welfare Kit Contents.
- (a) A monthly Welfare Kit for an inmate in pretrial status and in the custody of DPDS shall include:
 - (i) Five (5) stamped envelopes, one (1) writing tablet, and one (1) ink pen; and
 - (ii) A one month supply of soap, shampoo, toothpaste, deodorant, shaving or hair removal items, a comb, and a toothbrush.
 - (b) A monthly Welfare Kit for a sentenced inmate shall include:
 - (i) Ten (10) unstamped envelopes—postage to be provided in accordance with Executive Directive OPS.250.0001 – Inmate Mail—Mail Room Procedures, one (1) writing tablet, and one (1) ink pen; and
 - (ii) A one month supply of soap, shampoo, toothpaste, deodorant, shaving or hair removal items, a comb, and a toothbrush.
 - (c) Additional paper, pens and envelopes for legal correspondence shall be provided as necessary to ensure access to the courts. However, correctional staff shall ensure that this provision is not abused in accordance with [Executive Directive OPS.250.0001 – Inmate Mail—Mail Room Procedures](#).
 - (d) Consistent with special housing requirements and the safety and welfare of inmates, correctional officers on designated units are authorized to control the documented issuance and return, or one-for-one exchange of razors available to inmates through Welfare Kits and commissary purchases.
- (9) This directive does not prohibit a correctional facility from providing:

- (a) Other brands or types of personal hygiene articles for sale at the commissary or canteen, as long as the article does not contain a contraband substance; or
- (b) Welfare items in the housing areas, where they may be obtained as needed from a correctional housing officer.

D. Misuse of personal hygiene products.

- (a) Misuse of menstrual hygiene products includes any use or activity unrelated to menstruation.
- (b) If an inmate misuses personal hygiene products, the inmate may be subject to the inmate disciplinary process under COMAR 12.03.01, including but not limited to use of a personal hygiene product to:
 - (i) Commit assault or battery;
 - (ii) Manufacture a weapon;
 - (iii) Misuse, tamper with, damage, or destroy security devices equipment, property, detection or monitoring equipment, or fire suppression or alarm devices (e.g. block the closure or locking mechanism of a cell or other door); or
 - (iv) Create unsanitary and unclean conditions in assigned housing areas.

.07 Appendices.

- A. Inmate Welfare Kit Request form – OPS Form # 175.0002aR
- B. Welfare, Admission, and Menstrual Hygiene Order forms

.08 Revision History.

- A. Executive Directive OPS.175.0002 dated August 1, 2019 supersedes the previous version dated February 5, 2019 and also supersedes the provisions of any other prior existing communication with which it may be in conflict. This version clarifies the required procedures regarding the distribution of no-cost menstrual hygiene products; what menstrual hygiene products are to be provided; and retitles the Directive to “No Cost: Admission, Menstrual Hygiene, and Welfare Kits”.
- B. Executive Directive OPS.175.0002, effective date February 5, 2019 superseded but did not rescind CM.175-2 dated: April 15, 2002; PATX.175.0002 dated: 6/12/2014; and DPDS.080.0012 dated: November 30, 2010. Each Division and Agency shall establish policies consistent with this Executive Directive.

.09 Distribution.

- A – Reference Copy
- L – Inmate Library
- S – Facility Property Officer
- Inmate Bulletin Boards