



***MARYLAND COMMISSION ON
CORRECTIONAL STANDARDS***

2013 ANNUAL REPORT

**Martin O'Malley, Governor
Anthony G. Brown, Lt. Governor
Gary D. Maynard, Secretary
Robert L. Green, Chairman
Howard Ray, Jr., Executive Director**



Department of Public Safety and Correctional Services

Office of the Secretary

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ANTHONY G. BROWN
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GREGG L. HERSHBERGER
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EXECUTIVE DIRECTOR
SOUTH REGION

April 7, 2014

The Honorable Martin O'Malley
Governor of the State of Maryland
100 State Circle
Annapolis, Maryland 21401-1991

Dear Governor O'Malley:

I am pleased to make available to you the Annual Report for the Maryland Commission on Correctional Standards, documenting the agency activities for FY2013. The information contained herein satisfies the reporting requirements set for in the ANN. CODE MD., *Correctional Services Article, § 8-110*.

During FY 2013, the Commission continued to address its mission of auditing State, local and private adult correctional facilities and programs. *This* reporting period covers a portion of the cycle of auditing over fourteen places of confinement and 7 private home detention monitoring agencies in Maryland.

The Commission will continue to provide effective quality control services for the State's adult correctional system. This process will ensure the highest level of safety and protection for the citizens of Maryland, as well as provide for utilization of sound management principles for correctional operations.

Sincerely,

Gregg Hershberger
Secretary



Department of Public Safety and Correctional Services

Maryland Commission on Correctional Standards

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ROBERT L. GREEN
CHAIRMAN

HOWARD RAY, JR.
EXECUTIVE DIRECTOR

February 3, 2014

Gregg Hershberger, Secretary
Department of Public Safety and Correctional Services
300 East Joppa Road, Suite 1000
Towson, Maryland 21286-3020

Dear Secretary Hershberger:

I am pleased to present the thirty first Annual Report of the Maryland Commission on Correctional Standards accounting for the agency activities during Fiscal Year 2013. The issuance of this report is intended to satisfy the requirements set forth in the Annotated Code of Maryland, Correctional Services Article, Section §8-110.

In the year covered by this report, the key objectives identified under the agency's Managing for Results process continue to demonstrate encouraging progress in conducting timely audits for Maryland's adult places of confinement. During this year the Commission continued the twelfth cycle of auditing.

During this fiscal year, correctional facilities audited continue working to achieve total compliance with the minimum standards at the time of the initial audit. This demonstrates the managing official's commitment to utilizing standards as a management tool. The Commission continues to utilize new and innovative ideas to provide technical assistance to correctional facilities. The Commission remains committed to encouraging the application of sound correctional management principles and practices.

As Executive Director of the Commission, I look forward to the challenges and accomplishments ahead. Through leadership, partnership, communication and advocating the use of standards as a management tool, we will make the State of Maryland's correctional system a model for the nation.

Thank you for your support as we faithfully dedicate ourselves to carrying out this important mission for the citizens of Maryland.

Very truly yours,

Howard Ray, Jr.
Executive Director

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MISSION & VISION STATEMENT



MISSION

The mission of the Maryland Commission Correctional Standards is to collaborate with criminal justice agencies and organizations in the development, measurement, monitoring, and enforcement of statewide correctional standards.

VISION

The Maryland Commission on Correctional Standards will be recognized as an agency that collaborates with and performs quality compliance audits that are firm, fair, and consistent.

We will be known for promoting correctional standards as a best practice.

We will be recognized as a resource for the development of correctional employees.

The Maryland Commission on Correctional Standards will be known as a leader in the value of accountability in correctional agencies operations.

EXECUTIVE SUMMARY

The Maryland Commission on Correctional Standards is an agency within the Department of Public Safety and Correctional Services with legal authority referenced in the Annotated Code of Maryland, Correctional Services Article, Section §8-101, et seq. The Commission is empowered to develop and enforce minimum mandatory standards for all adult places of correctional confinement. In addition, the Commission provides technical assistance to these facilities. Some of the key events of Fiscal Year 2013 are noted below.

- * The Maryland Commission on Correctional Standards remains focused on its mission of encouraging correctional administrators to utilize sound management principles and practices to maintain efficient operations. During FY13, the Commission continued its twelfth audit cycle of conducting high quality compliance audits for all places of adult confinement and private home detention monitoring agencies.
- * The results of key objectives identified under the agency's Managing for Results process continue to demonstrate encouraging progress. In FY13, the agency continued to utilize outcome measures to evaluate the audit process and technical assistance provided. A total of 14 audits were conducted at adult places of correctional confinement and seven audits were conducted at private home detention monitoring agencies. The Commission continued to utilize the senior staff members to act as Audit Team Leaders, while continuing to solicit the volunteer services of the Duly Authorized Inspectors to participate in the completion of standards audits. Ninety percent of the managing officials of audited facilities rated the audit process as good or better in terms of accuracy, helpfulness and objectivity.
- * Of the fourteen correctional facilities audited during FY13, two facilities were found to be in compliance with all of the minimum standards for places of adult confinement at the time of the audit. The Recognition of Achievement award was awarded to twelve adult places of confinement for 100% compliance upon completion of the monitoring process. This achievement continues to be the benchmark for correctional facilities in the State, and represents a commitment to the standards and the audit process by managing officials.
- * Private home detention monitoring companies are audited on a two-year cycle. FY13 began a new auditing cycle with seven of the home detention monitoring agencies receiving a full scale compliance audit. Six agencies received 100% compliance at the time of the initial audit. Commission staff continues to remain a resource to aid private home detention companies in achieving compliance with standards. During FY13, there were a total of eight licensed companies in Maryland.
- * The Duly Authorized Inspector program continues to be a vital part of the Commission's success. This unique program remains a model for other correctional auditing agencies around the country. In FY13, the Commission began using recently trained DAI's on audits. The recently trained DAI's were able to attend audits and assist the Commission with findings. The DAI's either worked with Commission staff or experienced DAI's. The Maryland Commission on Correctional Standards also began to allow individuals who will be trained at a later date, to "shadow" on audits to gain experience as a Duly Authorized Inspector. Additionally, the newly trained DAI's will be able to assist their facilities in preparation for future MCCA audits and to aid with achieving the highest level of compliance with a greater understanding of the audit process. The DAI's will also enhance facility procedures and provide additional tools to conduct in-house audits to assess compliance before the Commission conducts its initial audits. The Commission continues to receive tremendous support from both State and local managing officials for the DAI program which demonstrates the value in utilizing correctional standards as a management tool.
- * The MCCA Executive Director continued to attend the National Institute of Corrections Chief Jail Inspectors Training. The training is held in Aurora, Colorado. The four day training is designed to provide a networking forum for inspections throughout the country. In addition, there are presentations on current issues pertaining to the field along with case reviews from different jurisdiction.

EXECUTIVE SUMMARY (CONT'D)

* Collaboration with regulatory agencies and criminal justice organizations continues to support the overall mission of the agency. Commission staff actively participates in the Maryland Correctional Administrators' Association (MCAA), the Maryland Criminal Justice Association (MCJA) and the American Correctional Association (ACA). The MCCS Executive Director serves on the Executive Board of the MCAA. Executive Director Howard Ray, Jr., is also actively involved in the National Jail Inspectors Network, a group operating under the auspices of the National Institute of Corrections addressing concerns of detention centers throughout the country.

The Commission strives to provide training in technical assistance in areas that benefit both the agency and correctional facilities. The Commission continues to receive tremendous support from both State and local managing officials for the DAI program which demonstrates the value of utilizing correctional standards as a management tool. In September 2013, forty local and state correctional personnel received Duly Authorized Inspector Training.

The primary function of the Maryland Commission on Correctional Standards is to enforce, through regular on-site audits, the regulations for all adult places of confinement to determine levels of compliance. The twelfth audit cycle began in July 2012.

The major concerns of health, safety and constitutional issued continued to be aggressively addressed. The facilities that attained full compliance with the applications standards during this period received the Recognition of Achievement award (ROA)

In FY13, there were 14 complete audit performed (4 DPSCS operated prisons, 1 Local Community Correctional Facility, 9 Local Detention Centers, and 7 Private Home Detention Agencies).

When deficiencies are noted during formal audits, compliance plans are developed in partnership with facility officials. The plan is then presented to the Commission for approval. Upon approval, the Commission staff implements a compliance plan and regularly monitors each plan until total compliance is achieved.

Facilities must implement the plan within a time frame of 6 months from the date the Commission approves the final report. If the compliance plan's requirements are met within the time frame, the Commission votes on facility's eligibility to receive the ROA. The Commission has found that the Recognition of Achievement award has become a symbol of excellence in the correctional environment.

Also, in FY13, in collaboration with the Office of the State Fire Marshal, the Maryland Police and Correctional Training Academy and the Maryland Commission on Correctional Standards led by Executive Director Howard Ray, Jr. conducted an enhanced Fire Safety Officers Training Program for institutional environmental safety compliance officers.

The objective is to provide the Fire Safety Officer(s) with the information necessary to construct, implement, and document an in-house fire safety inspectional program. Such a program is vital for the maintenance of devices, equipment, systems, conditions, arrangements, levels of protection, and other features that are required for compliance with the provisions of the State Fire Prevention Code.



MANAGING FOR RESULTS

The State of Maryland's Managing for Results (MFR) is a strategic planning process that emphasizes achieving measurable results in state government that met or exceed customer and stakeholder needs. This initiative is linked to the State budget process and strategies for efficient agency operations. As authorized under the Correctional Services Article, §8-101 et seq. (Maryland Annotated Code), the Maryland Commission on Correctional Standards (MCCS) develops standards and enforces regulations addressing: life, health, safety, and constitutional issues for the operation of Maryland's prisons, detention centers, and community correctional centers. In 1998, the MCCS acquired regulatory and licensing authority over private home detention monitoring agencies. The Commission ensures adherence to requirements for both public adult correctional facilities and private home detention monitoring agencies through regular auditing and submission of formal reports of compliance. The compliance results are incorporated as a part of this report for fiscal year reporting requirements for MFR.

Performance Measures:	2010	2011	2012	2013
	Actual	Actual	Actual	Actual
Input: Number of correctional facilities audited	55	55	54	53
Output: Number of adult correctional facilities audited	14	23	18	14
Number of DPSCS operated prisons	17	17	17	17
Number of DPSCS operated pre-release units	10	10	10	10
Number of local community correctional facilities	3	3	3	3
Number of local detention centers	25	25	25	25
Quality: Percentage of facilities audited during the last three years of audit cycles:				
DPSCS operated prisons	90%	100%	100%	100%
DPSCS operated pre-release units	100%	100%	100%	100%
Local community correctional facilities	100%	100%	100%	100%
Local detention centers	100%	100%	100%	100%
Private home detention agencies	100%	100%	100%	100%
Input: Number of PHDMA	4	8	7	8
Output: Number of PHDMA audited	2	6	2	7
Quality: Percentage of private home detention monitoring agencies audited during the two-year cycle ending in the fiscal				
	100%	100%	100%	100%

AUDIT RESULTS

Institution Non-compliance Breakdown – 12th Cycle (July 2012-June 2013)

Institution	Date	Type	#F	#TC	#M/V	.01	.02	.03	.04	.05	.06	.07	.08	Total
Baltimore County Dept. of Corrections	2/4-8/13	ADC	1		√			1						1
Brockbridge Correctional Facility	6/10-14/13	ACI	1		√				1					1
Cecil County Community Corrections Ctr.	2/26-3/1/13	ACCF	1	√										
Cecil County Detention Ctr.	2/26-3/1/13	ADC	1		√			1						1
Charles County Detention Ctr.	10/16-18/12	ADC	1		√		1							1
Frederick County Detention Ctr.	10/30-11/2/12	ADC	1	√										
Harford County Detention Ctr.	10/2-5/12	ADC	1		√			1	1					2
Howard County Dept. of Corrections	12/3-6/12	ADC	1		√		1							1
Jessup Correctional Institution	3/18-22/13	ACI	1		√		2			1				3
Kent County Detention Ctr.	9/11-13/12	ADC	1		√					1				1
Maryland Correctional Institution for Women	4/29-5/3/13	ACI	1		√		2							2
North Branch Correctional Institution	8/14-17/12	ACI	1		√					1				1
Queen Anne’s County Detention Ctr.	4/9-11/13	ADC	1		√	1	1	1	1	1		1		6
Wicomico County Dept. of Corrections	7/17-20/12	ADC	1		√	3			2					5
12th cycle Audits			14			4	7	4	5	4		1		25

Note: /

Total Institutions Audited – **14**

Number of “ADC” Facilities Audited – **9**

Number of “ACI” Facilities Audited – **4**

Number of “ACCF” Facilities Audited – **1**

#TC = Total Compliance – **2**

#MV = Monitoring Visits – **12**

Facilities = **14**

AUDIT RESULTS (CONT'D)

Private Home Detention Monitoring Agencies (PHDMA) – Non-Compliance Breakdown – 12th cycle (July 2012 thru June 2013)

Licensed Private Home Detention Monitoring Agencies

PHD Monitoring Agency	Date	Type	#TC	#M/V	.01	.02	.03	.04	.05	Total
Advantage Sentencing Alternative Programs, Inc.	5/22/13	PHDMA	√							
Alternative Correctional Technologies Home Monitoring, LLC	4/23/13	PHDMA	√							
Alternative Sentencing, Inc.	5/16/13	PHDMA		√	2					2
Electronic Monitoring Services, LLC	10/10/12	PHDMA	√							
Home Monitoring Services, Inc.	4/17/13	PHDMA	√							
Jesus Christ Home Detention	5/29/13	PHDMA	√							
Ocean Answer, LTD	1/16/13	PHDMA	√							
12 th cycle Audits					2					2

#TC – Indicated PHDMA’s found to be in Total Compliance - 6

#M/V – Monitoring Visits needed to attain total compliance status - 1

PHDMA Standards

- .01 Management of Monitored Individuals
- .02 Contingency Plans
- .03 Rights of Monitored Individuals
- .04 Records of Monitored Individuals
- .05 General Administration

AUDIT RESULTS (CONT'D)

The following adult places of correctional confinement received the Recognition of Achievement Award during FY13.

July 26, 2012 – Dorchester County Detention Center – Steve Mills, Warden
July 26, 2012 – Talbot County Department of Corrections – Douglas Devenyns, Director
July 26, 2012 – Roxbury Correctional Institution – Gregg Hershberger, Warden
July 26, 2012 – Jessup Pre-Release Unit – Michele D. Jones, Facility Administrator
July 26, 2012 – Jennifer Road Detention Center – Brenda Shell, Correctional Facility Administrator
November 15, 2012 – Poplar Hill Pre-Release Unit – Michael King, Facility Administrator
January 31, 2013 – Frederick County Detention Center – Lieutenant Colonel W. Victor DeLauter, Warden
January 31, 2013 – Chesapeake Detention Facility – Robert Koppel, Warden
January 31, 2013 – Baltimore Central Booking and Intake Center – Carolyn Scruggs, Warden
January 31, 2013 – Garrett County Detention Center – Major Terry Schlossnagle, Administrator
January 31, 2013 – Montgomery County Pre-Release Unit – Stefan Lo'Buglio – Administrator
March 28, 2013 – Worcester County Jail – Ira F. Shockley, Warden
March 28, 2013 – Western Correctional Institution – Frank Bishop, Warden

MEETINGS OF THE COMMISSION

The Commission meets on a regular basis (on a bi-monthly basis) in locations throughout the state. The meetings usually are held at correctional facilities, so that a tour can be provided for members. Attendance by administrators of facilities whose audit reports are being considered is encouraged. Members maintain detailed meeting minutes on file after formal approval. Over the past 32 years, the Commission has met a total of 247 times. A quorum of the majority of the members is required in order to hold the meeting. During this reporting period, the Commission held meetings on four occasions at the following locations:

244 th Commission Meeting	July 26, 2012	Maryland Correctional Institution-Jessup Jessup, Maryland
245 th Commission Meeting	November 15, 2012	Jessup Correctional Institution Jessup, Maryland
246 th Commission Meeting	January 31, 2013	Brockbridge Correctional Facility Jessup, Maryland
247 th Commission Meeting	March 28, 2013	Maryland Correctional Institution-Jessup Jessup, Maryland

ADVISORY BOARDS

The Standards Act mandates that the Commission establish advisory boards to assist in the development of regulations. These boards also provide information and advice regarding various issues presented to them by the Commission. A Commission member chairs each board. Advisory board members are volunteers appointed by the board's chairperson, with the approval of the Commission. In May 1981, the following boards were instituted:

ADULT DETENTION CENTERS

ADULT CORRECTIONAL INSTITUTIONS

ADULT COMMUNITY CORRECTIONAL FACILITIES



TECHNICAL ASSISTANCE

Technical assistance is, also, mandated by the Standards Act. The Commission Chairperson appointed a Technical Assistance Committee, which is co-chaired by the Chairperson and the Executive Director. This Committee assists the boards with issues such as fire safety, health, life safety and training, and also serves as a continuing resource to the staff.

Board and committee memberships include citizens, state and local correctional administrators, regulatory officials, legal authorities, academicians, government officials and others. The Commission periodically reviews the membership of each board.

In September 1993, the Chairperson appointed a Committee on Correctional Facility Safety. This committee was formed to network further with other regulatory agencies. A Committee on the Duly Authorized Inspector (DAI) Program was formed in August 1992 to assess the efficiency and effectiveness of this unique approach to auditing. These committees are comprised of Commission members and have met on several occasions.

The Boards and Committee members were instrumental in providing continuing support for the implementation of standards for private home detention monitoring agencies. The advisory boards and committees have played an integral role in shaping the direction of the Commission and will continue to assist in meeting its mandate.

ESTABLISHMENT OF THE COMMISSION

The Maryland Commission on Correctional Standards was created to improve the manner in which standards for correctional facilities are established, ensure compliance with those standards, and to better protect the health, safety and welfare of Maryland's citizens, correctional staff and the inmate population.

The Commission's origin was at a state and local correctional administrators' conference in May 1979. The conference participants agreed that a need existed to revise the jail inspection program and to develop a mechanism to audit state facilities. The fact that several administrators were involved in civil lawsuits brought by inmates or special interest groups on their behalf, alleging unconstitutional facility conditions and/or management practices, hastened the need.

The state correctional system was engaged in a voluntary national accreditation process at that time. Some concerns; however, were raised by the Maryland General Assembly that this involvement required a sizeable expenditure of public funds prior to achieving accreditation. It was concluded that Maryland should develop regulations reflecting this state's correctional climate to meet professional standards.

The 1980 Session of the General Assembly passed an act establishing the Commission on Correctional Standards. This is codified in the Correctional Services Article, Title 8, Subtitle 8-101 seq., Annotated Code of Maryland. Its salient provisions require the Commission to:

- Advise the Secretary of Public Safety and Correctional Services regarding regulations, which the Secretary is authorized to promulgate for state and local correctional facilities;
- Periodically inspect facilities to determine compliance with standards and prepare reports;
- Determine schedules for remedial action when jurisdictions are in noncompliance with certain standards;
- Review and act on appeals of staff inspection reports;
- Provide technical assistance to jurisdictions to aid in their efforts to meet standards;
- Hold public hearings in regard to the possible closure of a correctional facility or cessation of one of its elements/functions for failure to meet standards determined to be life-threatening or health-endangering;
- Consult and coordinate with national bodies promulgating correctional standards to ensure a reasonable compatibility between state regulations and nationally established standards; and
- Consult and cooperate with other state agencies and local jurisdictions concerning standards development and enforcement.

COMMISSION MEMBERSHIP

The twelve-member Commission includes nine persons appointed by the Governor with the advice and consent of the Senate. They serve terms of three years. The statute requires members to be appointed as follows: two citizens; two state correctional officials; two local correctional officials; an elected official from a local governing body, a member with medical and/or mental health credentials and an official of a national standards-setting and accrediting body. There are also three ex-officio members, including the Attorney General, the Secretary of the Department of General Services, and the Secretary of the Department of Budget and Management. Effective July 1, 1982, the General Assembly authorized ex-officio members to designate representatives. On July 1, 1989, the Secretary of the Department of State Planning was replaced with the Secretary, Department of Budget and Fiscal Planning. In 1996, that agency was renamed the Department of Budget and Management. Each November, the Commission elects a Chairperson and Vice-Chairperson.

The following were the members of the Commission during the reporting period.



CITIZEN MEMBERS

Delores Alexander (2005)
Milton M. Crump (2002-2010 – 2013-present)

STATE CORRECTIONAL OFFICIALS

J. Michael Stouffer (May 2008)
Deputy Secretary of Operations, DPSCS

Wendell France (2009)
Regional Executive Director – Central Region, DPSCS)

COMMISSION MEMBERSHIP (CONT'D)

LOCAL CORRECTIONAL OFFICIALS

Robert Green (2007) – Elected Chairperson in 2009
Warden, Montgomery County Department of Corrections and Rehabilitation

Thomas D. Reece (2009)
Administrator, Calvert County Detention Center

MEDICAL/MENTAL HEALTH PROFESSIONAL

Maria Elmo, M.D. (2006)

LOCAL ELECTED OFFICIAL

Sheree Sample-Hughes (2008) – Elected Vice Chairperson 20
Councilwoman, Wicomico County Council

NATIONAL STANDARDS REPRESENTATIVE

Jeffrey Washington (1987-1996 – 2007-present)
Director of Standards and Accreditation, American Correctional Association

EX-OFFICIO MEMBERS

Douglas F. Gansler., Attorney General, State of Maryland
(Represented by Diane Bustos, Assistant Attorney General)

Alvin Collins, Secretary, Department of General Services
(Represented by Joan Cadden, Legislative Liaison)

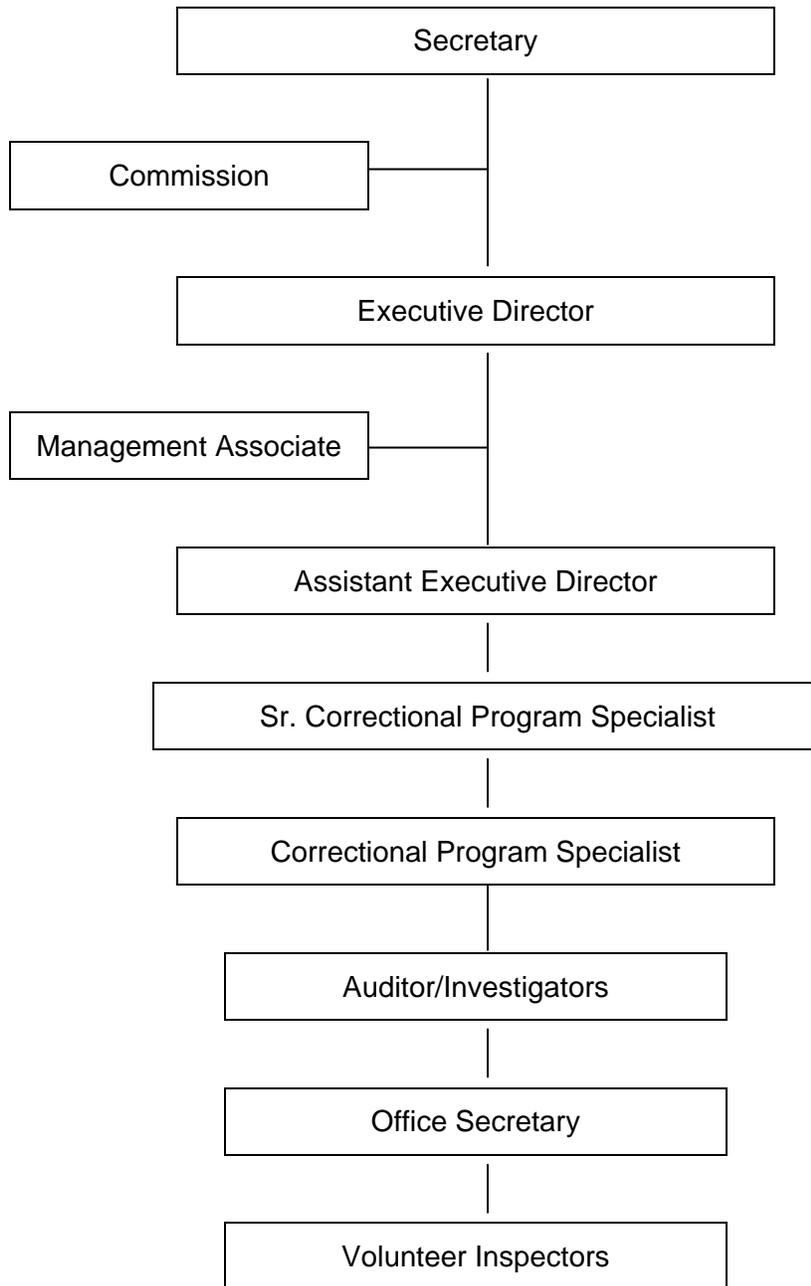
T. Eloise Foster, Secretary, Department of Budget and Management
(Represented by Darrin Jones, Budget Analyst)

****For dates, times, locations of the Commission Meetings and MCCS Audit Schedule, visit the MCCS webpage at:**

<http://www.dpscs.maryland.gov/agencies/mccs.html>

ORGANIZATIONAL CHART

MARYLAND COMMISSION ON CORRECTIONAL STANDARDS



AGENCY STAFF

Howard Ray, Jr.
Executive Director

Veronica D. Moore
Assistant Executive Director

Cheryle Y. Moyer
Senior Correctional Program Specialist

Hartley Aligbeh
Correctional Program Specialist

Tyrone Mabson
Auditor/Investigator

Otis Merritt III
Auditor/Investigator

LaDonna Newman
Management Associate

Tammy Smith
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The Executive Director is an appointed position selected by the Commission with the approval of the Secretary. The Assistant Executive Director position is an appointed position with the approval of the Secretary and the remaining agency positions are in the merit system.

BUDGET REPORT

FISCAL YEAR 2013

BUDGET APPROPRIATION AND ACTUAL EXPENDITURES

	<u>2013 APPROPRIATION</u>	<u>2013 EXPENDITURES</u>
.01 Salaries and Wages	375,082	376,208
.02 Technical & Special	125,407	126,087
.03 Communication	2,520	2,501
.04 Travel	20,500	14,124
.06 Utilities	3,650	3,069
.07 Motor Vehicle Operational/Maintenance	19,645	21,070
.08 Contractual Services	5,250	4,216
.09 Supplies/Materials	2,500	3,716
.10 Equipment Replacement	0	0
.11 Equipment Additional	0	0
.13 Fixed Charges	23,523	22,854
TOTAL	578,077	547,093