



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

 DIVISION OF CORRECTION	PROGRAM: INMATE GRIEVANCES
	DCD #: 180-001
	TITLE: Headquarters Organization and Management
	ISSUED: March 1, 1996
	APPROVED:  COMMISSIONER

I. References:

- A. Art. 41, Sect. 4-102.1, ACM
- B. COMAR 12.07.01
- C. COMAR 28.02
- D. DCD 180 Series
- E. Manual for Inmate Grievance Representatives

II. Applicable to: Headquarters, State Use Industries, and all Division of Correction institutions

III. Purpose: To establish responsibilities and procedures for staff at the headquarters level in the operation of the Inmate Grievance Program.

IV. Definitions:

- A. Administrative law judge ("ALJ"): An individual appointed by the chief judge of the OAH empowered to issue subpoenas, administer oaths and preside over hearings.
- B. Assistant inmate grievance coordinator ("the assistant coordinator"): An employee designated by the Deputy Commissioner to assist and act on behalf of the coordinator in his/her absence.
- C. Case preparation worksheet: A form containing case information to assist the representative at an IGO hearing.
- D. Court Order: Decision of a court or judge made or entered in writing.
- E. Final Order:
 - 1. A decision of the Executive Director of the Inmate Grievance Office dismissing the grievance as "on its face wholly lacking in merit"; or,
 - 2. The decision of an administrative law judge which has concluded that the grievance is without merit; or,

3. A decision rendered by the Secretary of DPSCS After reviewing a proposed meritorious Order of an administrative law judge finding the grievance meritorious in whole or part.

- F. Inmate grievance coordinator ("the coordinator"): A headquarters employee designated by the Deputy Commissioner to manage the overall operation of the Inmate Grievance Program on behalf of the Division.
 - G. Inmate Grievance Office (IGO): A separate agency within the Department of Public Safety and Correctional Services which receives and reviews grievances and refers those not dismissed to the OAH for hearings.
 - H. Inmate Grievance Office docket: A list of inmate grievance cases scheduled by the IGO to be heard on a particular date at a Division institution by an ALJ.
 - I. Inmate Grievance Program: A structure to provide representation of the interests of the Division in inmate grievance proceedings and to facilitate the activities of the Inmate Grievance Office.
 - J. Inmate grievance representative ("the representative"):
 1. An employee designated by the warden of an institution to manage the operation of the Inmate Grievance Program at the institutional level;
 2. An employee authorized to represent the Division of Correction at inmate grievance hearings.
 - K. Office of Administrative Hearings (OAH): A state agency charged with the responsibility for the conduct of hearings on grievances and the disposition of the grievances.
- V. Policy: It is the policy of the Division of Correction that there be an Inmate Grievance Program managed at the headquarters level consistent with the procedures established in this series of DCDs.
- VI. Procedure:
- A. The Commissioner of Correction:
 - B.

The Commissioner is the Division's final authority for the management of the Division's Inmate Grievance Program and has designated the Deputy Commissioner to be responsible for the overall daily operation of the program.

B. The Deputy Commissioner of Correction:

The Deputy Commissioner is responsible for ensuring compliance with all provisions of the program. These duties shall include, but are not limited to:

1. designating headquarters staff persons to serve as the coordinator and the assistant coordinator;
2. designating the chief hearing officer or designee to serve as the Division's inmate grievance representative in inmate disciplinary matters;
3. directing and supervising wardens in the institutional operation of the Inmate Grievance Program;
4. ensuring the use of the Inmate Grievance Program as a management tool to assist in identifying problems at specific institutions or deficiencies in Division policies or procedures that indicate a need for reevaluation, revision, or staff training;
5. ensuring that all representatives and alternate representatives receive training annually;
6. ensuring implementation of an IGO decision affirmed by the Secretary;
7. ensuring compliance with a Court Order resulting from an IGO decision appealed to circuit court; and,
8. establishing dates and times of on-site evaluations of institutional management of the Inmate Grievance Program.

C. The Inmate Grievance Coordinator:

The coordinator shall ensure that all headquarters staff responsibilities related to the inmate grievance program are executed consistent with established procedures. These duties shall include, but are not limited to:

1. monitoring institutional compliance with procedural requirements established in this series of directives and providing technical support to the representatives;
2. reviewing the case preparation worksheet submitted by the representative on a case that may have impact on Division policy;
3. reviewing all Orders upon receipt from the Office of the Secretary and OAH and bringing to the attention of the Deputy Commissioner those cases having impact on Division policy;
4. preparing a memo for the Deputy Commissioner's signature referring the Order found meritorious or in part meritorious to the appropriate headquarters program director if it is determined that the Order requires action by headquarters staff, with instructions to:
 - (a) review the Order and the Secretary's affirmation and take steps necessary to ensure compliance with the Order no later than 30 calendar days from the date of the Secretary's Order, and
 - (b) prepare a letter of response to the Secretary for the signature of the Commissioner advising of the steps taken to implement the Order and forward the response to the coordinator for review and submission to the Commissioner;
5. placing the final Order found meritorious or in part meritorious in a pending file while awaiting the institution's written response or the headquarters program director's written response to the Secretary's Order;
6. if, after review, it is determined that the action taken does not comply with the Order, advising the representative or the appropriate program director as to what action is required to be taken and requesting the immediate issuance of an amended response;

7. forwarding the letter of response to the Commissioner for final review and signature if it is determined that the action taken is in compliance with the Order;
8. ensuring that the signed letter of response is copied and distributed to the following persons:
 - (a) the Secretary of DPSCS,
 - (b) the Executive Director of the IGO,
 - (c) the warden in interest,
 - (d) the appropriate institutional representative, and
 - (e) the inmate;
9. reviewing a Court Order received from the Office of the Attorney General;
10. preparing a memo for the Deputy Commissioner's signature referring a Court Order requiring compliance to the appropriate headquarters program director or warden with instructions to:
 - (a) review the Order and ensure that all steps are taken to comply with the Order no later than the prescribed time frame, and
 - (b) forward written certification of compliance with the Order to the coordinator;
11. placing the Court Order in a pending file while awaiting the written response indicating what action has been taken to comply with the Order;
12. if, after review, it is determined that the action taken is not in compliance with the Order, advising the representative or the appropriate program director as to what action is required to be taken and requesting the immediate issuance of an amended response;

13. forwarding a copy of the written response to the appropriate assistant attorney general, and to the Executive Director of the IGO and maintaining a copy of the written response and Court Order in the headquarters inmate grievance file;
14. maintaining a headquarters file on all inmate grievance decisions, Court Orders, and associated documentation and retaining the files for at least four years;
15. ensuring that all representatives and alternate representatives receive annual training in the following areas:
 - (a) IGO and OAH policies and procedures,
 - (b) case preparation,
 - (c) case presentation,
 - (d) case law,
 - (e) changes in Division policies and procedures as they relate to the Inmate Grievance Program;
16. scheduling and conducting quarterly meetings with the representatives;
17. conducting on-site evaluations of the institutions' Inmate Grievance Program as directed by the Deputy Commissioner.

D. The Assistant Inmate Grievance Coordinator:

The assistant coordinator is responsible for assisting the grievance coordinator in the performance of all the above duties.

E. The Chief Hearing Officer/designee:

This individual is responsible for representing the Division at IGO hearings on inmate disciplinary hearing matters.

1. In preparing for case presentation, the chief hearing officer/designee shall:

- (a) review the IGO docket to determine which cases require representation;
 - (b) review the appropriate notices of infraction and any associated information;
 - (c) based upon the issues of the grievance, review the audio recording of the disciplinary hearings;
 - (d) bring a copy of the appropriate notices of infraction and associated information that have been provided by the representative to the hearing;
 - (e) determine if the attendance of the hearing officer who presided at the adjustment proceeding is required at the IGO hearing to effectively represent the Division.
2. During the hearing, the chief hearing officer/designee shall, as necessary:
- (a) make a brief statement of the Division's position;
 - (b) submit exhibits (i.e., notice of infraction, associated documentation, etc.) to support the Division's position;
 - (c) clearly present the Division's position through the use of exhibits and testimony of witnesses;
 - (d) cross-examine the grievant's witness;
 - (e) present rebuttal evidence;
 - (f) make a brief summary of the Division's position as to the case presented by the grievant; and,
 - (g) if requested by the Executive Director of the IGO or the ALJ, forward a copy of the audio recording of the disciplinary hearing to the ALJ by the agreed upon date.

3. Upon receipt of the Secretary's final Order of a meritorious or in part meritorious decision, in conjunction with a grievance relating to an adjustment conviction, the chief hearing officer/designee shall:
 - (a) notify the warden's office to arrange for any action ordered by the Secretary;
 - (b) when necessary, instruct the warden as to any modifications of institutional records and request to be advised when the task has been accomplished;
 - (c) prepare a letter of response for the Commissioner's signature to the Secretary advising of all the steps taken to comply with the final Order;
 - (d) forward the letter to the Commissioner's designee for review; and,
 - (e) upon the return of the letter from the Commissioner's designee, forward the letter to the Commissioner for signature with a copy to the coordinator.

F. No institutional directive is required.

VII. Attachment: None

VIII. Rescission: DCD 180-001 dated November 1, 1994

Distribution:

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