



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

 DIVISION OF CORRECTION DIRECTIVE	PROGRAM:	INMATE GRIEVANCES
	DCD #:	180-002
	TITLE:	Institutional Organization and Management
	ISSUED:	March 1, 1996
	APPROVED:	 COMMISSIONER

DCD CHANGE NOTICE 23-96 EFFECTIVE DATE September 25, 1996



CHANGE # 1 TO THIS DCD

1. A change is promulgated to clarify public access to an inmate grievance hearing.
2. Delete present section VI.A.16 and add the following as new section VI.A.16.:
 16. ensuring that public access to an inmate grievance hearing meets current security requirements. A private attorney may represent the grievant at the hearing and a person outside of the Division may appear as a witness, within the confines of reasonable institutional security measures.
4. Please incorporate this change into all copies of the DCD.

Distribution

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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, all Division of Correction Institutions, and Patuxent Institution.

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

Definitions:

- A. Alternate inmate grievance representative ("the alternate"): An employee designated by the warden to assist and act on behalf of the representative in his/her absence.
- B. Case preparation worksheet: A form containing case information to assist the representative at an IGO hearing.
- C. Court Order: Decision of a court or judge made or entered in writing.
- D. 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.

- E. 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.
- F. 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.
- G. 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.
- H. 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 the Inmate Grievance Program be managed at the institutional level consistent with the procedures established in this series of directives.
- VI. Procedure:
 - A. The Warden:

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

 - 1. designating institutional staff persons to serve as the representative and the alternate representative;
 - 2. ensuring that the representative has the authority and resources to manage the operation of the program;

3. ensuring that the Executive Director of the IGO is notified, well in advance, of any scheduling conflicts that would cause the postponement of inmate grievance hearings;
4. ensuring the appearance of staff as required and that appropriate action is taken against staff for failing to appear at an IGO hearing as a witness after being properly notified;
5. ensuring that a grievant scheduled for transfer is not transferred prior to the grievance hearing once the grievance is placed on a docket unless an emergency arises;
6. ensuring that a grievant is provided the opportunity to confer with the inmate representative prior to the hearing. Conferring may be limited to communicating with the representative, in writing, if security concerns so dictate;
7. ensuring that a hearing room is available and equipped for conducting hearings to include adequate acoustics, ventilation, privacy, and accessibility for disabled persons;
8. ensuring that the Executive Director of the IGO is notified prior to any change in a hearing room location. Any decision to change a hearing room location shall be made by the warden in conjunction with the Executive Director;
9. ensuring that a correctional officer is present throughout the grievance hearing in an observation role to provide security coverage;
10. ensuring that the representative prepares and presents inmate grievance cases in accordance with procedures established in this series of directives;
11. ensuring that necessary staff are available to transport grievants, inmate witnesses, and inmate representatives, when appropriate, to the hearing in a timely manner;
12. ensuring compliance with a grievance decision affirmed by the Secretary that requires institutional implementation;

13. ensuring compliance with a Court Order resulting from an inmate grievance decision appealed to circuit court that requires institutional implementation;
14. ensuring that a disabled grievant is provided equal access to the hearing;
15. ensuring that restraint devices are used on an inmate in accordance with applicable security requirements and in conformity with established institutional policy and procedure;
16. ensuring that public access to an inmate grievance hearing meets current security requirements. NOTE: A non Division person (private attorney, etc.) may represent the grievant at the hearing and may be required as a witness, within the confines of reasonable institutional security measures;
17. ensuring the presence of the representative and the alternate representative at all Inmate Grievance Program training sessions.

B. The Assistant Warden:

The assistant warden is responsible for the institutional operation of the Inmate Grievance Program in the warden's absence.

C. The Inmate Grievance Representative:

The representative shall be familiar with the rules and regulations of the OAH and present the Division's case consistent with those rules and regulations. The representative is responsible for managing the operation of the Inmate Grievance Program within the institution. These responsibilities shall include, but are not limited to:

1. upon receipt of the IGO docket, ensuring that the following information is recorded onto OBSCIS I, Screen 15, Maintain Schedule Data:
 - (a) grievant's name,
 - (b) grievant's Division number,

- (c) date of each grievant's scheduled hearing,
 - (d) names of any witnesses, and
 - (e) subject matter of the grievance;
2. ensuring that information received from the IGO concerning postponements, withdrawals, etc. is entered onto Screen 15. Instructions for entering information onto Screen 15 are contained in the Manual for Inmate Grievance Representatives;
 3. ensuring that all final dispositions are recorded onto Screen 15. The representative who receives the final Order, even if the grievant has since been transferred or was transported to an institution only for a hearing, is responsible for ensuring that the disposition is entered onto Screen 15 and then forwarding the decision to the representative where the inmate is currently housed;
 4. responding to all requests for information from the IGO within the prescribed time frame. If a preliminary decision is made by the representative that a particular document is deemed to be confidential in that it jeopardizes the health, safety or welfare of the inmate or threatens the security of the institution and, therefore, will not be forwarded to the IGO, the representative shall provide a written response to the Executive Director stating that the document will not be forwarded based on confidentiality requirements. If at all possible, confidential information contained in a requested document shall be deleted or blocked out before forwarding to the Executive Director;
 5. forwarding the completed case preparation worksheet to the headquarters coordinator for review at least ten working days prior to the scheduled hearing date;
 6. coordinating grievance hearings within the institution. The sequence of the hearings shall be determined by the ALJ, but if there are circumstances which may warrant a specific sequence, the representative shall make those circumstances known to the ALJ for consideration;

7. notifying staff of their required presence at IGO hearings as witnesses, by completing Appendix 1 to DCD 180-003 and bringing to the attention of the warden, immediately after the hearing, the name of any witness who fails to appear as required;
8. ensuring that the inmate representative housed at the institution where the grievance is being heard is notified to appear at the hearing as well as all requested inmate witnesses;
9. ensuring case presentation at Patuxent Institution, when necessary, as well as providing proper notification to that institution's legal administrator with regard to the transporting of personnel and inmate witnesses to and from that institution. Communication and cooperation from both agencies is necessary when arranging the transportation of inmates to and from Patuxent Institution;
10. ensuring that the commitment records specialist manager or designee attends the inmate grievance hearing as an expert witness in grievance cases concerning commitment related issues;
11. ensuring that a contractual medical designee attends the inmate grievance hearing as an expert witness in grievance cases concerning medical related issues;
12. ensuring that a representative from State Use Industries attends the inmate grievance hearing as a witness on behalf of the Division, when appropriate;
13. coordinating the transporting of inmates to attend grievance hearings consistent with the procedures established in this series of directives;
14. ensuring that the base file of the grievant is brought to the hearing and/or transported with the inmate to the hearing;
15. attending all headquarters IGO quarterly meetings. If for any reason the representative is not able to attend a scheduled meeting, the alternate representative shall attend. Each institution shall be represented;

16. maintaining separate inmate grievance files and associated documentation for all cases heard consistent with this series of directives;
17. ensuring that appropriate action is taken to comply with a meritorious or in part meritorious IGO decision, and all Court Orders;
18. entering into a settlement agreement consistent with the procedural requirements of DCD 180-005;
19. keeping abreast of all policies and procedures regarding inmate grievance matters, whether on the local or national level;
20. completing a statistical analysis of the number and types of grievances, by subject matter, heard each month and forwarding a copy of the report to the coordinator on no less than a quarterly basis.

D. The Alternate Inmate Grievance Representative:

The alternate representative is responsible for performing all of the above duties in the absence of the representative.

E. No institutional directive is required.

VII. Attachment: None

VIII. Rescission: DCD 180-002 dated November 1, 1994

Distribution:

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