
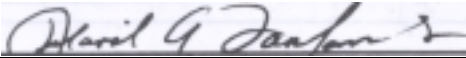


STATE OF MARYLAND  
DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES  
DIVISION OF CORRECTION

 DIVISION OF CORRECTION	<b>PROGRAM:</b> INMATE GRIEVANCES
	<b>DCD #:</b> 180-003
	<b>TITLE:</b> Institutional Case Preparation and Presentation
	<b>ISSUED:</b> March 1, 1996
	<b>APPROVED:</b>  <b>COMMISSIONER</b>

**DCD CHANGE NOTICE** 24-96 **EFFECTIVE DATE** September 25, 1996

**CHANGE # 1 TO THIS DCD**

1. Changes are promulgated to expand on the IGO notification requirements.
2. Delete present sections VI.A.1.a., b., and c., and add the following as new sections VI.A.1.a., b., and c.:
  - A. Case Preparation
    1. No later than ten working days from the date of receipt of the IGO docket, or as soon as the information becomes known, the representative shall:
      - a. notify the Executive Director of the IGO or the presiding ALJ of any corrections/changes, such as:
        - (1) an inmate transfer and the reason for the transfer,
        - (2) a change in an inmate's name,
        - (3) the inability to secure witness attendance,
        - (4) a scheduling conflict,
        - (5) the withdrawal of a grievance,
        - (6) the release of the grievant, or
        - (7) any other reason why a case may not be able to be heard by the ALJ on its scheduled date and time;



- b. advise the Executive Director of the IGO or the presiding ALJ when the presence of a particular inmate representative poses a special security risk or concern, and request that person's exclusion from the hearing. Any such request is to be accompanied by a written explanation of the security risk or concern to be assessed. The decision to grant or to deny the request to exclude the representative from the hearing will be made by the Executive Director or designee, or by the presiding ALJ;
- c. forward a request for information from the IGO to the appropriate institutional representative for response if the grievant has been transferred after issuance of the IGO docket;

3. Please incorporate these changes into all copies of the DCD.

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

 <p style="text-align: center;">DIVISION OF CORRECTION DIRECTIVE</p>	<b>PROGRAM:</b> INMATE GRIEVANCES
	<b>DCD #:</b> 180-003
	<b>TITLE:</b> Institutional Case Preparation and Presentation
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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
- F. DCDs 50-2 and 50-29

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

III. Purpose: To establish institutional procedures for the preparation and presentation of inmate grievance cases scheduled by the Inmate Grievance Office.

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. Case preparation worksheet: A form containing case information to assist the representative at an IGO hearing.
- C. Grievance case file: All documents pertaining to the inmate grievance case which are maintained by the representative.
- D. 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.
- E. Inmate Grievance Office docket): A list of inmate grievance cases scheduled to be heard on a particular date at a Division institution by an ALJ.

F. 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.

G. 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 representatives prepare and present inmate grievance cases in accordance with state law, COMAR, Division procedures and with the procedural requirements prescribed by this series of directives.

VI. Procedure:

A. Case Preparation

1. No later than ten working days from the date of the scheduled IGO hearing, the representative shall:
  - a. notify the Executive Director of the IGO of any corrections/changes, such as:
    - (1) an inmate transfer and the reason for the transfer,
    - (2) a change in an inmate's name, etc.;
  - b. if a grievant is transferred after the IGO docket has been issued, contact the appropriate institutional representative who shall forward the requested information to the IGO;
  - c. notify the IGO as soon as possible of the following:

- (1) inability to secure witness attendance,
  - (2) a scheduling conflict,
  - (3) the withdrawal of a grievance,
  - (4) the release of the grievant, or
  - (5) any other reason why a case may not be able to be heard by the ALJ on its scheduled date and time;
- d. verify the institutional location of the grievant and witnesses through OBSCIS I, Screen 18, Maintain Traffic Data;
  - e. identify those dual issue cases that require representation by both a disciplinary hearing officer and an institutional representative. The disciplinary matter shall be addressed at the hearing only by a hearing officer and the non disciplinary matter shall be addressed at the hearing only by the institutional representative;
  - f. identify those Patuxent cases that require staff and inmate notification, representation, and transportation;
  - g. advise the appropriate representative that the presence of the grievant, the witness and, if appropriate, the inmate representative is required at the hearing;
  - h. contact the Division transportation unit at MRDCC in writing or the institutional transportation unit of the maintaining institution through the representative, as appropriate, to request the transportation of the grievant and inmate witnesses to the grievance hearing. Also, the case management department shall be contacted to request that the base file accompanies the grievant when transportation is being provided by the institutional transportation unit;
- (1) A copy of the written request and the IGO docket shall be provided accordingly;

- (2) The Division transportation unit will not transport inmate representatives to IGO hearings;
  - (3) Inmates housed in the pre-release system and in the Hagerstown region who are requested to appear as inmate representatives in their respective region will be transported by the institutional transportation unit;
  - (4) The transportation of inmate witnesses between institutions in the same region will be handled by the institutional transportation unit;
  - (5) Grievants and witnesses in the home detention program will be transported to the hearing location by the Division transportation unit or by CHDU staff, as appropriate. The base file shall accompany the grievant to the hearing;
- i. include in the transportation request, at a minimum:
    - (1) date, time and location of the scheduled hearing,
    - (2) grievant's and witness(es) name, Division number, current location and corresponding IGO case number,
    - (3) any special needs, medical alerts, or medication requirements, or special housing status;
  - j. notify institutional staff requested as witnesses of their required presence and testimony using Appendix 1, Notification to Appear at Inmate Grievance Hearing (DC Form 180-003aR). Failure of institutional staff to appear as requested may result in disciplinary action pursuant to DCD 50-2.  
NOTE: An employee may be a witness for an inmate but may not serve as a representative of the inmate;

- (1) When notifying a hearing officer, Appendix 1 shall be addressed to the appropriate disciplinary hearing officer but forwarded to the attention of the chief hearing officer.
  - (2) When notifying headquarters staff, Appendix 1 shall be addressed to the appropriate headquarters staff person, and forwarded to the grievance coordinator.
  - (3) Notification to non-Division staff shall be made in writing via letter or memorandum;
- k. forward to the chief hearing officer applicable notices of infraction relating to the disciplinary hearing cases scheduled to be heard. This shall include copies of any associated documentation;
  - l. prepare a list of the names of all persons required to be present at the hearing. The list shall be disseminated to all appropriate institutional staff no later than 48 hours prior to the hearing to ensure that security coverage is provided;
  - m. compile information and evidence to be offered as Division exhibits during case presentation. This information shall be maintained in the inmate's grievance case file;
  - n. prepare and complete the Case Preparation Worksheet (see Appendix 2);
  - o. notify the representative of the institution where the complaint originated of the date and time of the scheduled hearing. The representative of the institution where the complaint originated shall be responsible for preparing and presenting the case. However, the representative of the institution where the complaint originated may request that another representative or the representative of the host institution represent the Division when that individual is better able to prepare and present a case;

- p. ensure that staff are provided the opportunity to complete and file with the Office of the Attorney General Appendix 2 to DCD 50-29, Request for Legal Representation, to request representation in a case regarding allegation of assault on an inmate;
- q. notify the headquarters director of security operations of grievances regarding maintenance, institutional safety and environmental matters;
- r. notify counsel to the Division when a grievance is scheduled regarding an administrative matter that may have agency or department wide impact and which may require representation by the Attorney General's Office.

2. Prior to the IGO hearing, the representative shall:

- a. ensure that the case preparation worksheet, all Division exhibits, and the inmate base file are brought to the hearing;
- b. review the official case record prepared by the IGO;
- c. permit the grievant to review the official case record if requested to do so by the ALJ. This review shall be supervised by the ALJ or by a Division staff person authorized by the ALJ;
- d. assist any witness(es) in the preparation of testimony prior to the hearing.

B. The Hearing

1. Preliminary Matters

The representative shall:

- a. advise the ALJ if any witness or representative is not present for the hearing;



- b. if the grievance is withdrawn by the grievant, provide the ALJ with a signed copy of Notice of Withdrawal, DC Form 180-003bR (see Appendix 3);
- c. present any motion for dismissal or postponement, with justification and any supporting documentation.

2. Opening Statement

The representative shall be prepared to make a brief statement of the Division's position which shall be supported by evidence.

3. Case Presentation

The representative shall:

- a. ensure that all steps have been taken to enable the grievance hearings to start promptly;
- b. have exhibits present and available for introduction (i.e., DCDs, matters of record, previous case decisions, memoranda, etc.) to support the Division's position. No exhibits may be presented that are restricted from inmate access;
- c. refer the ALJ to all relevant DCDs, statutes, regulations, case law and prior inmate grievance decisions;
- d. utilize, as necessary, the testimony of staff considered as experts in their particular areas of corrections;
- e. schedule and present witnesses to support the Division's position;
- f. clearly present the Division's position through the use of exhibits and testimony of witnesses;
- g. cross-examine the grievant's witnesses;
- h. present rebuttal evidence, if appropriate.

4. Closing Statement

The representative shall be prepared to make a brief summary of what the Division has attempted to prove during the hearing with relevant comments relating to the Division's exhibits and witness testimony.

C. No institutional directive is required.

VII. Attachments:

- A. Appendix 1 - Notification to Appear at Inmate Grievance Hearing (DC Form 180-003aR)
- B. Appendix 2 - Case Preparation Worksheet
- C. Appendix 3 - Notice of Withdrawal (DC Form 180-003bR)

VIII. Rescission: DCD 180-003 dated November 1, 1994

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DIVISION OF CORRECTION  
Notification to Appeal at  
Inmate Grievance Hearing

\_\_\_\_\_  
INSTITUTION/FACILITY

To: \_\_\_\_\_ Date: \_\_\_\_\_

From: \_\_\_\_\_, Inmate Grievance Representative

This is to notify you of your required appearance to give testimony at the following inmate grievance hearing:

Hearing date: \_\_\_\_\_ Time: \_\_\_\_\_

Inmate name: \_\_\_\_\_ DOC#: \_\_\_\_\_

IGO Case#: \_\_\_\_\_

You must be present at the date and time specified above. If any unusual circumstances prevent your appearance, please notify me immediately so that I may notify the Inmate Grievance Office. FAILURE TO APPEAR MAY RESULT IN DISCIPLINARY ACTION PURSUANT TO DCD 50-2

A synopsis of the case is attached for your review.

Representation by the Attorney General's Office  
has \_\_\_\_\_ has not \_\_\_\_\_ been requested.

I have received notice \_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

PLEASE SIGN THIS FORM AND RETURN IT TO THE INSTITUTIONAL INMATE  
GRIEVANCE REPRESENTATIVE BY \_\_\_\_\_.

DIVISION OF CORRECTION

CASE PREPARATION WORKSHEET

Inmate Name & DOC #: \_\_\_\_\_

I.G.O.#: \_\_\_\_\_

Hearing Date: \_\_\_\_\_ Site: \_\_\_\_\_

Prepared By: \_\_\_\_\_

Agency Representative: \_\_\_\_\_

Issues Presented in the Complaint:

Preliminary Matters:

(i.e., Will you put in a motion to dismiss? Will you request postponement based on absence of witnesses or present affidavits in their absence? Will there be any procedural complications?)

Opening Statements:

(What is the agency's position? What will the evidence show?)

Presentation of Case:

(Indicate agency's position; questions for witnesses; documents entered into evidence.)

Closing Statements:

(Summarize the agency's position.)

Counsel to the Division notified? Yes \_\_\_\_\_ No \_\_\_\_\_

DIVISION OF CORRECTION

NOTICE OF WITHDRAWAL

To: \_\_\_\_\_, Inmate Grievance Representative

Institution: \_\_\_\_\_

I, \_\_\_\_\_, DOC No. \_\_\_\_\_,  
hereby wish to withdraw my grievance in IGO Case No. \_\_\_\_\_.

\_\_\_\_\_  
Inmate Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Staff Witness Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Title

\_\_\_\_\_  
Print Name