

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

 DIVISION OF CORRECTION DIRECTIVE	<b>PROGRAM:</b> INMATE GRIEVANCES
<b>DCD #:</b>	180-004
<b>TITLE:</b>	Institutional Post-Hearing Actions
<b>ISSUED:</b>	March 1, 1996
<b>APPROVED:</b>	
	<b>COMMISSIONER</b>

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 institutional procedures for required actions following an inmate grievance hearing.

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. Court Order: Decision of a court or judge made or entered in writing
- C. 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.
- D. Grievance: A complaint made by an inmate to the Inmate Grievance Office.

- E. Grievance case file: All documents pertaining to the inmate grievance case which are maintained by the representative.
- V. Policy: It is the policy of the Division of Correction that post-hearing actions be accomplished consistent with established time frames.

VI. Procedure:

- A. Upon the conclusion of the IGO hearing, the representative shall:
1. ensure that an entry is made on the progress sheet in the inmate base file indicating the date on which the grievance was heard and the name of the presiding ALJ;
  2. promptly return the inmate base file to the case management department;
  3. place the grievance case file in a locked filing cabinet and arrange alphabetically by the grievant's last name;
  4. retain the grievance case file for at least four years.
- B. Upon receipt of the written decision from OAH resulting in a dismissal, the representative shall ensure that:
1. the disposition of the hearing is entered onto Screen 15 consistent with the procedures established in DCD 180-002 and the instructions contained in the Manual for Inmate Grievance Representatives;
  2. copies of the decision are distributed as follows:
    - (a) one copy to the inmate base file,
    - (b) one copy to the grievance case file.
- C. Upon receipt of the Secretary's final Order of a meritorious or in part meritorious decision, the representative shall:

1. review the Order to determine if the institution is responsible for compliance and, if so, take steps necessary to ensure compliance with the Order;
  2. prepare a letter of response for the Commissioner's signature to the Secretary advising of the steps taken to comply with the Order, forwarding the letter to the warden for review. The letter of response should follow the format as determined by the headquarters coordinator;
  3. forward the letter of response to the coordinator within the prescribed time frame.
- D. Upon receipt of the copy of the Commissioner's signed letter of response, the representative shall enter the disposition onto Screen 15 and ensure that copies of the decision are distributed as follows:
1. one copy to the inmate base file, and
  2. one copy to the grievance case file.
- E. When an IGO Order directs a new disciplinary hearing, the representative, in order to avoid the duplicate recording of adjustment information, shall ensure that the original report remains recorded on OBSCIS I, Screen 8, Maintain Infraction Data, but is modified to reflect the results of the new disciplinary hearing.
1. All new disciplinary hearing information (i.e., date of new hearing, sanctions imposed, rule violations, etc.) shall be recorded on the original report.
  2. The IGO number shall be recorded on the original report along with a notation indicating that the modifications are a result of the IGO decision.
  2. The original date and time of the infraction along with any other pertinent information shall remain recorded on the original report.
- F. Expungement of Records:
- If the final Order requires the expungement of records, the representative shall ensure that:

1. the headquarters data processing unit is notified of what information on OBSCIS I, Screen 8, Maintain Infraction Data, is to be deleted;
2. any material contained in the base file concerning the instant grievance is blocked out/removed;
3. a notation is made next to the deleted portion stating "Expunged per IGO Order No. \_\_\_\_\_ on (date)";
4. the expunged material is placed in a separate folder bearing the inmate's name, Division number and IGO case number;
5. the material is placed in a locked filing cabinet used for the storage of expunged records.

G. Inmate Personal Property Cases:

1. The Office of the Secretary will initiate compliance with a final Order that directs monetary reimbursement to the inmate for loss, damage, or destruction of personal property. No letter of response from the institution is required.
2. An Order directing compensation for commissary losses, the replacement of funds in the grievant's account, the replacement of property items from the institution's inventory, etc., will not be initiated by the Office of the Secretary. A letter of response from the institution is required.
3. An Order that directs that certain property items be replaced, or if replacement is not possible that the grievant be reimbursed for the property, requires a letter of response.
  - (a) If the property is replaced the letter will so indicate.
  - (b) If the property cannot be replaced, the letter of response shall request that the specified amount for reimbursement be disbursed from dedicated funds set aside at the Secretary's level for the awarding of such property claims.

H. A letter of response is required where an Order has been reversed, etc., and requires no further action. In such a case, the letter of response should state "To the extent no action is required, none will be taken". The case then will be considered closed.

I. Court Orders:

1. Upon review of a Court Order from the Deputy Commissioner which resulted from an inmate grievance decision appealed to a circuit court, the warden shall take steps necessary to comply with the Order.
2. The warden shall ensure that the written certification of compliance with the Order is forwarded to the coordinator within the specified time frame and that the inmate is notified of the action taken.
3. A copy of the Court Order and the institutional response shall be distributed as follows:
  - (a) one copy to the inmate base file; and
  - (b) one copy to the grievance case file.

J. No institutional directive is required.

VII. Attachment: None

VIII. Rescission: DCD 180-004 dated November 1, 1994

Distribution:

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