STATE OF MARYLAND
DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES
DIVISION OF PRETRIAL DETENTION AND SERVICES

	Pretrial Detention and Services Directive Number: **180-1**
	Program: **Grievances**
	Title: **Adult Resident Grievance Procedures**
	Effective Date: **June 20, 2008**
	Approved by: Howard Ray, Jr., Commissioner

.01 Purpose.

To establish a procedure that provides for an adult resident grievance process within the DPDS.

.02 Scope.

The Division of Pretrial Detention and Services (DPDS)

.03 Policy.

The grievance process is available to DPDS adult residents to provide a standard method by which they may seek formal administrative decisions or answers to issues or complaints.

Only individual residents shall submit grievances or complaints. No petitions or group (more than one signatory) grievances shall be accepted.

.04 Authority/Reference.

MCCS .05J

.05 Definitions.

Departmental Liaison: A staff person from each department, appointed by the Managing Official, designee or individual Department Head of the institution to receive, investigate and respond to the Resident Grievance Office regarding formal resident complaints.

Resident Grievance Procedure Committee: a 3- person panel convened when a resident appeals a first step grievance decision. The panel consists of an assistant warden/programming, the Director of Compliance, and a staff person from the Resident Grievance Office.

Resident Grievance Coordinator: DPDS staff persons responsible for the collection and response to resident grievances and/or complaints. This includes recording the status and disposition of each case.

Departmental Liaison: A staff person from each department, appointed by the managing officer, designee or individual department head of the institution to receive, investigate and respond to Resident Grievance Office staff regarding resident complaints.

Working Days: Consecutive days excluding Saturdays, Sundays, and holidays.

Help Request: A complaint which can be adequately resolved outside of the formal grievance process. These complaints are general in nature and may concern product quality, service delivery, etc.

.06 Responsibility/Procedure.

A. Grievable Issues

1. A grievance may be used to address issues regarding conditions of confinement, actions of staff, services received, other residents and/or incidents occurring within or under the authority and control of the Division of Pretrial Detention and Services that have personally affected the resident making the complaint and for which a remedy may be allowed by the Division.

2. The grievance process may be used no matter what the resident's custody assessment or disciplinary status.

B. Non-grievable Issues

1. Misconduct (Notice of Infraction) reports received through the Department's disciplinary procedure may not be appealed through the grievance process. Misconduct reports may only be appealed through the appeal procedure as the referenced in DPSCS 105-5, C, 1, Disciplinary Procedures.

2. Grievances may not be submitted about matters that are in the course of litigation.

3. Grievances may not be submitted regarding such matters as: terms of court commitment orders; State statues; and court ordered programs.

C. Submission of Grievances

1. All staff shall attempt to resolve institutionally related grievances.

2. If informal resolution (Help Request) is not achieved, the resident may initiate a grievance by completing a *Resident Complaint Form, Step I* (Appendix A) within 15 calendar days from the date on which the incident occurred or on which the resident first learned of the incident, whichever is later. The form shall be completed in full, indicating the nature of the grievance, the details of the incident, the steps taken to attempt an informal resolution, and the remedy sought.

3. The grievance shall be investigated and responded to within 20 working days of receipt of the grievance. Instructions for complaint form completion shall be printed on the reverse side of the *Resident Complaint Form, Step I*. The following information shall be included in the complaint:

a. The resident's name, date of submission and housing identifier. The complaint must be submitted in the name under which the resident is committed to the custody of the Commissioner of the DPDS, although a religious name or a name authorized under court order may be included as an alias;

b. The date on which the incident occurred or the date on which the resident became aware of the situation, the name(s) of the staff and/or residents involved in the complaint, a brief, concise description of the incident, and a description of any efforts made to resolve the complaint informally; and the remedy the resident seeks.

4. The completed complaint form shall be submitted to Resident Grievance Office (RGO) staff through the section Resident Council representative, the section officer, or by depositing the completed forms in an institutional mailbox.

5. All allegations of assault by staff on residents shall be immediately referred to the Bureau of Special Operations via the Shift Commander.

D. Receipt of Complaints

1. The RGO staff shall date-stamp each grievance form and log it in within two working days of receipt and review the form to determine if the resident has a grievable and/or non-grievable issue to resolve. A separate log shall be maintained to document complaints (help requests) versus actual grievances. Log information shall include:

   a. Name;
   b. Number;
   c. Housing location;
   d. Problem;
   e. Problem synopsis;
   f. Name of liaison person grievance is referred to (if applicable);
   g. Date of the referral;
   h. Date information is returned to the grievance officer;
   i. Date the response is sent to the resident;
   j. Status of the grievance: meritorious, without merit, outside jurisdiction, ongoing, and other; and
   k. Release date of the resident if he or she is released prior to resolution of the grievance.

2. If the complaint form is filled out in its entirety, staff shall forward an acknowledgment letter to each resident within two days of receipt.

3. If the complaint form is incomplete, the form shall be returned to the resident with no action taken. Staff shall enclose a letter with the grievance form detailing the reason for the return, and provide the resident with specific instructions to properly complete the grievance. The grievance will be logged in, all possible information will be recorded, and the grievance will be labeled as a **resubmit** in order to maintain date of incident integrity. Unless the grievance is resubmitted within 5 working days, it will be considered administratively dismissed.

E. Investigation of Grievances Involving Medical Services

1. The RGO shall not review it for merit but shall: copy the grievance form; log in into the tracking system; and forward a copy of the grievance form to the Agency Contract Operations Monitor (ACOM) within 2 working days.

2. Upon receipt of the grievance form, the ACOM shall: copy, log, and forward the grievance form to the appropriate health care provider(s) before the end of the following work day. The ACOM shall provide a carbon copy of the referral to the RGO and shall monitor for a timely response from the health care provider(s).

3. Upon receipt of a medical grievance form, the health care provider shall: investigate the grievance; document findings; and forward a detailed written response to the RGO and ACOM within five working days.

4. The RGO staff upon receipt of a response from a health care provider shall: copy; log the provider response(s) into the tracking system; and ensure that a copy of all related provider responses is forwarded to the resident within 2 working days.

5. Compliance to resolve medical grievances requires that a medical provider response is sent to the resident within10 days of the initial grievance file date.

F. Non-Medical Grievances

1. The RGO staff shall review all grievances other than medical grievances and determine if the grievance can be investigated by the grievance staff via the following methods: directives, post orders, computer records, (both BCJL and MOBS), copies of serious incident reports, logbook reviews, employee or resident interviews, etc. In cases where such investigation would not yield the necessary results, the department liaison will be contacted. The liaison shall be given a copy of the grievance and shall investigate the grievance.

2. Upon completion of the investigation, the departmental liaison shall provide the RGO staff with the results of the findings within 10 days of the receipt of the grievance. The RGO staff shall review the investigation for sufficiency and draft a response to the resident within 5 days of receipt of the response from the liaison.

3. If the resident is released prior to the completion of the investigation process, the grievance will be administratively dismissed except if the grievance deals with monetary reimbursement such as commissary or payroll. In these cases investigation shall be ongoing pending resolution.

G. Appealing the Grievance Decision-Step II

1. A resident wishing to appeal the Step I decision to his or her complaint shall complete a *Motion for Grievance Committee Step II* form (Appendix B) and submit the form to RGO staff as indicated in section A.4 of this directive.

2. Resident Grievance Procedure Committee (RGPC) meetings are scheduled as needed. Prior to convening an RGPC meeting, the RGO director shall meet with the resident to inform him or her of the procedure that shall be followed during the RGPC meeting.

3. The RGO staff shall schedule the complaint to be reviewed by the RGPC at a hearing. The hearings will be conducted in an informal manner, beginning with the presentation of the grievance by the grievant, followed by testimony of other parties and/or witnesses.

4. The RGPC shall allow committee members to question any of the parties or witnesses concerning their testimony and also allow the grievant or his/her representative to question the parties or witnesses.

5. Following the completion of the testimony, the RGPC shall ask the grievant and his/her representative (if applicable) to leave the hearing room so that the RGPC can deliberate on the grievance and discuss solutions.

6. After discussion, the RGPC shall vote on the matter and possible solutions. The decision is determined by a majority vote by the committee members. The resident shall be brought back into the hearing room and informed of the decision.

7. If the decision of the RGPC is that the grievance is without merit, RGO staff shall send a written explanation of the committee's decision to the resident within 5 working days of the hearing date.

8. If the RGPC finds that the case is meritorious, RGO staff shall put the committee's decision and recommendation for specific relief in writing and send it to the warden within 5 working days of the hearing date. The committee's recommendation is subject to the warden's review. The warden shall review the recommendation and respond to RGO staff within 5 days of its receipt with his or her decision to affirm, reverse, or modify the committee's decision.

H. Grievance Procedure-Step III

1. A resident wishing to appeal the Step II decision to the warden may do so by completing a *Motion to Appeal to the Warden, Step III* form (Appendix C,) and submitting it to RGO staff within 3 working days of the decision rendered in Step II.

2. RGO staff shall forward a copy of the appeal and all attendant paperwork to the warden within 1 working day of receiving the appeal.

3. The warden shall review the grievance, records and the decision, and conduct further inquiries if deemed appropriate. The warden shall submit a written decision on the appeal within 3 working days of receipt of the appeal. RGO staff, the grievant and any parties to the grievance shall receive notification of the warden's decision.

4. A decision from the warden that is not appealed to the next step and determines that the grievance is at least meritorious in part shall direct specific relief to be afforded to the resident. The warden shall direct the appropriate relief and order compliance to his or her order to be carried out and documented within 10 working days (if possible), or as may be otherwise specified in the decision.

I. Appealing the Warden's Decision: Step IV

1. A resident wishing to appeal the Step III decision to the Assistant Commissioner of the Division of Pretrial Detention and Services shall complete n *Motion to Appeal to the Commissioner, Step IV* form and forward it to the RGPC within 3 working days of the resident's receipt of the Step II decision.

2. The Assistant Commissioner shall direct the RGO staff to inform the grievant and other parties of the time, date and place of the hearing.

3. At the conclusion of the hearing, the Assistant Commissioner shall submit a written notice of the decision to the resident and copies to RGO staff, within 20 working days of the hearing. The Assistant Commissioner's decision is final.

4. If the Assistant Commissioner's decision determines that the grievance is at least meritorious in part, he/she shall direct specific relief to be afforded to the resident. The Assistant Commissioner shall order compliance to his/her order to be carried out and documented within 10 working days (if possible), or as may be otherwise specified in the decision.

J. Employee Awareness

1. All staff having direct contact with residents are to be informed of the complaint process to facilitate timely implementation.

2. It is the responsibility of the warden/department head to ensure that records of written acknowledgment of this directive are maintained for all appropriate staff and that copies are forwarded to Facility Compliance staff in a timely manner.

.07 Attachments. A - Resident Grievance Form, Step I (DPDS# 180-1a)

B - Motion for Grievance Committee Step II (DPDS# 180-1b)

C - Motion for Appeal to the Warden Step III (DPDS# 180-1c)

D - Motion for Appeal to the Asst. Commissioner (DPDS# 180-1d)

.08 History. PDSD# 180-1, Inmate Grievance Procedures (11-30-00)

.09 Distribution. A

Division of Pretrial Detention and Services

Grievance Form

Name: _____ [ ] BCDC Section: _____

[ ] BCBIC

Identification#: _____ Date: _____

The subject of my complaint is:(check **only one**) **See reverse side for instructions**

[ ] 1.Classification
[ ] 2. Programs
[ ] 3.Mail or Packages
[ ] 4.Visits or Telephone Calls
[ ] 5.Property or Clothing
[ ] 6.Payroll
[ ] 7.Medical
[ ] 8.Commissary
[ ] 9.Complaints against staff or others
[ ] 10.Disciplinary Matters
[ ] 11.Dietary
[ ] 12.Maintenance Conditions
[ ] 13.Other _____

Part A: Resident Complaint

Briefly describe your complaint, **including the date of the incident**, the persons involved, and the **remedy** you are seeking.

_____

_____

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_____

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_____

Remedy: _____

_____

_____

_____

_____

_____

Signature: _____

MOTION FOR GRIEVANCE COMMITTEE

STEP II

NAME:_____ ID #: _____ SECTION: _____

REASON(S) FOR APPEAL :_____

_____

_____

GRIEVANT'S SIGNATURE: _____ DATE: _____

RGP COORDINATOR'S SIGNATURE: _____ DATE: ____

RESPONSE OF THE R.G.C. _____

_____

_____

R.G.C. MEMBERS _____ DATE:_____

_____ DATE:_____

_____ DATE:_____

DATE RETURNED TO GRIEVANT: _____

Check One: [ ] I AGREE WITH THE COMMITTEE'S DECISION

[ ] I DISAGREE WITH THE COMMITTEE'S DECISION

GRIEVANT'S SIGNATURE: _____ DATE:_____

IF YOU ARE UNHAPPY WITH THE GRIEVANCE COMMITTEE'S RESPONSE, YOU HAVE THE RIGHT TO APPEAL TO THE WARDEN. SEE THE RESIDENT GRIEVANCE COORDINATOR.

DPDS - FORM # 38-92b

MOTION TO APPEAL TO THE WARDEN

STEP III

NAME: _____ ID#:_____ SECTION:_____

REASON(S) FOR APPEAL:_____

_____

_____

_____

GRIEVANT'S SIGNATURE: _____ DATE: _____

RESPONSE OF THE WARDEN: _____

_____

_____

_____

WARDEN'S SIGNATURE:_____ DATE: _____

DATE RETURNED TO GRIEVANT: _____

Check One: [ ] I AGREE WITH THE WARDEN'S DECISION

[ ] I DISAGREE WITH THE WARDEN'S DECISION

GRIEVANT'S SIGNATURE: _____ DATE:_____

IF YOU ARE UNHAPPY WITH THE WARDEN'S RESPONSE YOU HAVE THE RIGHT TO APPEAL TO THE COMMISSIONER. SEE THE RESIDENT GRIEVANCE COORDINATOR.

DPDS - FORM #38-92c

MOTION FOR APPEAL TO THE ASSISTANT COMMISSIONER

STEP IV

NAME: _____ ID#:_____ SECTION: _____

REASON(S) FOR APPEAL: _____

_____

_____

_____

_____

GRIEVANT'S SIGNATURE: _____ DATE: _____

RESPONSE OF THE ASSITANT COMMISSIONER: _____

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SIGNATURE: _____ DATE: _____
(Assistant Commissioner)

DATE RETURNED TO GRIEVANT: _____

DPDS - Form # 38-92d