

(4) THE MANAGING OFFICIAL SHALL CONSIDER THE CORRECTIONAL OFFICER'S PAST JOB PERFORMANCE AS A FACTOR BEFORE IMPOSING A PENALTY.

(5) THE MANAGING OFFICIAL MAY INCREASE THE RECOMMENDED PENALTY OF THE HEARING BOARD ONLY IF THE MANAGING OFFICIAL PERSONALLY:

(I) REVIEWS THE ENTIRE RECORD OF THE PROCEEDINGS OF THE HEARING BOARD;

(II) MEETS WITH THE CORRECTIONAL OFFICER AND ALLOWS THE CORRECTIONAL OFFICER TO BE HEARD ON THE RECORD;

(III) DISCLOSES AND PROVIDES IN WRITING TO THE CORRECTIONAL OFFICER, AT LEAST 10 DAYS BEFORE THE MEETING, ANY ORAL OR WRITTEN COMMUNICATION NOT INCLUDED IN THE RECORD OF THE HEARING BOARD ON WHICH THE DECISION TO CONSIDER INCREASING THE PENALTY IS WHOLLY OR PARTLY BASED; AND

(IV) STATES ON THE RECORD THE SUBSTANTIAL EVIDENCE RELIED ON TO SUPPORT THE INCREASE OF THE RECOMMENDED PENALTY.

11-1010.

(A) AN APPEAL FROM A DECISION MADE UNDER § 11-1009 OF THIS SUBTITLE SHALL BE TAKEN TO THE CIRCUIT COURT FOR THE COUNTY IN ACCORDANCE WITH MARYLAND RULE 7-202.

(B) A PARTY AGGRIEVED BY A DECISION OF A COURT UNDER THIS SUBTITLE MAY APPEAL TO THE COURT OF SPECIAL APPEALS.

11-1011.

(A) ON WRITTEN REQUEST, A CORRECTIONAL OFFICER MAY HAVE EXPUNGED FROM ANY FILE THE RECORD OF A FORMAL COMPLAINT MADE AGAINST THE CORRECTIONAL OFFICER IF:

(1) (I) THE INTERNAL INVESTIGATION UNIT THAT INVESTIGATED THE COMPLAINT: