


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

 DIVISION OF CORRECTION DIRECTIVE	PROGRAM: ADMINISTRATIVE REMEDY PROCEDURE
	DCD #: 185-001
	TITLE: Table of Contents
	ISSUED: April 1, 1993 REVIEWED:
	AUTHORITY: <i>Jack Ragway</i> PROGRAM DIRECTOR
	APPROVED: <i>Richard A. Thompson</i> COMMISSIONER

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DCD 185- Series Appendices/Forms

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Note: All forms in this series are reproducible with the exception of the Administrative Remedy Index, DC Form 185-600a, and the Receipt for Warden's Response, DC Form 185-207b.

The Receipt for Warden's Response will be printed on NCR paper (an original and two copies). The paper will be perforated, with the exception of one copy, for each detachment of individual receipts. The receipt forms are to be encased (like telephone message forms) in soft covered spiral bound notebooks which will provide institutions with options as to the method of signature and delivery (see DCD 185-207).

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

 DIVISION OF CORRECTION DIRECTIVE	PROGRAM: ADMINISTRATIVE REMEDY PROCEDURE
	DCD #: 185-002
	TITLE: Administrative Remedy Procedure Policy
	ISSUED: February 15, 2005
	AUTHORITY: ASSISTANT COMMISSIONER
	APPROVED: COMMISSIONER

- I. REFERENCES:
- A. DCDs 175-2, 185-101, 185-204, 185-402
 - B. MCCS Standard .05 I.
 - C. ACA Standard 4-4284
- II. APPLICABLE TO: All Division of Correction inmates housed in Division of Correction Facilities
- III. PURPOSE: To establish policy for the operation and management of the Administrative Remedy Procedure.
- IV. POLICY:
- A. Staff and inmates of the Division of Correction are encouraged to make a good faith effort to resolve all institutionally related inmate complaints at the lowest possible level. Inmates are encouraged, but not required, to seek resolution of complaints through the informal resolution process.
 - B. Inmates may seek formal resolution through the Administrative Remedy Procedure.
 - C. Inmates may seek relief through the Administrative Remedy Procedure for issues that include but are not limited to:
 - 1. Institutional policies and procedures;
 - 2. Medical services;
 - 3. Access to courts;
 - 4. Religious liberties;
 - 5. Lost, damaged, stolen, destroyed, or improperly confiscated property;
 - 6. Use of force;
 - 7. Rejection of unopened inmate to inmate correspondence;
 - 8. Institutional conditions affecting health, safety, and welfare; and
 - 9. Administration and operation of the Administrative Remedy Procedure.
 - D. Inmates may not seek relief through the Administrative Remedy Procedure on the following issues:
 - 1. Classification recommendations and decisions;
 - 2. Maryland Parole Commission procedures and decisions;
 - 3. Disciplinary hearing procedures and decisions; and

4. Appeals of decisions to withhold mail.
 - E. Inmates may submit a request for Administrative Remedy concerning the rejection of any **unopened** inmate to inmate correspondence. However, any inmate-to-inmate correspondence that is returned to an inmate **opened**, the inmate must follow the established policy and procedures regarding the withholding of mail
 - F. Every inmate, regardless of physical condition, security level, administrative status, language barrier, or housing is entitled to submit a complaint for resolution through the Administrative Remedy Procedure on those issues which qualify.
 - G. If an inmate has reason to believe that there would be an adverse effect if the complaint became known at the institution, the request may be addressed directly to the Commissioner. When a request is submitted directly to the Commissioner, the inmate shall provide a written explanation for not submitting the request to the warden.
 - H. The Division of Correction does not approve and will not allow formal or informal disciplinary actions to be sanctioned against inmates who use the Administrative Remedy Procedure in good faith.
 - I. Inmates may use the Administrative Remedy Procedure to pursue complaints of formal or informal reprisals against them. When such complaints are found to have merit, the warden shall take appropriate disciplinary action in accordance with Division of Correction directives and personnel guidelines.
 - J. Inmates are restricted from filing complaints on behalf of other inmates or from filing class action complaints. However, a member of the executive body of a recognized inmate organization may submit a complaint on behalf of the organization concerning a rule or other issue that affects the entire organization.
 - K. The transfer of an inmate to another institution does not terminate the administrative remedy process.
 - L. If an inmate submits a Request for Administrative Remedy or Headquarters Appeal of Administrative Remedy Response and is released prior to the issuance of the response, the case shall be dismissed as moot, with the exception of cases concerning monetary complaints, property complaints, and complaints concerning sentence computation and diminution of confinement.
 - M. Inmates may submit any number of requests at one time; however, each complaint shall be submitted on a separate request form and shall be a separate issue.

- N. All requests and appeals shall be submitted in the name under which the inmate is committed to the custody of the Commissioner of Correction. An inmate may, however, include a religious name or a name authorized by court order as an AKA.
- O. Inmates may use institutional courier mail systems to send requests or appeals. However, the Division of Correction will bear no responsibility for delivery dates exceeding applicable time frames. Unless indigent, as defined by DCD 175-2, inmates are encouraged to affix proper postage and use the U.S. Postal Service when sending requests or appeals outside of the institution.
- P. Staff shall process administrative remedy requests and appeals consistent with the time frames established in DCD 185-101.
- Q. The Headquarters coordinator shall redirect requests for administrative remedy that are improperly addressed to the Commissioner to the appropriate warden, with the exception of adverse effect requests.
- R. If an inmate initially submits a complaint that is subject to this procedure to the Inmate Grievance Office, that office may either require the inmate to exhaust the Administrative Remedy Procedure or accept the grievance. If the Inmate Grievance Office requires the inmate to exhaust the Administrative Remedy Procedure, that office will notify the inmate of this requirement in writing and will send a copy of the notification to the institutional administrative remedy coordinator. Within fifteen days of the date of this notification, the inmate may submit a Request for Administrative Remedy, and the time frame established in DCD 185-101 shall be set aside.
- S. If an inmate submits a complaint directly to a state or federal court, the court will be invited to refer the complaint or grievance to the Division of Correction for handling through the Administrative Remedy Procedure. However, this will not apply in cases where the complaint submitted to a state court is a final appeal of an inmate grievance decision. When a federal or state court refers a matter to the Division of Correction for handling under the Administrative Remedy Procedure, the Division of Correction will, upon receipt, refer the matter to the warden for review in accordance with DCD 185-204. The time frame established in DCD 185-101 shall be set aside.
- T. Inmates who no longer wish to actively pursue a complaint through the Administrative Remedy Procedure may elect to withdraw their requests in accordance with the procedures established in DCD 185-402.
- U. This series of directives establishes policy and procedure for the operation of the Administrative Remedy Procedure throughout the Division of Correction. No institutional/unit directives are required for its implementation.

V. RESCISSION: DCD 185-002, dated April 1, 1993


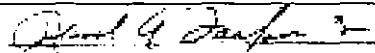
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STATE OF MARYLAND
DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES
DIVISION OF CORRECTION

 DIVISION OF CORRECTION DIRECTIVE	PROGRAM:	ADMINISTRATIVE REMEDY PROCEDURE
	DCD #:	185-003
	TITLE:	Definitions
	ISSUED:	April 1, 1993
	APPROVED:	 COMMISSIONER

- I. REFERENCES: DCD 185-100, Administrative Remedy Procedure Description
DCD 185-101, Time Frames
- II. PURPOSE: To define terms as used throughout this series of directives as they apply to the Administrative Remedy Procedure.
- III. DEFINITIONS:

Administrative Remedy Procedure: a mechanism for the resolution of inmate complaints for inmates housed within Division of Correction facilities.

Administrative dismissal: a disposition of a request or appeal for administrative reasons (such as timeliness, sufficiency of information, completeness, or a determination that the complaint is frivolous or malicious) without consideration of the merit of the complaint.

Administrative remedy coordinator: an employee designated by the commissioner or warden or their designee to receive, acknowledge, and direct the investigation of complaints and to maintain all records relating to the procedure.

Adverse effect request: a request for administrative remedy submitted directly to the commissioner due to the complainant's belief that knowledge of the complaint at the institution would result in irreparable harm to the complainant.

Appeal:

1. to bring from a lower level to a higher level for consideration or judgment;
2. the second step of the formal complaint resolution process or Administrative Remedy Procedure;
3. DC Form 185-100cR, Headquarters Appeal of Administrative Remedy Response, Appendix 4 to DCD 185-100.

Appeal of untimely response: an appeal sent to the commissioner due to the warden's failure to issue a response to a Request of Administrative Remedy within the proper time frame.

ARP: Administrative Remedy Procedure.

Department liaison: an institutional departmental supervisor designated by the warden to serve as an investigator of administrative remedy requests and/or to delegate such investigations to departmental staff.

Dismiss: to find without merit; to deny based on the issues.

Emergency request: an administrative remedy request submitted due to an unforeseen combination of circumstances which may threaten the health, safety, or welfare of an inmate and which calls for immediate action.

Exhaust: to take complete advantage of; to use up completely.

Extension: an increase in the length of response time by agreement.

Formal resolution: to seek a written judgement or decision and relief from the warden or commissioner regarding an institutionally related complaint.

Frivolous: a complaint which is not serious or practical in content or form; a complaint submitted for mere purposes of delay and/or embarrassment.

Informal resolution: to seek a written judgement or decision and relief directly from institutional staff regarding an institutionally related complaint.

Malicious: a complaint characterized by wicked, spiteful, or mischievous intentions or motives; a complaint submitted to accomplish some end which the administrative remedy process was not designed to accomplish and does not arise from a regular use of the process.

Meritorious: relief fully granted; to be found completely in favor of.

Meritorious in part: relief partially granted; to be found in favor of some but not all.

Misdirect: to address incorrectly; to send to the wrong person or place.

Moot: had been resolved or no longer capable of resolution.

Relief: redress; correction or error; compensation; that which is specifically requested as relief.

Reprisal: any action taken by inmate or staff either out of spite or in retaliation for submitting a complaint through the Administrative Remedy Procedure.

Request:


1. the initial step of the formal complaint resolution process;
2. DC Form 185-100b, Request for Administrative Remedy, Appendix 3 185-100.

Time frame: the period of time during which a specific step of the Administrative Remedy Procedure must occur as established in DCD 185-101, Time Frames.

Withdraw: to rescind an administrative remedy request; to arrest or stop the processing of an administrative remedy request prior to response.

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

 DIVISION OF CORRECTION	PROGRAM: ADMINISTRATIVE REMEDY PROCEDURE
	DCD #: 185-100
	TITLE: Administrative Remedy Procedure Description
	ISSUED: April 1, 1993
	APPROVED: <i>David G. Jackson</i> COMMISSIONER

DCD CHANGE NOTICE: 13-94 EFFECTIVE DATE: April 25, 1994


CHANGE #1 TO THIS DCD

1. The attached DC Forms 185-100bR and 185-100cR have been revised. The printed instructions have been moved up to effectuate the receipts.
2. On DC Form 185-100bR, Appeal Procedure has been revised to require the mailing of a copy of the receipt for Warden's Response when appealing the warden's response to the Commissioner.
3. On DC Form 185-100cR, #6 has been revised to require the mailing of a copy of the Receipt for Warden's Response when appealing the warden's response to the Commissioner.
4. A supply of these forms has been ordered from State Use Industries for each facility. Please destroy the old forms when the new forms are received.
5. Please ensure that staff are advised of the revised forms and that the new forms are incorporated into all copies of this 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>	PROGRAM: ADMINISTRATIVE REMEDY PROCEDURE
	DCD #: 185-100
	TITLE: Administrative Remedy Procedure Description
	ISSUED: April 1, 1993
	APPROVED: <i>David G. Jackson</i> COMMISSIONER

- I. REFERENCES: DCD 185-101, Time Frames
DCD 185-203, Informal Resolution Procedure
DCD 185-401, Submitting a Complaint for Informal Resolution
DCD 185-402, Submitting a Request for Administrative Remedy
DCD 185-403, Submitting a Headquarters Appeal of Administrative Remedy Response
- II. PURPOSE: To provide a brief description of the division's administrative remedy procedure.
- III. OVERVIEW:
- A. The Division of Correction encourages inmates to seek resolution of their problems or complaints at the lowest possible level by presenting them informally to appropriate staff. Historically, if there were no informal resolution of a complaint, the only recourse available to an inmate was to file an inmate grievance or pursue civil remedies in the federal courts. The administrative remedy procedure was developed to resolve inmate complaints within the division when informal resolution has failed prior to resorting to the Inmate Grievance Office or the courts.
- B. The administrative remedy procedure is a structured procedure to resolve inmate complaints in accordance with specified procedures and within specified time frames as part of a continuum in the formal grievance process.
- C. The administrative remedy procedure provides a mechanism for:
1. informal resolution of a complaint;
 2. formal presentation of the complaint to the warden for investigation and resolution at the institutional level; and
 3. formal appeal of the warden's response to the commissioner for investigation and resolution of the complaint at the headquarters level.
- D. The administrative remedy procedure affords a successful complainant a meaningful remedy. Remedies include, but are not limited to, those which appear in Appendix 1.

- E. Each of the required steps in the formal administrative remedy procedure must be completed within the time frame specified in DCD 185-101.

IV. INFORMAL RESOLUTION PROCEDURE:

- A. The informal resolution procedure provides a means of resolving an institutionally related inmate complaint by direct presentation of the complaint to appropriate institutional staff. Inmates and staff are encouraged to resolve inmate complaints in this manner.
- B. The informal resolution procedure:
 - 1. provides staff with immediate knowledge of an inmate complaint or allegation and an opportunity to take immediate corrective action;
 - 2. allows for early investigation of a complaint by staff shortly after the incident has occurred; and
 - 3. provides a means of presenting, investigating, and responding to a complaint with a minimum of written communication by inmate or staff.
- C. The Informal Inmate Complaint Form, DC Form 185-100aR, Appendix 2, may be used by inmates when submitting a complaint for informal resolution in accordance with the procedures established in DCD 185-401.
- D. Staff response will be provided on the Informal Inmate Complaint Form after investigation of the complaint in accordance with the procedures established in DCD 185-203.

V. REQUEST FOR ADMINISTRATIVE REMEDY:

- A. Submitting a Request for Administrative Remedy, DC Form 185-100bR, Appendix 3, is the initial step an inmate must take to present a complaint for formal resolution through the administrative remedy procedure.
- B. The request must be submitted in accordance with the procedures established in DCD 185-402.
- C. An inmate must submit a request to the warden to receive a response to the request.
- D. An inmate who is dissatisfied with the warden's response may submit an appeal of the response to the commissioner.

VI. HEADQUARTERS APPEAL OF ADMINISTRATIVE REMEDY RESPONSE:

- A. Submitting a Headquarters Appeal of Administrative Remedy Response, DC Form 185-100cR, Appendix 4, is the final step an inmate may take to seek formal resolution of a complaint through the administrative remedy procedure.
- B. The appeal must be submitted in accordance with the procedures established in DCD 185-403.

C. An inmate must submit a Headquarters Appeal of Administrative Remedy Response to the commissioner to:

1. receive a response to the appeal from the commissioner; and
2. exhaust the administrative remedy process.

VII. WITHDRAWALS:

An inmate may withdraw a Request for Administrative Remedy by completing a Withdrawal Form, DC Form 185-100dR, Appendix 5, in accordance with the procedures established in DCD 185-402.

VIII. APPENDICES:

- Appendix 1, List of Remedies
- Appendix 2, Informal Inmate Complaint Form, DC Form 185-100aR
- Appendix 3, Request for Administrative Remedy, DC Form 185-100bR
- Appendix 4, Headquarters Appeal of Administrative Remedy Response, DC Form 185-100cR
- Appendix 5, Withdrawal Form, DC Form 185-100dR

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List of Remedies

The administrative remedy procedure shall afford a successful complainant a meaningful remedy. A reasonable range of meaningful remedies is necessary. Remedies include, but are not limited to, the following:

- A. **Substance of policy, rule, or procedure** — written change communicated effectively, promptly, and as extensively as necessary, with instructions for effecting the change if necessary.
- B. **Interpretation of policy, rule, or procedure** — written explanation of revised interpretation communicated effectively, promptly, and as extensively as necessary, with instructions for effecting the change if necessary.
- C. **Application of policy, rule, or procedure** — written direction to the relevant employee or employees to apply the policy, rule, or procedure correctly, with instructions for accomplishing the change, if necessary.
- D. **Individual employee action or reprisal** — indication to inmate that grievance was meritorious and appropriate action was taken.
- E. **Individual inmate actions** — protection of the grievant, if necessary, through reassignment of one or both parties or through other means; care that action taken does not have the effect of reprisal against the grievant; redress to the grievant as appropriate (e.g., return of stolen property).
- F. **Classification procedures** — appropriate corrective action.
- G. **Time computation** — prompt recomputation with expedited processing of any privileges or improvement in status (e.g., eligibility for reduced custody), if relevant.
- H. **Loss of inmate property within the custody and control of the unit** — return of property, replacement of property of equal value at time of loss, or request for monetary reimbursement equal to value of property at time of loss.
- I. **Living conditions and facilities** — prompt improvement.

Informal Inmate Complaint Form

Name: _____

Housing Location: _____

DOC #: _____

Date: _____

The subject of my complaint is: (check one)

- | | |
|---|---|
| <input type="checkbox"/> 1. Classification | <input type="checkbox"/> 8. Disciplinary matters (excluding adjustment hearing decisions) |
| <input type="checkbox"/> 2. Institutional Programs | <input type="checkbox"/> 9. Complaints against Staff or Others |
| <input type="checkbox"/> 3. Mail and Packages | <input type="checkbox"/> 10. Institutional Operations |
| <input type="checkbox"/> 4. Visiting Procedures and Telephone Calls | <input type="checkbox"/> 11. Dietary |
| <input type="checkbox"/> 5. Commitment | <input type="checkbox"/> 12. Other (explain): _____ |
| <input type="checkbox"/> 6. Property and/or Clothing | _____ |
| <input type="checkbox"/> 7. Payroll | _____ |

A. Complaint (Inmate)

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

B. Response (Staff)

Complete and return to Department Head/Shift Commander _____ by _____ (Name)

Submitted by: _____ Date: _____
Signature

Approved by: _____ Date: _____
Department Head/Shift Commander

**MARYLAND DIVISION OF CORRECTION
REQUEST FOR ADMINISTRATIVE REMEDY**
(Instructions for completing this form are on the back)

TO: _____ Warden of Institution
_____ Commissioner of Correction
_____ Executive Director, Inmate Grievance Office Emergency Request _____

FROM: _____
Last Name First Name Middle Initial DOC Number Institution

Housing Location _____ Protective Custody _____ Administrative Segregation _____ Disciplinary Segregation _____

Part A – INMATE REQUEST	
_____ Date	_____ Signature of Inmate

Part B – RESPONSE	
_____ Date	_____ Signature of Warden/Commissioner

You may appeal this response by following the procedure prescribed on the back of this form.

Part C – RECEIPT Case No. _____

RETURN TO: _____
Last Name First Name Middle Initial DOC Number Institution

I acknowledge receipt of your complaint dated _____ in regard to: _____

_____ Date _____ Headquarters/Institutional Coordinator

Instructions to Inmates for Completing Request for Administrative Remedy, DC Form 185-100bR

1. Use a typewriter, black pen, or pencil.
2. Check the appropriate space indicating to whom you are addressing this request.
 - a. Normally your request should be addressed to the warden of the institution where you are housed, regardless of where the incident which you are complaining about occurred.
 - b. You may address a request to the Commissioner of Correction as an adverse effect request only if you believe it would harm you if your complaint became known at your present institution. You must include with your request an explanation for why you do not want your complaint to become known at your institution. The Commissioner will consider your explanation in deciding whether or not to send your request to the warden for processing.
 - c. Address the request to the Executive Director-Inmate Grievance Office only when you are appealing the Commissioner's response to a Headquarters Appeal of Administrative Remedy Response. In this case you must enclose one copy of any completed Request for Administrative Remedy and Headquarters Appeal of Administrative Remedy Response you received showing the warden's response to your complaint and the Commissioner's response to your complaint.
3. If you believe that your request concerns a situation that poses a threat to your health, safety, or welfare or that of others, you may ask that your request be processed as an emergency by checking the space provided.
4. Type or print the specifics of the complaint in the space provided in Part A. Use one form for each complaint. Be sure to include the date of the incident, the names of the people involved, a description of the incident, and a description of any efforts you have made to resolve the incident informally before submitting this request. Keep the specifics as brief as possible. If you checked the Emergency Request space, you must include an explanation for why you believe your complaint should be processed as an emergency. If you need more space, attach another sheet.
5. Date and sign the request in the spaces provided in Part A.
6. If you need assistance in completing a Request for Administrative Remedy, refer to DCD 185-402, Submitting a Request for Administrative Remedy, or write to your institutional administrative remedy coordinator.

Appeal Procedure

If you choose to appeal the warden's response, you must complete a Headquarters Appeal of Administrative Remedy Response, DC Form 185-100cR, which is available from your institutional administrative remedy coordinator, enclose a copy of any completed Request for Administrative Remedy you received showing the warden's response to your Complaint, and a copy of the Receipt for Warden's Response and mail them to:

Commissioner of Correction
6776 Reisterstown Road, Suite 311
Baltimore, Maryland 21215

so that they are received within ten calendar days of the date you received the warden's response .

**MARYLAND DIVISION OF CORRECTION
HEADQUARTERS APPEAL OF
ADMINISTRATIVE REMEDY RESPONSE**

(Instructions for completing this form are on the back)

TO: Commissioner of Correction Appeal of Administrative Dismissal Appeal of Warden's
Response

Appeal of Untimely Response

FROM: _____
Last Name First Name Middle Initial DOC Number Institution

Housing Location _____ Protective Custody ___ Administrative Segregation ___ Disciplinary Segregation _____

Part A – REASON FOR APPEAL

_____ Date

_____ Signature of Inmate

Part B – RESPONSE

_____ Date

_____ Signature of Commissioner

You may appeal this response by following the procedure prescribed on the back of this form.

Part C – RECEIPT Case No. _____

RETURN TO: _____
Last Name First Name Middle Initial DOC Number Institution

I acknowledge receipt of your complaint dated _____ in regard to: _____

_____ Date

_____ Headquarters Coordinator

Instructions to Inmates for Completing Headquarters Appeal of Administrative Remedy Response
DC Form 185-100cR

1. Use a typewriter, black pen, or pencil.
2. Enter the case number recorded on the receipt received from the institutional coordinator in the blank provided.
3. Indicate by checking the appropriate box the type of appeal you are submitting.
4. Type or print the specifics of the appeal in the space provided in Part A. Use one form for each appeal. Be sure to include the date of the incident, the names of the people involved, and a description of the incident. Keep the specifics as brief as possible. If you need more space, attach another sheet.
5. Date and sign the appeal in the spaces provided in Part A.
6. Mail the appeal, one copy of any completed Request for Administrative Remedy you received showing the Warden's response to your complaint, and a copy of the Receipt for Warden's Response to:

Commissioner of Correction
6776 Reisterstown Road, Suite 311
Baltimore, Maryland 21215

so that they are received within ten calendar days of the day you received the warden's response.

7. If you need assistance in completing the Headquarters Appeal of Administrative Remedy Response, refer to DCD 185-403, Submitting a Headquarters Appeal of Administrative Remedy Response, or write to your institutional administrative remedy coordinator.


Appeal Procedure

If you choose to appeal the Commissioner's response, you must do so within 30 days.

1. Complete a Request or Administrative Remedy form (available from your institutional administrative remedy coordinator).
2. Check the space marked Executive Director- Inmate Grievance Office."
3. Include in the Inmate Request section:
 - a. the name and address of the institution where you are incarcerated;
 - b. the nature of your grievance, including the name(s) of the person(s) you believe are responsible for your grievance;
 - c. the facts or evidence on which your grievance is based. Include dates, times, and the names of any persons, officials, or inmates involved;
 - d. the names and addresses of any witnesses, lawyer, or representative you would like to be present at your hearing
 - e. date and sign your request.
4. Enclose one copy each of any completed Request for Administrative Remedy and Headquarters Appeal of Administrative Remedy Response you received showing the warden's response to your complaint and the Commissioner's response to your complaint.
5. Mail your complaint to:

Executive Director
Inmate Grievance Office
6776 Reisterstown Road, Suite 30
Baltimore, Maryland 21215

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

 DIVISION OF CORRECTION DIRECTIVE	PROGRAM: ADMINISTRATIVE REMEDY PROCEDURE
	DCD #: 185-101
	TITLE: Time Frames
	ISSUED: April 1, 1993
	AUTHORITY: <i>Jack Kavanagh</i> PROGRAM DIRECTOR
	APPROVED: <i>Duane W. Smiley</i> COMMISSIONER


DCD CHANGE NOTICE 2-01 EFFECTIVE DATE February 1, 2001

CHANGE # 4 TO THIS DCD

1. Section III.B.1. is changed to read as follows:
 1. An inmate must submit a Request for Administrative Remedy (DC Form 185-100bR) so that it is received by the warden of the institution where he/she is currently housed within:
 - a. 15 calendar days from the date on which the incident or complaint occurred; or
 - b. 15 calendar days from the date the inmate first gained knowledge of the incident.
2. Please incorporate this change into all copies of this directive.

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 DIVISION OF CORRECTION DIRECTIVE	PROGRAM: ADMINISTRATIVE REMEDY PROCEDURE
	DCD #: 185-101
	TITLE: Time Frames
	ISSUED: April 1, 1993
	AUTHORITY: <i>Jack Kavanagh</i> PROGRAM DIRECTOR
	APPROVED: <i>Debra W. Sander</i> COMMISSIONER

DCD CHANGE NOTICE 35-99 EFFECTIVE DATE December 10, 1999

CHANGE # 3 TO THIS DCD

1. A new section III. B. 3. is added to this DCD as follows:

3. Requests for administrative remedy concerning sentence computation and diminution of confinement are not subject to time frames as established in Sections III. B. 1. and 2. of this directive. An inmate may submit a request regarding these issues any time during the period of the current incarceration.


2. Section III. G. is changed to read as follows:

An inmate must submit an appeal of the warden's response to a request for administrative remedy to the commissioner so that it is received within ten calendar days of the date of receipt of the warden's response, with the exception of appeal issues regarding sentence computation and diminution of confinement.

3. Please incorporate these changes into all copies of this directive.

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DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES
DIVISION OF CORRECTION

 DIVISION OF CORRECTION DIRECTIVE	PROGRAM:	ADMINISTRATIVE REMEDY PROCEDURE
	DCD #:	185-101
	TITLE:	Time Frames
	ISSUED:	April 1, 1993
	AUTHORITY:	<i>William Brumby</i> PROGRAM DIRECTOR
	APPROVED:	<i>Robert A. Taylor</i> COMMISSIONER

DCD CHANGE NOTICE 10-98 EFFECTIVE DATE March 6, 1998
CHANGE # 2 TO THIS DCD

1. Section III. B. 1. is rescinded and replaced with the following:
 - III. B. 1. An inmate must date and submit a Request for Administrative Remedy, DC Form 185-100bR, within:
 - a. 15 calendar days of the date on which the incident or complaint occurred; or
 - b. 15 calendar days of the date the inmate first gained knowledge of the complaint.
2. Section III. B. 2. b. is rescinded and replaced with the following:
 - III. B. 2. b. explain why knowledge of the incident or complaint was obtained later than the 15 day period.
3. Section III. D. is rescinded and replaced with the following:
 - III. D. Resubmitting a Request for Administrative Remedy:

An inmate must resubmit a request which has been administratively dismissed by the coordinator pending resubmission by the 15th calendar day from the date the request is returned to the inmate.
4. Section III. J. 2. is rescinded and replaced with the following:
 - III. J. 2. The departmental supervisor shall return the completed investigation to the coordinator by no later than 20 calendar days from the date indexed.

5. Section III. K. is rescinded and replaced with the following:

III. K. Responding to a Headquarters Appeal:

The Commissioner shall sign and date each appeal response within 30 calendar days of the date the appeal was indexed.

6. Please incorporate these changes into all copies of this DCD.

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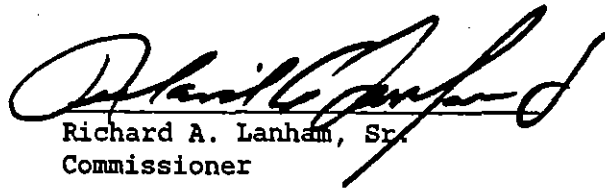
DEPARTMENT OF PUBLIC SAFETY
AND CORRECTIONAL SERVICES

DCD NO. 185-101
DATE April 1, 1993
SUBJECT: ADMINISTRATIVE REMEDY
PROCEDURE
TITLE: Time Frames

DCD CHANGE NOTICE 11-93 EFFECTIVE DATE May 5, 1993

CHANGE # 1 TO THIS DCD

1. Page 2 of DCD 185-101 is rescinded and replaced by the attached revised page 2.
2. Section III. D. is changed by adding the phrase "whichever is later." at the end of the sentence.
3. Please incorporate this revised page into all copies of this DCD.


Richard A. Lanham, Sr.
Commissioner

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- 2) Example: The heating system in an inmate's housing unit has been malfunctioning for over sixty days. However, the weather has been unseasonably warm and the inmate has not complained because he/she has not been cold. The weather suddenly changes and now the inmate is cold and consequently complains about the malfunctioning heating system.

C. Receipt of a Request for Administrative Remedy:

1. The warden shall ensure that all requests for administrative remedy are date stamped at the top and in Part C – RECEIPT of the Request for Administrative Remedy on the date of receipt.
2. The warden shall ensure that all requests for administrative remedy are forwarded to the institutional administrative remedy coordinator on the date received.
3. Within five working days of the date received, the institutional administrative remedy coordinator shall:
 - a. assign a case number to the request for administrative remedy; and
 - b. index the request.
4. On the date that the request is indexed, the coordinator shall:
 - a. return any request which is administratively dismissed to the inmate; or
 - b. send a receipt to the inmate for any request accepted for investigation and response.

D. Resubmitting a Request for Administrative Remedy:

An inmate must resubmit a request which has been administratively dismissed by the coordinator pending resubmission by either the thirtieth calendar day from the date on which the incident occurred or the fifth calendar day from the date the request is returned to the inmate, whichever is later.


E. Investigating a Request:

1. The institutional coordinator shall assign any request accepted to a departmental liaison for investigation on the date indexed.
2. The departmental liaison shall return the completed investigation to the institutional coordinator by no later than twenty calendar days from the date indexed.

F. Responding to a Request:

1. The warden shall respond to a request and sign and date his/her response within thirty calendar days of the date indexed.
2. The institutional coordinator may seek a ten day extension of the warden's response time from the inmate.

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

 DIVISION OF CORRECTION DIRECTIVE	PROGRAM: ADMINISTRATIVE REMEDY PROCEDURE	
	DCD #: 185-101	
	TITLE: Time Frames	
	ISSUED: April 1, 1993	REVIEWED:
	AUTHORITY: <i>Jack Conway</i>	PROGRAM DIRECTOR
	APPROVED: <i>Philip H. ...</i>	COMMISSIONER

I. REFERENCES: DCD 185-100, Administrative Remedy Procedure Description

II. PURPOSE: To establish the time frames for each step of the Administrative Remedy Procedure.

III. PROCEDURE:

A. Informal Resolution:

1. All efforts at informal resolution of an inmate's complaint should be concluded by staff within fifteen calendar days of receipt of the Informal Inmate Complaint Form, DC Form 185-100aR.
2. If a complaint is not fully resolved to the inmate's satisfaction within the time frame, the inmate may submit a formal Request for Administrative Remedy.

B. Submitting a Request for Administrative Remedy:

1. An inmate must date and submit a Request for Administrative Remedy, DC Form 185-100bR, within:
 - a. thirty calendar days of the date on which the incident or complaint occurred; or
 - b. thirty calendar days of the date the inmate first gained knowledge of the complaint.
2. If the request is filed under the provision of section B.1.b. above, the inmate must:
 - a. clearly state the date on which he/she first learned of the incident or complaint; and
 - b. explain why knowledge of the incident or complaint was obtained later than the thirty day period.
 - 1) Example: An inmate may not learn that he/she was credited the wrong number of special project credits for a particular month for working an institutional job until he/she requests his/her current release date sixty days later.

- 2) Example: The heating system in an inmate's housing unit has been malfunctioning for over sixty days. However, the weather has been unseasonably warm and the inmate has not complained because he/she has not been cold. The weather suddenly changes and now the inmate is cold and consequently complains about the malfunctioning heating system.

C. Receipt of a Request for Administrative Remedy:

1. The warden shall ensure that all requests for administrative remedy are date stamped at the top and in Part C – RECEIPT of the Request for Administrative Remedy on the date of receipt.
2. The warden shall ensure that all requests for administrative remedy are forwarded to the institutional administrative remedy coordinator on the date received.
3. Within five working days of the date received, the institutional administrative remedy coordinator shall:
 - a. assign a case number to the request for administrative remedy; and
 - b. index the request.
4. On the date that the request is indexed, the coordinator shall:
 - a. return any request which is administratively dismissed to the inmate; or
 - b. send a receipt to the inmate for any request accepted for investigation and response.

D. Resubmitting a Request for Administrative Remedy:

An inmate must resubmit a request which has been administratively dismissed by the coordinator pending resubmission by either the thirtieth calendar day from the date on which the incident occurred or the fifth calendar day from the date the request is returned to the inmate.

E. Investigating a Request:

1. The institutional coordinator shall assign any request accepted to a departmental liaison for investigation on the date indexed.
2. The departmental liaison shall return the completed investigation to the institutional coordinator by no later than twenty calendar days from the date indexed.

F. Responding to a Request:

1. The warden shall respond to a request and sign and date his/her response within thirty calendar days of the date indexed.
2. The institutional coordinator may seek a ten day extension of the warden's response time from the inmate.

DCD 185-101

G. Submitting a Headquarters Appeal of Administrative Remedy Response:

1. An inmate must submit an appeal of the warden's response to a request for administrative remedy to the commissioner so that it is received within ten calendar days of the date of receipt of the warden's response.
2. When the warden has not responded to a request for administrative remedy within the proper time frame, an inmate may submit an appeal of untimely response to the commissioner.

H. Receipt of a Headquarters Appeal:

1. The commissioner shall ensure that all Headquarters Appeals of Administrative Remedy Response, DC Form 185-100cR, are forwarded to the headquarters administrative remedy coordinator on the date received.
2. The administrative remedy coordinator shall ensure that all headquarters appeals are date stamped at the top and in Part C - RECEIPT, on the date of receipt.
3. Within five working days of the date received, the headquarters administrative remedy coordinator shall index the appeal.
4. On the date the appeal is indexed, the coordinator shall:
 - a. return any appeal which is administratively dismissed to the inmate;
 - b. send the inmate a receipt for any appeal accepted for investigation and response.

I. Resubmitting a Headquarters Appeal of Administrative Remedy Response:

An inmate must resubmit an appeal which has been administratively dismissed by the headquarters coordinator pending resubmission by the tenth calendar day from the date that the appeal is returned to the inmate.

J. Investigating a Headquarters Appeal:


1. The headquarters administrative remedy coordinator shall assign any appeal accepted to a departmental supervisor for investigation on the date indexed.
2. The departmental supervisor shall return the completed investigation to the coordinator by no later than ten calendar days from the date indexed.

K. Responding to a Headquarters Appeal:

The commissioner shall sign and date each appeal response within twenty calendar days of the date the appeal was indexed.

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

 DIVISION OF CORRECTION DIRECTIVE	PROGRAM: ADMINISTRATIVE REMEDY PROCEDURE
	DCD #: 185-200
	TITLE: Institutional Program Organization and Management
	ISSUED: April 1, 1993
	APPROVED: <i>[Signature]</i> COMMISSIONER

DCD CHANGE NOTICE 11-98 EFFECTIVE DATE March 6, 1998



CHANGE # 1 TO THIS DCD

This DCD is modified as follows:

1. Section IV. A. 3. is rescinded.
2. Section IV. D. is rescinded
3. Please incorporate these changes into all copies of this DCD.

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

 DIVISION OF CORRECTION DIRECTIVE	PROGRAM: ADMINISTRATIVE REMEDY PROCEDURE
	DCD #: 185-200
	TITLE: Institutional Program Organization and Management
	ISSUED: April 1, 1993
	APPROVED:  COMMISSIONER

- I. REFERENCES: DCD 185-100, Administrative Remedy Procedure Description
DCD 185-101, Time Frames
DCD 185-201, Inmate Orientation
DCD 185-202, Staff Awareness
DCD 185-206, Acceptance and Investigation of a Request for Administrative Remedy
DCD 185-300, Headquarters Program Organization and Management
DCD 185-209, Administrative Remedy Advisory Committee
DCD 185-400, Program Description of Procedure for Inmates
- II. PURPOSE: The DCD 185-200 series is written for the Division of Correction institutions and establishes the responsibilities and procedure for staff at the institutional level. This DCD prescribes the institutional program organization and management of the administrative remedy procedure. The headquarters program organization and management of the procedure is established in DCD 185-300.
- III. PROGRAM DESCRIPTION:
- A. The administrative remedy procedure is a program established to resolve inmate complaints at the lowest possible level.
 - B. The administrative remedy procedure is a structured program which is controlled by specified procedures and time frames as part of a continuum in the formal inmate grievance process.
 - C. The administrative remedy procedure is designed to actively and proactively resolve complaints at the institutional level.
 - D. The administrative remedy procedure is managed by the warden through the institutional administrative remedy coordinator.
- IV. ORGANIZATION:
- A. Warden

The warden is responsible for the operation of the administrative remedy procedure at the institutional level. The warden shall:

1. designate a correctional case management specialist, supervisor, manager, or correctional officer as the institutional administrative remedy coordinator and designate an additional staff person to function as coordinator in the coordinator's absence;
2. designate one supervisor within each department (who shall be referred to as the departmental liaison throughout this series of directives) to serve as an investigator and/or to delegate investigations to departmental staff;
3. appoint an administrative remedy advisory committee consisting of staff and inmates.

B. Administrative Remedy Coordinator

The administrative remedy coordinator shall:

1. process all formal complaints submitted through the administrative remedy procedure; and
2. ensure that all institutional staff responsibilities for administrative remedy are completed consistent with established procedures.

C. Investigators

Investigators shall investigate each case assigned to them in accordance with the procedures established in DCD 185-206.

D. Advisory Committee

The Administrative Remedy Advisory Committee guarantees inmate and employee participation in the administrative remedy process in an advisory role in accordance with the procedures established in DCD 185-209.

V. MANAGEMENT:

A. Warden

The warden is responsible for ensuring institutional compliance with all provisions of the DCD 185-200 series of directives. The warden shall:

1. ensure that all inmates and staff are aware of the administrative remedy procedure through the implementation of DCDs 185-201 and 185-202;
2. encourage the use of the informal resolution process by staff and inmates to resolve inmate complaints at the lowest possible level by directing staff to actively participate in the resolution of inmate complaints;

3. designate one departmental liaison to investigate complaints concerning the medical care provider with the cooperation of medical staff assigned to the institution.
4. respond to all complaints within the prescribed time frame; and
5. manage the institution's compliance with administrative remedy DCDs through the institutional coordinator.

B. Administrative Remedy Coordinator

The administrative remedy coordinator is responsible for managing the operation of the administrative remedy procedure within the institution. The coordinator shall:


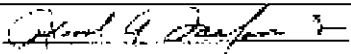
1. report to the warden any non-compliance with procedures which effect the ability to meet established time frames;
2. routinely monitor the institution's supply of administrative remedy forms;
3. routinely distribute Request for Administrative Remedy forms and Headquarters Appeal of Administrative Remedy Response forms to case management specialists, housing unit officers, and the inmate library to ensure that the procedure is accessible to all inmates, particularly impaired or handicapped inmates and those not housed in general population;
4. make the Request for Administrative Remedy form, the Headquarters Appeal of Administrative Remedy Response form, and DCDs 185-400, 185-401, 185-402 and 185-403 available in any language spoken as a primary language by a significant portion of the institution's population, and provide a translated copy of the procedure to those inmates speaking that language; and
5. process all complaints consistent with the procedures and time frames established in the administrative remedy DCDs.

C. Investigators

Investigators shall be responsible and accountable for the timely completion and sufficient investigation of each complaint assigned to them for investigation.

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DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES
DIVISION OF CORRECTION

 DIVISION OF CORRECTION DIRECTIVE	PROGRAM: ADMINISTRATIVE REMEDY PROCEDURE
	DCD #: 185-201
	TITLE: Inmate Orientation
	ISSUED: April 1, 1993
	APPROVED:  COMMISSIONER

- I. REFERENCES: None
- II. PURPOSE: To establish a procedure to ensure inmate awareness of an access to the administrative remedy procedure.
- III. PROCEDURE:
- A. The Introduction to the Administrative remedy Procedure, appendix 1 to this DCD shall be read during the orientation of all newly arriving inmates at MRDCC, MCI-W, and all maintaining institutions.
 - B. All wardens shall ensure that the Introduction to the Administrative Remedy Procedure is incorporated into the institutional inmate handbooks.
- IV. APPENDIX:
- Appendix 1, Introduction to the Administrative Remedy Procedure
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Introduction to the Administrative Remedy Procedure

The Division of Correction encourages inmates to seek resolution of their problems or complaints at the lowest possible level by presenting them informally to appropriate staff. Historically, if there were no informal resolution of a complaint, the only recourse available to an inmate was to file an inmate grievance or to pursue civil remedies in the federal courts. The administrative remedy procedure was developed to resolve inmate complaints within the division, when informal resolution had failed, prior to resorting to the Inmate Grievance Office or the courts.

The administrative remedy procedure, or ARP, provides a means for informal resolution of a complaint, formal presentation of the complaint to the warden for resolution at the institutional level, and formal appeal of the warden's response to the commissioner for resolution of the complaint at division headquarters.

The administrative remedy procedure is a structured procedure to resolve inmate complaints in accordance with specified procedures and within specified time frames as part of a continuum in the formal complaint process.

The forms used to file complaints at each step of the ARP process can be obtained from the inmate library, the housing unit officer, or from an inmate's assigned case management specialist. The time frames and instructions for completing the forms can be found in Division of Correction Directive 185-101, 185-401, 185-402, and 185-403. If help is needed to complete a form, assistance can be obtained from the inmate's assigned case management specialist or from the institutional administrative remedy coordinator.


The administrative remedy coordinator is a staff person designated by the warden to manage the administrative remedy procedure within the institution. However, formal complaints must first be addressed to the warden, who also provides a response. The warden of [institution] is [name] . The institution's administrative remedy coordinator is [name] . The Commissioner of Correction, to whom appeals of the warden's response should be addressed, is [name] .

Information about the appeal process and the formal grievance procedure can be found in DCDs 185-400 and 185-403.

If inmates or staff have questions regarding the instructions or time frames of the administrative remedy procedure, they should review the Division of Correction Directives or contact the institutional administrative remedy coordinator.

(April 1993)

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

 DIVISION OF CORRECTION DIRECTIVE	PROGRAM: ADMINISTRATIVE REMEDY PROCEDURE
	DCD #: 185-202
	TITLE: Staff Awareness
	ISSUED: April 1, 1993
	APPROVED: <i>Harold G. Jackson, Jr.</i> COMMISSIONER



DCD CHANGE NOTICE 41-95 EFFECTIVE DATE October 10, 1995

CHANGE # 1 TO THIS DCD

1. In order to streamline the monitoring of the training process and decrease the amount of paperwork required, the existing section III. D. is rescinded and replaced with the following;
 - D. The institutional administrative remedy coordinator shall maintain on file a copy of the Completion of staff Awareness Training form for each employee. During audits, the headquarters administrative remedy coordinator shall inspect this file in order to ensure that all staff are trained in the administrative remedy process.
2. Please incorporate this change into all copies of the DCD.

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

 DIVISION OF CORRECTION DIRECTIVE	PROGRAM: ADMINISTRATIVE REMEDY PROCEDURE
	DCD #: 185-202
	TITLE: Staff Awareness
	ISSUED: April 1, 1993
	APPROVED:  COMMISSIONER

- I. REFERENCES: DCD 185-100, Administrative Remedy Procedure Description
DCD 185-201, Inmate Orientation
- II. PURPOSE: To establish a procedure to inform all new employees of the administrative remedy procedure.
- III. PROCEDURE:
- A. The warden shall mandate that all new employees participate in a staff awareness training session conducted by the administrative remedy coordinator, who shall be supplied with a list of names and titles of new employees on no less than a quarterly basis.
 - B. The administrative remedy coordinator shall conduct staff awareness training for new employees no less than quarterly. The staff awareness training must include, at a minimum:
 - 1. an oral presentation of the Introduction to the Administrative Remedy Procedure, Appendix 1 to DCD 185-201;
 - 2. a review of DCD 185-100;
 - 3. a review of the locations within the institution where the administrative remedy forms are found; and
 - 4. a question and answer session.
 - C. Upon completion of the staff awareness training, the employee participant shall review the Completions of Staff Awareness Training form, 185-202aR, and sign in the space designated to confirm a basic working knowledge of the administrative remedy procedure.
 - D. The administrative remedy coordinator shall forward a copy of the Completion of Staff Awareness Training form to the headquarters administrative remedy office at least quarterly so that compliance with this DCD may be monitored.
- IV. APPENDICES: Appendix 1, Completion of Staff Awareness Training, DC Form 185-202aR
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