


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


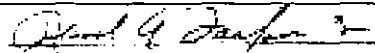
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STATE OF MARYLAND
DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES
DIVISION OF CORRECTION

 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>Dennis 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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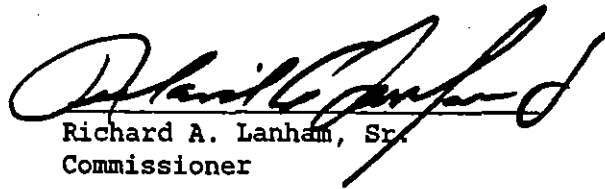
DEPARTMENT OF PUBLIC SAFETY
AND CORRECTIONAL SERVICES

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:


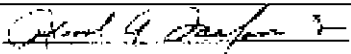
1. report to the warden any non-compliance with procedures which effect the ability to meet established time frames;
2. routinely monitor the institution's supply of administrative remedy forms;
3. routinely distribute Request for Administrative Remedy forms and Headquarters Appeal of Administrative 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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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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**Administrative Remedy Procedure
Completion of Staff Awareness Training**

I hereby acknowledge that I have participated in a staff awareness training session conducted by the institutional administrative remedy coordinator. I understand that my signature in the space below confirms that I have a basic working knowledge of the administrative remedy procedure.



Signature: _____

Printed Name: _____

Date: _____

Institution: _____

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 #: 185-203
	TITLE: Informal Resolution Procedure
	ISSUED: April 1, 1993
	APPROVED:  COMMISSIONER

- I. REFERENCES: DCD 185-100, Administrative Remedy Procedure Description
- II. PURPOSE: To establish a procedure for informal resolution of inmate complaints by staff.
- III. PROCEDURE:
- A. All staff shall attempt to resolve institutionally-related inmate complaints on an informal basis.
- B. Upon receipt of an Informal Inmate Complaint Form, DC Form 185-100aR, the department head or shift commander shall:
1. initial the complaint and indicate the date received; and
 2. assign an appropriate staff person, as determined by the nature of the complaint, to review the complaint and draft a response to the inmate.
- C. Upon receipt of the Informal Inmate Complaint Form from the department head or shift commander, the assigned staff person shall:
1. review Section a. to establish the basis of the inmate's complaint;
 2. review the appropriate regulations, directives, policies, and/or procedures to determine the following with regard to the incident or complaint:
 - a. staff compliance with existing policy and procedure;
 - b. the merit of the inmate's complaint; and
 - c. an appropriate remedy, if applicable.
 3. On the basis of this review, the staff person shall:
 - a. draft a response to the complaint in Section B. of the Informal Inmate Complaint Form and return the response to the department head or shift commander within five calendar days; or

- b. consult with the department head or shift commander for approval of any corrective action or relief deemed appropriate, draft a response, as directed, and return the response to the department head or shift commander within five calendar days.
- D. Upon receipt of the response, the department head or shift commander shall:
 - 1. review, sign, and date the response;
 - 2. ensure that the response is sent to the inmate; and
 - 3. ensure that staff take the actions necessary to grant the approved relief to the inmate.
- E. all department heads and shift commanders shall ensure staff cooperation and compliance with 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 #: 185-204
	TITLE: Preliminary Review of a Request for Administrative Remedy
	ISSUED: April 1, 1993
	APPROVED:  COMMISSIONER

- I. REFERENCES: DCD 185-003, Definitions
DCD 185-100, Administrative Remedy Procedure Description
DCD 185-205, Administrative Dismissal of a Request
- II. PURPOSE: To establish the purpose and procedure for the warden's preliminary review of a request for administrative remedy.
- III. PROCEDURE:
- A. The warden shall conduct a preliminary review of each request for administrative remedy to determine if the inmate's complaint concerns an emergency request or if the complaint is frivolous or malicious.
1. If it is determined that the complaint concerns an emergency request, all regular time limits and procedural requirements shall be set aside and the warden or designee shall, without further substantive review of the request:
- a. accelerate the investigative process;
 - b. direct immediate corrective action,; and
 - c. notify the institutional health care provider of any medical complaints that are determined to be emergencies.
2. If it is determined that the complaint is frivolous or malicious, the warden or designee shall follow the procedures established in DCD 185-205, Administrative Dismissal of a Request.
- B. After the preliminary review, the warden shall forward all requests to the institutional coordinator.

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 DIVISION OF CORRECTION DIRECTIVE	PROGRAM: ADMINISTRATIVE REMEDY PROCEDURE
	DCD #: 185-205
	TITLE: Administrative Dismissal of a Request
	ISSUED: April 1, 1993
	APPROVED:  COMMISSIONER

- I. REFERENCES: DCD 185-002, Policy
DCD 185-003, Definitions
DCD 185-100, Administrative Remedy Procedure Description
DCD 185-101, Time Frames
DCD 185-600, Documentation and Reporting
- II. PURPOSE: To establish the criteria and procedure for the administrative dismissal of a request for administrative remedy.
- III. PROCEDURE:
- A. Within five working days of the date received, the institutional administrative remedy coordinator shall:
1. assign a case number to the request for administrative remedy in accordance with the procedures in DCD 185-600;
 2. index the request in accordance with the procedures in DCD 185-600; and
 3. review the request for administrative dismissal or acceptance and investigation.
- B. Administrative Dismissal (Pending Resubmission)
1. The institutional coordinator will administratively dismiss the request pending resubmission when the inmate had failed to properly complete all sections of the request for administrative remedy, DC Form 185-100bR.
 - a. The institutional coordinator will:
 - 1) provide in the receipt portion, Part C, the reason(s) why the request is incomplete;
 - 2) provide specific instructions for the inmate to properly complete the request for administrative remedy and the specific date by which the inmate may submit the request to the warden; and
 - 3) return the request and a blank request for administrative remedy to the inmate.

3. The institutional coordinator will administratively dismiss a request when the inmate has failed to submit the request within the time frame established in DCD 185-101. The institutional coordinator may, as necessary, refer such cases to appropriate institutional staff for evaluation and follow-up outside of the administrative remedy procedure.
4. The institutional coordinator will administratively dismiss a request for administrative remedy when the inmate had failed to resubmit and insufficient or incomplete request in accordance with the coordinator's instructions.
4. The institutional coordinator will administratively dismiss a request when the inmate's complaint is:
 - a. one which had been previously resolved; or
 - b. repetitive or had been previously addressed through the administrative remedy procedure.
- D. When a request is administratively dismissed by the coordinator, the coordinator will:
 1. provide in the receipt portion, Part C, the rationale for dismissal; and
 2. sign and date part C.
- E. The coordinator shall return any request which is administratively dismissed to the inmate on the date the request is indexed and reviewed and ensure that the completed request for administrative remedy is distributed as follows:
 1. original and two copies to the inmate; and
 2. one copy to the administrative remedy file maintained by the coordinator.
- F. A final administrative dismissal of a request by the warden or institutional coordinator will be treated as a substantive decision and the rationale for dismissal may be appealed by the inmate.

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DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES
DIVISION OF CORRECTION

 DIVISION OF CORRECTION DIRECTIVE	PROGRAM: ADMINISTRATIVE REMEDY PROCEDURE
	DCD #: 185-206
	TITLE: Acceptance and Investigation of a Request for Administrative Remedy
	ISSUED: April 1, 1993
	APPROVED: <i>Harold G. [Signature]</i> COMMISSIONER

- I. REFERENCES: DCD 185-100, Administrative Remedy Procedure Description
DCD 185-101, Time Frames
DCD 185-402, Submitting a Request for Administrative Remedy
DCD 185-600, Documentation and Reporting
- II. PURPOSE: To establish a procedure for the acceptance and thorough investigation of inmate complaints submitted through the administrative remedy procedure.
- III. PROCEDURE:
- A. Those requests which are not administratively dismissed shall be accepted by the institutional coordinator for investigation and response.
- B. On the date the request is indexed, the coordinator shall:
1. send the receipt portion, Part C., of the request for administrative remedy to the inmate;
 2. review each request to determine the nature of the complaint and the departmental liaison to whom the investigation should be assigned; and
 3. assign the request to the departmental liaison for investigation.
- C. Upon receipt, the departmental liaison shall assign the request to a staff person within that department for investigation.
- D. One or more employees may participate in the investigation of a complaint, provided there is no conflict of interest.
1. If a case is assigned to an employee who believes that participation in the investigation would be a conflict of interest, that employee must notify the departmental liaison and substantiate that conflict.
 2. The departmental liaison shall then assign the investigation to a different employee.
- E. The assigned investigator shall, at a minimum, complete each of the following steps and document that completion on the Administrative Remedy Procedure Case Summary, DC Form 185-206aR.

1. Conduct Interviews:
 - a. The following persons must be interviewed, absent good cause, in order to establish the basis of the inmate's complaint and the chronology of the events which occurred:
 - 1) the inmate;
 - 2) all relevant witnesses named by the inmate; and
 - 3) all relevant employees, including medical staff.
 - b. If the complaint is one which involves a circumstantial situation affecting a group of inmates and interviews of the complainants would disrupt institutional security, operations, or schedules, no interviews will be required. However, the reason for the lack of interviews must be documented in writing on the Administrative Remedy Procedure Case Summary.
 - c. At the Maryland Correctional Adjustment Center, interviews of complainants and relevant inmate witnesses may be conducted via the intercom system in order to accommodate security requirements. However, personal contact interviews must be conducted, absent good cause, if the intercom is inoperable at the time of the interviews.
2. Establish the Specific Findings of Fact:
 - a. All reports submitted regarding the case shall be reviewed by the investigator.
 - b. Based on the testimony of witnesses and the information contained in the reports submitted, the investigator shall establish and list any actions or events in the order of their occurrence and shall list any additional facts in the case.
3. Review All Relevant Documents:

The investigator shall review all relevant directives, institutional directives, bulletins, etc., to establish that all actions were taken in accordance with current policy and procedure.
4. Make a Recommendation:

The investigator shall make a recommendation for a finding of meritorious, meritorious in part, or dismissal and shall draft a suitable response for the coordinator's review.
- F. The assigned investigator shall submit to the departmental liaison all findings, recommendations, and supporting documentation for return to the institutional coordinator within the time frame specified.
- G. The coordinator shall review the investigation for completion of all investigative steps, sufficiency of documentation, and application of all relevant directives, etc., and review the recommendation and draft response.
- H. Investigations which are found by the coordinator to be incomplete or insufficient or in which the recommendations are not supported by investigative material will be returned to the investigator with specific instructions for reinvestigation and resubmission.
- I. All investigative reports and reinvestigations must be submitted within the time frame specified

in DCD 185-101.

J. Upon the withdrawal of a request by an inmate in accordance with DCD 185-402, the coordinator shall:

1. notify the appropriate departmental liaison to halt the investigation of the request; and
2. document the disposition of the case in accordance with procedures established in DCD 185-600.

IV. APPENDIX: Appendix 1, Administrative Remedy Procedure Case Summary, DC Form 185-206aR
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Administrative Remedy Procedure Case Summary

I. Assigned Investigator: _____ Date: _____

Inmate's Name: _____ DOC #: _____

ARP Case No.: _____

Pursuant to DCD 185-206, the above-noted administrative remedy case has been assigned to you for investigation. This investigative case summary should be completed in accordance with the instructions provided in DCD 185-206. All steps of the investigation must be completed. If a step is not applicable, it should be noted in the space provided. Failure to complete the case summary in accordance with the instructions will result in the case summary being returned to you for further investigation and/or proper completion. This case summary must be completed and returned to the departmental liaison by no later than _____.

II. Investigation:

1. Inmate interviewed on _____ by _____.

Basis of complaint:

2. Witnesses interviewed (include dates, summary of testimony):

3. Employees interviewed (include dates, summary of testimony):

4. Specific relevant documents and/or evidence reviewed:

5. Specific findings of fact (list):



III. Recommended disposition/draft response:

IV. Action to be monitored for compliance (if applicable):

Signature of Investigator

Date Submitted

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

 DIVISION OF CORRECTION DIRECTIVE	PROGRAM: ADMINISTRATIVE REMEDY PROCEDURE
	DCD #: 185-207
	TITLE: Warden's Response to a Request for Administrative Remedy
	ISSUED: April 1, 1993
	APPROVED:  COMMISSIONER

DCD CHANGE NOTICE 55-96 EFFECTIVE DATE December 30, 1996

CHANGE # 1 TO THIS DCD

1. In order to eliminate the duplicate filing of Requests for Administrative Remedy and related documentation, section III. D. 1. c. of DCD 185-207 had been deleted.

2. Section III. D. shall now read as follows:



D. Receipt of Warden's Response

1. The institutional coordinator shall ensure that the completed Request for Administrative Remedy is distributed as follows:
 - a. original and two copies to the inmate; and
 - b. one copy to the administrative remedy file maintained by the coordinator.
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 #: 185-207
	TITLE: Warden's Response to a request for Administrative Remedy
	ISSUED: April 1, 1993
	APPROVED:  COMMISSIONER

- I. REFERENCES: DCD 185-003, Definitions
DCD 185-100, Administrative Remedy Program Description
DCD 185-101, Time Frames
DCD 185-206, Acceptance and Investigation of a Request for Administrative Remedy
DCD 185-403, Submitting a Headquarters Appeal of Administrative Remedy Response
- II. PURPOSE: To establish a procedure for the preparation and delivery of the warden's response to a request for administrative remedy.
- III. PROCEDURE:
- A. Request for Extension of the Response Time
1. If it is found that thirty calendar days is insufficient to complete the investigation and respond to the inmate's request due to reasons beyond the institution's control, the coordinator may seek an extension of the warden's response time by ten calendar days. When this occurs, the coordinator shall:
 - a. document on the Request for Extension of Response Time, DC Form 185-207aR, the reasons why the response time is insufficient;
 - b. request the extension within the thirty day time frame established by DCD 185-101; and
 - c. send the form to the inmate for concurrence or non-concurrence.
 2. Where there is no concurrence from the inmate and the thirty day time frame is not followed, the inmate may appeal to the commissioner in accordance with the procedures established in DCD 185-403.
 3. Upon receipt from the inmate, the coordinator will place the signed Request for Extension of Response Time form in the administrative remedy file.
- B. Upon receipt of the completed Administrative Remedy Procedure Case Summary, DC Form 185-206aR, from the departmental liaison, the coordinator shall review the case summary, documents and reports

attached, and the investigator's recommended response and prepare an appropriate response for the warden's review and signature in Part B of the Request for Administrative Remedy.

1. The response should fully address all issues and allegations raised in the complaint.
 2. Language used in the response should be easily understood and the facts upon which the decision is based should be stated clearly. The first sentence of the warden's response should clearly state the disposition of the inmate's complaint as:
 - a. meritorious;
 - b. meritorious in part; or
 - c. dismissed, as defined in DCD 185-003.
- C. The warden shall review the response to ensure that the complaint has been satisfactorily resolved and that the response is appropriate.
1. If the above criteria have been met, the warden shall sign the response in the space provided in Part B. of the Request for Administrative Remedy.

If the above criteria have not been met to the warden's satisfaction, the warden shall return all information to the coordinator for either:

- a. a reinvestigation for additional information; or
 - b. a revised response.
- D. Receipt of Warden's Response
1. The institutional coordinator shall ensure that the completed Request for Administrative Remedy is distributed as follows:
 - a. original and two copies to the inmate;
 - b. one copy to the administrative remedy file maintained by the coordinator; and
 - c. one copy to the inmate's base file.
 2. Each warden shall establish procedures to ensure that:
 - a. the inmate signs and dates the Receipt for Warden's Response, DC Form 185-207b, upon delivery of the response; and

- b. one copy of the receipt is issued to the inmate and one copy of the receipt is forwarded to the institutional coordinator to be maintained in the institutional administrative remedy file.

 - E. Notice of the inmate's right and method of appeal is provided on the back of the Request for Administrative Remedy and in DCD 185-403.
- IV. APPENDICES: Appendix 1, Request for Extension of Response Time, DC Form 185-207aR
 Appendix 2, Receipt for Warden's Response, DC Form 185-207b

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Request for Extension of Response Time

To: _____ DOC #: _____ Date: _____

Institution: _____ Housing Location: _____ ARP Case No: _____

Under the provisions of DCD 185-101, Time Frames, your permission is required to extend by ten calendar days the time frame for response to your complaint cited above. This request is being made for the following reasons:

Please place a check mark (✓) in the appropriate box and sign your name, DOC number, and date below.

I understand the reasons as noted above, and do hereby:

- agree** to the ten day extension
- disagree** to the ten day extension

Inmate's Signature DOC Number Date

Please return the signed form to _____, the institutional Administrative Remedy Coordinator

Administrative Remedy Procedure
Receipt for Warden's Response

		Inst.	Receipt No.
_____	_____	_____	_____
Name of Inmate	DOC Number	Housing Location	

I, the undersigned, indicate by my signature that I have received the warden's response to ARP Case No. _____ on _____.

_____	_____	_____
Signature of Inmate	Date	Signature of Staff Witness

DC Form 185-207b (April 1993)

Administrative Remedy Procedure
Receipt for Warden's Response

		Inst.	Receipt No.
_____	_____	_____	_____
Name of Inmate	DOC Number	Housing Location	

I, the undersigned, indicated by my signature that I have received the warden's response to ARP Case No. _____ on _____.

_____	_____	_____
Signature of Inmate	Date	Signature of Staff Witness

DC Form 185-207b (April 1993)

Administrative Remedy Procedure
Receipt for Warden's Response

		Inst.	Receipt No.
_____	_____	_____	_____
Name of Inmate	DOC Number	Housing Location	

I, the undersigned, indicated by my signature that I have received the warden's response to ARP Case No. _____ on _____.

_____	_____	_____
Signature of Inmate	Date	Signature of Staff Witness

DC Form 185-207b (April 1993)

Administrative Remedy Procedure
Receipt for Warden's Response



		Inst.	Receipt No.
_____	_____	_____	_____
Name of Inmate	DOC Number	Housing Location	

I, the undersigned, indicate by my signature that I have received the warden's response to ARP Case No. _____ on _____.

_____	_____	_____
Signature of Inmate	Date	Signature of Staff Witness

DC Form 185-207b (April 1993)

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

 DIVISION OF CORRECTION	PROGRAM: ADMINISTRATIVE REMEDY PROCEDURE
	DCD #: 185-208
	TITLE: Providing Relief to a Request for Administrative Remedy
	ISSUED: April 1, 1993
	APPROVED:  COMMISSIONER

- I. REFERENCES: None
- II. PURPOSE: To establish a procedure for providing relief to the inmate.
- III. PROCEDURE:
- A. When the disposition of an administrative remedy request is meritorious or meritorious in part and relief specified in the warden's response has not been fully provided to the inmate at the time of the response, the warden shall instruct appropriate staff, in writing, to:
1. provide the relief specified; and
 2. provide written documentation of same to the institutional coordinator.
- B. The warden may also initiate a change in institutional policy or procedure, if deemed appropriate, as a provision of relief or make a recommendation to the deputy commissioner for a change in division policy or procedure and acknowledge this action in the response.
- C. The warden shall ensure that staff provide full relief, as specified in the warden's response, and documentation of same within ten calendar days of the date of the response.
- D. The institutional coordinator shall:
1. maintain and monitor for compliance a separate file of those responses which specify that further action be taken by staff by:
 - a. filing such cases chronologically, by calendar due date which shall always be ten calendar days from the date of the warden's response;
 - b. monitoring the file on no less than a weekly basis for staff compliance;
 2. notify the warden when staff fail to provide the relief specified within the

proper time frame; and

3. place the documentation of the relief provided in the administrative remedy file upon receipt.


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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 #: 185-300
	TITLE: Headquarters Program Organization and Management
	ISSUED: April 1, 1993
	APPROVED: <i>[Signature]</i> COMMISSIONER

- I. REFERENCES: DCD 185-101, Time Frames
 DCD 185-209, Administrative Remedy Advisory Committee
 DCD 185-302, Acceptance and Investigation of a Headquarters Appeal of Administrative Remedy Response
 DCD 185-305, Adverse Effect Request
 DCD 185-500, Professional Training & Development
 DCD 185-600, Documentation and Reporting
 DCD 185-700, Audits
- II. PURPOSE: The DCD 185-300 series is written for Division of Correction headquarters staff and establishes the responsibilities and procedures for staff at the headquarters level. This DCD prescribes the headquarters program organization and management of the administrative remedy procedure. The institutional organization and management of the procedure is established in DCD 185-200.
- 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 specified time frames as part of a continuum in the formal grievance process.
 - C. The program is designed to actively and proactively resolve complaints at the institutional level. When this fails, the procedure provides a mechanism for resolution at the headquarters level.
 - D. The administrative remedy procedure is managed at the headquarters level by the deputy commissioner through the headquarters administrative remedy coordinator.
- IV. ORGANIZATION:
- A. Commissioner:

The commissioner may designate the deputy commissioner to manage and supervise the administrative remedy procedure.

B. Deputy Commissioner

The deputy commissioner is responsible for the operation of the administrative remedy procedure at the headquarters level. The deputy commissioner shall:

1. designate a headquarters administrative remedy coordinator; and
2. designate appropriate departmental supervisors at division headquarters to serve as investigators and/or to delegate investigations to departmental staff.

C. Administrative Remedy Coordinator

The coordinator shall:

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

D. Investigators

Investigators shall investigate each case assigned to them in accordance with the procedures established in DCD 185-302.

V. MANAGEMENT:

A. Deputy Commissioner

The deputy commissioner is responsible for ensuring compliance with all provisions of the DCD 185-300 series of directives. The deputy commissioner shall:

1. ensure that division staff and inmates use the administrative remedy procedure in good faith to effectively resolve inmate complaints at the lowest possible level;
2. direct, control, and supervise wardens in the institutional operation of the administrative remedy procedure;
3. review all reports submitted to the commissioner and/or deputy commissioner in accordance with DCDs 185-209 and 185-600;
4. review the results of those reports with managing officers on no less than a quarterly basis;
5. ensure the use of the administrative remedy procedure as a management tool to help identify problems with specific services and programs in specific institutions, or deficiencies in division policies or procedures that indicate a need for reevaluation, change, or staff training; and
6. respond to all appeals within the prescribed time frame.

B. Administrative Remedy Coordinator

The headquarters administrative remedy coordinator is responsible for managing the operation of the administrative remedy procedure at the headquarters level. The coordinator shall:

1. report to the deputy commissioner any non-compliance with procedures which affect the ability to meet established time frames;
2. receive, acknowledge, and direct the investigation of:
 - a. requests for administrative remedy accepted as adverse effect requests in accordance with DCD 185-305; and
 - b. headquarters appeals of administrative remedy response;
3. ensure that all headquarters records relating to the administrative remedy procedure are properly maintained;
4. develop training resources and develop and implement programs for the training of coordinators and investigators in accordance with the provisions of DCD 185-500;
5. monitor institutional compliance with this series of directives by reviewing documentation and reports submitted in accordance with the provisions of DCD 185-600;
6. ensure institutional compliance with this series of directives by conducting on-site audits in accordance with the provisions of DCD 185-700; and
7. order and maintain an adequate supply of the forms established by this series of directives.



C. Investigators

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

 <p style="text-align: center;">DIVISION OF CORRECTION</p>	PROGRAM: ADMINISTRATIVE REMEDY PROCEDURE
	DCD #: 185-301
	TITLE: Administrative Dismissal of an Appeal
	ISSUED: April 1, 1993
	APPROVED:  COMMISSIONER

- I. REFERENCES: DCD 185-100, Administrative Remedy Procedure Description
DCD 185-101, Time Frames
DCD 185-206, Acceptance and Investigation of a Request for Administrative Remedy
DCD 185-302, Acceptance and Investigation of a Headquarters Appeal of Administrative Remedy Response
DCD 185-600, Documentation and Reporting
- II. PURPOSE: To establish the criteria and procedure for the administrative dismissal of a headquarters appeal of administrative remedy response.
- III. PROCEDURE:
- A. Within five working days of the date received, the headquarters administrative remedy coordinator shall:
1. index the appeal using the assigned institutional case number; and
 2. review the appeal for administrative dismissal or acceptance and investigation.
- B. Administrative Dismissal
1. The headquarters coordinator will administratively dismiss an appeal pending resubmission when the inmate has failed to provide sufficient information for indexing and/or investigating the appeal.
 - a. The coordinator will:
 - 1) provide in the receipt portion, Part C, of the Headquarters Appeal of Administrative Remedy Response form the reason(s) why the appeal is not sufficient;
 - 2) provide specific instructions for the inmate to correct the insufficiency and the specific date by which the inmate may resubmit the appeal to the commissioner; and
 - 3) return the appeal and a blank Headquarters Appeal of Administrative Remedy Response form to the inmate.

case will be assigned a new case number, in accordance with the procedures in DCD 185-600, a receipt reflecting the new case number will be issued to the inmate, and the request will be processed in accordance with the procedures established in DCD 185-206.

- D. Appeals which challenge the warden's administrative dismissal of a request as frivolous and/or malicious will be:
1. reviewed by the headquarters coordinator for timeliness, sufficiency, and completeness in accordance with section III.B. of this directive; and
 2. processed by the headquarters coordinator in accordance with the procedures established in DCD 185-302.


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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 #: 185-302
	TITLE: Acceptance and Investigation of a Headquarters Appeal of Administrative remedy
	ISSUED: April 1, 1993
	APPROVED: <i>Paul G. Jackson</i> COMMISSIONER

- I. REFERENCES: DCD 185-100, Administrative Remedy Procedure Description
DCD 185-101, Time Frames
DCD 185-206, Acceptance and Investigation of a Request for Administrative Remedy
- II. PURPOSE: To establish a procedure for the acceptance and thorough investigation of appeals submitted through the administrative remedy procedure.
- III. PROCEDURE:
- A. Those appeals which are not administratively dismissed shall be accepted by the headquarters coordinator for investigation and response.
- B. On the date the appeal is indexed, the coordinator shall:
1. send the receipt portion, Part C, of the Headquarters Appeal of Administrative Remedy Response to the inmate for any appeal accepted;
 2. review each appeal to determine the nature of the complaint and the headquarters departmental supervisor to whom the investigation should be assigned; and
 3. assign the investigation to the appropriate headquarters departmental supervisor for assignment to a headquarters investigator and completion of the investigation within the time frame specified in DCD 185-101.
- C. Upon receipt of the Headquarters Investigative Summary, DC Form 185-302aR, the headquarters investigator shall review the request for administrative remedy, the warden's response to the request, and the inmate's appeal to effectively establish the basis of the inmate's appeal.
- D. As part of every investigation, the headquarters investigator shall, at a minimum, establish contact with the institutional coordinator at the responding institution to:
1. affirmatively establish the basis for the warden's response; and
 2. ensure and document that the institution's investigation was completed in accordance with the provisions of DCD 185-206.

- E. The headquarters investigator is authorized to request and obtain from the institutional coordinator all or any portion of the institution's administrative remedy case file to determine the basis for the warden's response or to confirm the proper completion of the institution's investigation.
 - F. Upon completion of the Headquarters Investigative Summary, the headquarters investigator shall review the following to make a recommendation in the case:
 - 1. the facts in the case;
 - 2. the supporting documentation of events;
 - 3. the sufficiency and completion of the institution's investigation; and
 - 4. the basis and appropriateness of the warden's response.
 - G. Based on an assessment of the above factors, the headquarters investigator shall draft a suggested response recommending a finding of:
 - 1. meritorious;
 - 2. meritorious in part; or
 - 3. dismissal.
 - H. The headquarters investigator will submit to the headquarters coordinator a report including all findings, recommendations, supporting documentation, and a suggested response.
 - I. The headquarters coordinator shall review the investigation for completion and sufficiency of documentation.
 - J. Investigations which are found by the headquarters coordinator to be incomplete or to contain insufficient documentation to support the recommended response will be returned to the assigned investigator with specific instructions for reinvestigation and submission within a specified time frame.
 - K. All investigative reports must be submitted within the time frame specified in DCD 185-101.
- IV. APPENDIX: Appendix 1, Headquarters Investigative Summary, DC Form 185-302aR

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Headquarters Investigative Summary

I. Assigned Investigator: _____ Date: _____

Inmate's Name: _____ DOC #: _____

ARP Case No.: _____

Pursuant to DCD 185-302, the above-noted administrative remedy case has been assigned to you for investigation. This investigative case summary should be completed in accordance with the instructions provided in DCD 185-302. All steps of the investigation must be completed. If a step is not applicable, it should be noted in the space provided. Failure to complete the case summary in accordance with the instructions will result in the case summary being returned to you for further investigation and/or proper completion. This case summary must be completed and returned to the headquarters administrative remedy coordinator by no later than _____.

II. Investigation:

The following information was obtained from _____, institutional coordinator at _____, on _____ during the investigation of the above noted administrative remedy appeal.

1. Inmate was interviewed on _____ by _____.

2. Witnesses listed below were interviewed:

3. Employees listed below were interviewed:

4. Specific relevant documents and/or evidence reviewed (list):

5. Specific findings of fact (list):

III. Warden's Response:

1. The established basis of the warden's response was (summarize):


2. Concur or non-concur with the warden's response (state rationale):

IV. Commissioner's Draft Response (recommend disposition/prepare a draft response):

Signature of Investigator

Date Submitted

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 #: 185-303
	TITLE: Commissioner's Response to a Headquarters Appeal of Administrative Remedy Response
	ISSUED: April 1, 1993
	APPROVED: <i>Harold G. Jackson</i> COMMISSIONER

- I. REFERENCES: None
- II. PURPOSE: To establish a procedure for the preparation, review, and signature of the commissioner's response to a headquarters appeal of administrative remedy response.
- III. PROCEDURE:
- A. Upon receipt of a completed Headquarters Investigative Summary from the headquarters investigator, the headquarters coordinator shall review the summary, any documents and reports attached, and the investigator's final recommended response and draft an appropriate response for the review of the deputy commissioner.
1. The response should fully address only those issues which were raised in the appeal as well as in the inmate's request. New issues raised in the appeal which were not part of the inmate's request will not be investigated, and it shall be clearly stated in the commissioner's response that those issues will not be addressed.
 2. Language used in the response should be easily understood and the facts upon which the decision is based should be stated clearly. The appeal shall be found to be either:
 - a. meritorious;
 - b. meritorious in part; or
 - c. dismissed.
 3. The response should state what specific relief or remedy is to be provided to the inmate, where applicable, as well as who shall provide the relief.
- B. The deputy commissioner shall review each appeal response to ensure that the response is appropriate. The deputy commissioner shall:
1. sign and date the appropriate response; or
 2. return the response and investigative packet to the headquarters coordinator for:

- a. a reinvestigation for additional information; or
 - b. an amended response for review and signature.
- C. The headquarters coordinator shall ensure that the completed Headquarters Appeal of Administrative Remedy Response form is distributed as follows:
1. original and one copy to the inmate;
 2. two copies to the institutional coordinator for placement in:
 - a. the inmate's base file;
 - b. the institution's administrative remedy file; and
 3. one copy to the headquarters administrative remedy file.
- D. Notice of the inmate's right and method of appeal is provided on the back of the Headquarters Appeal of Administrative Remedy 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 #: 185-304
	TITLE: Providing Relief to the Inmate
	ISSUED: April 1, 1993
	APPROVED: <i>David G. Jackson</i> COMMISSIONER

- I. REFERENCE: DCD 185-600, Documentation and Reporting
- II. PURPOSE: To establish a procedure for ensuring that relief is provided to the inmate.
- III. PROCEDURE:
- A. When the disposition of an administrative remedy complaint is found to be meritorious or meritorious in part by the commissioner, the commissioner shall direct the appropriate headquarters departmental supervisor or the appropriate warden to take the action specified in the response.
 - B. The commissioner shall ensure that written notification of the relief provided is sent to the headquarters administrative remedy coordinator within thirty calendar days of the date of the commissioner's response.
 - C. The headquarters coordinator shall ensure that the relief specified by the commissioner is rendered within the time frame specified. The headquarters coordinator shall:
 - 1. maintain a file of appeal responses pending relief; and
 - 2. monitor the file for institutional or departmental compliance.
 - D. Upon receipt of the written notification of the relief provided, the headquarters coordinator shall review the documentation to ensure that the relief provided fulfills the action ordered in the commissioner's response.
 - 1. If the required action has been fulfilled, the documentation shall be attached to the headquarters copy of the appeal response, the inmate's appeal, and all investigative materials and filed in accordance with the procedures established in DCD 185-600.
 - 2. If the action ordered in the response has not been fulfilled as specified, the headquarters coordinator shall prepare a brief written summary of events for review by the commissioner for evaluation and corrective action as deemed appropriate.

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

 DIVISION OF CORRECTION DIRECTOR	PROGRAM: ADMINISTRATIVE REMEDY PROCEDURE
	DCD #: 185-305
	TITLE: Adverse Effect Request
	ISSUED: April 1, 1993
	APPROVED: <i>[Signature]</i> COMMISSIONER

- I. REFERENCES: DCD 185-003, Definitions
DCD 185-101, Time Frames
DCD 185-206, Acceptance and Investigation of a Request for Administrative Remedy
DCD 185-303, Commissioner's Response to a Headquarters Appeal of Administrative Remedy Response
- II. PURPOSE: To establish a procedure for the review and processing of a complaint submitted as an adverse effect request.
- III. PROCEDURE:
- A. An inmate may submit a request for administrative remedy directly to the commissioner as an adverse effect request if the inmate has reason to believe that knowledge of the complaint among staff and/or inmates would result in irreparable harm to the inmate.
 - B. The inmate must provide a written explanation for not submitting the request to the warden when the request is submitted directly to the commissioner.
 - C. The headquarters coordinator shall evaluate each request to determine if the request qualifies as an adverse effect as defined in DCD 185-003.
 - D. The headquarters coordinator shall return the request to the inmate if the complaint is not determined to be an adverse effect request, advising that:
 - 1. the complaint did not qualify as an adverse effect complaint as defined in DCD 185-003;
 - 2. the inmate must submit the request to the warden within five days of receipt of the returned request.
 - E. If the complaint is determined to be an adverse effect request, the headquarters coordinator shall:
 - 1. contact the institutional coordinator, who shall reserve the next immediately available case number to be assigned to the case upon completion of the investigation and response;

2. determine the nature of the complaint; and
 3. refer the request to the appropriate headquarters departmental supervisor for investigation without revealing the substance of the complaint.
- F. All time frames for the acceptance, investigation, and response to administrative remedy requests established in DCD 185-101 shall apply.
- G. The assigned headquarters investigator shall:
1. contact the warden of the appropriate institution(s) to arrange for an on-site investigation of the request;
 2. conduct an on-site investigation of the request in accordance with the procedures established in DCD 185-206; and
 3. maintain the confidentiality of the inmate's request throughout the investigative process.
- G. Investigations which the headquarters coordinator determines to be incomplete or which contain insufficient documentation to support the recommended response shall be returned to the assigned investigator with specific instructions for reinvestigation and submission within a specified time frame.
- I. The headquarters coordinator shall review the Administrative Remedy Procedure Case Summary, DC Form 185-206aR, any supplements attached, and the investigator's final recommended response upon receipt and draft an appropriate response for the commissioner's review.
- J. The deputy commissioner shall review the response to each adverse effect request and:
1. sign the appropriate response; or
 2. return the response and investigative packet to the headquarters coordinator for:
 - a. a reinvestigation for additional review; or
 - b. an amended response for review and signature.
- K. The commissioner may take any action deemed appropriate to render relief to the inmate and to prevent retaliatory action at the institution if the complaint is found to be meritorious or meritorious in part.
- L. The commissioner's response shall be copied and distributed in accordance with the procedures established in DCD 185-303.
- M. The commissioner's response to an adverse effect request constitutes exhaustion of the administrative remedy procedure. The inmate maintains the same right and method of appeal as provided on the back of the Headquarters Appeal of Administrative Remedy Response form.



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MARYLAND
DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES
DIVISION OF CORRECTION

 DIVISION OF CORRECTION	PROGRAM: ADMINISTRATIVE REMEDY PROCEDURE
	DCD #: 185-400
	TITLE: Program Description of Procedures for Inmates
	ISSUED: April 1, 1993
	APPROVED:  COMMISSIONER

- I. REFERENCES: DCD 185-100, Administrative Remedy Procedure Description
DCD 185-101, Time Frames
DCD 185-401, Submitting a Complaint for Informal Resolution
DCD 185-402, Submitting a Request for Administrative Remedy
DCD 185-403, Submitting Headquarters Appeal of Administrative Remedy Response
- II. PURPOSE: The DCD 185-400 series is written for Division of Correction inmates and establishes the responsibilities and procedures to be followed in the use of the Administrative Remedy Procedure.
- III. PROGRAM DESCRIPTION:
- A. The administrative remedy procedure provides a means for:
1. informal resolution of a complaint;
 2. formal presentation of the complaint to the warden for investigation and response at the institutional level; and
 3. formal appeal of the warden's response to the commissioner for investigation and response at the headquarters level.
- B. The administrative remedy procedure affords a successful complainant a meaningful remedy. Remedies include but are not limited to those which are listed in Appendix 1 to DCD 185-100.
- C. Each of the required steps in the formal administrative remedy procedure must be completed within the time frames specified in DCD 185-101. For specific information about time frames and procedures for submitting complaints, inmates should refer to DCDs 185-101, 185-401, 185-402, and 185-403.
- IV. INFORMAL RESOLUTION:
- Inmates may attempt to resolve any complaint on an informal basis by addressing the matter to the appropriate staff in accordance with the procedures established in DCD 185-401. If attempts at informal resolution are unsuccessful, inmates may seek formal resolution of the complaint.

V. FORMAL RESOLUTION:

A. Step 1, Request for Administrative Remedy

1. A request for administrative remedy is a formal notice to the warden that an inmate has a complaint which he/she has been unable to resolve. Submitting a request to the warden is the first step in the formal complaint process.
2. To initiate formal resolution of a complaint at the institutional level, an inmate **must** submit a Request for Administrative Remedy in accordance with the instructions provided in DCD 185-402. If unable to resolve the complaint at this level, the inmate may proceed to Step 2.


B. Step 2, Appeal of the Warden's Response

1. A Headquarters Appeal of Administrative Remedy Response is a formal notice to the commissioner that an inmate has a complaint which he/she has been unable to resolve at the institutional level. Submitting an appeal to the commissioner is the second step in the formal complaint process.
2. If the warden has failed to respond to the inmate's request for administrative remedy within the proper time frame, the inmate may submit a Headquarters Appeal of Administrative Remedy Response directly to the Commissioner of Correction as an appeal of untimely response in accordance with the procedures established in DCD 185-403.
3. If an inmate disagrees with the warden's response to a request for administrative remedy or with the institutional coordinator's rationale for rejecting a request and wants to continue the formal resolution process, the inmate **must** submit an appeal to the commissioner in accordance with the procedures established in DCD 185-403.

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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 #: 185-401
	TITLE: Submitting a Complaint for Informal Resolution
	ISSUED: April 1, 1993
	APPROVED: <i>David G. Jackson</i> COMMISSIONER

DCD CHANGE NOTICE 14-98 EFFECTIVE DATE March 6, 1998

CHANGE # 1 TO THIS DCD


1. Section III. E. is rescinded and replaced with the following:

III. E. The complaint should be submitted as soon as possible after the date of the incident or the date the inmate first learned of the incident. However, submitting a complaint for informal resolution does not extend or in any way affect the 15 day time frame for submitting a formal request for administrative remedy.

2. Please incorporate this change 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	PROGRAM: ADMINISTRATIVE REMEDY PROCEDURE
	DCD #: 185-401
	TITLE: Submitting a Complaint for Informal Resolution
	ISSUED: April 1, 1993
	APPROVED: <i>[Signature]</i> COMMISSIONER

- I. REFERENCES: DCD 185-100, Administrative Remedy Procedure Description
DCD 185-101, Time Frames
DCD 185-402, Submitting a Request for Administrative Remedy

- II. PURPOSE: To establish a procedure for submitting inmate complaints for informal resolution.


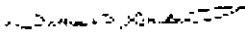
- III. PROCEDURE:
 - A. Inmates are encouraged to attempt to resolve institutionally-related complaints at the lowest level possible.
 - B. Any inmate housed within a Division of Correction facility may submit an Informal Inmate Complaint Form, DC Form 185-100aR, to the appropriate department head or shift commander in an effort to resolve an institutionally-related complaint.
 - C. An inmate may obtain an Informal Inmate Complaint Form from a case management specialist, housing unit officer, or the inmate library.
 - D. An inmate may submit any number of Informal Inmate Complaint Forms; however, each form must include only one complaint.
 - E. The complaint should be submitted as soon as possible after the date of the incident or the date the inmate first learned of the incident. However, submitting a complaint for informal resolution does not extend or in any way affect the thirty day time frame for submitting a formal request for administrative remedy as established in DCD 185-101.
 - F. An inmate should adhere to the following instructions when completing the Informal Inmate Complaint Form:
 - 1. check the appropriate box to indicate the subject of the complaint;
 - 2. include the following specific information regarding the complaint in Section A. of the complaint form:
 - a. the date that the incident occurred or the date that the inmate first learned of the incident;

- b. the name(s) of the person(s) involved in the complaint; and
 - c. a brief description of the incident or complaint;
3. date and sign the complaint form in the spaces provided; and
 4. send the completed complaint form to the appropriate department head or shift commander.
- G. If staff fail to respond to an inmate's informal complaint, or if the inmate is dissatisfied with the response, the inmate may seek formal resolution by submitting to the warden a Request for Administrative Remedy in accordance with the procedures established in DCD 185-402.
- H. Use of the informal procedure is not required for an inmate to file a formal complaint.

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DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES
DIVISION OF CORRECTION

 DIVISION OF CORRECTION	PROGRAM: ADMINISTRATIVE REMEDY PROCEDURE
	DCD #: 185-402
	TITLE: Submitting a Complaint for Informal Resolution
	ISSUED: April 1, 1993
	APPROVED:  COMMISSIONER

DCD CHANGE NOTICE 3-01 EFFECTIVE DATE February 1, 2001

CHANGE # 2 TO THIS DCD

1. Section III. B. is changed to read as follows:


B. Time Frame for Submitting a Request

An inmate must submit a request for administrative remedy so that it is received by the warden within 15 calendar days from the date on which the incident occurred or on which the inmate first learned of the incident, whichever is later, in accordance with the provisions of DCD 185-101.

2. Please incorporate this change 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	PROGRAM: ADMINISTRATIVE REMEDY PROCEDURE
	DCD #: 185-402
	TITLE: Submitting a Complaint for Informal Resolution
	ISSUED: April 1, 1993
	APPROVED: <i>David G. Jackson</i> COMMISSIONER

DCD CHANGE NOTICE 15-98 EFFECTIVE DATE March 6, 1998

CHANGE # 1 TO THIS DCD

1. Section III. B. is rescinded and replaced with the following.


III. B. Time Frame for Submitting a Request:

An inmate must submit a request for administrative remedy within 15 calendar days of the date on which the incident occurred or on which the inmate first learned of the incident, whichever is later.

3. Please incorporate this change 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 #: 185-402
	TITLE: Submitting a Request for Administrative Remedy
	ISSUED: April 1, 1993
	APPROVED: <i>[Signature]</i> COMMISSIONER

- I. REFERENCES: DCD 185-002, Policy
DCD 185-100, Administrative Remedy Procedure Description
DCD 185-101, Time Frames
- II. PURPOSE: To establish the procedure for submitting a formal request for administrative remedy.
- III. PROCEDURE:
- A. Who May Submit a Request
1. Any inmate housed within a Division of Correction facility may submit a request for administrative remedy when unable to informally resolve a complaint which is subject to these directives according to DCD 185-002. The request must be submitted in the name under which the inmate is committed to the custody of the Commissioner of Correction, although a new religious name or a name authorized under court order may be included as an alias.
 2. A member of the executive body of a recognized inmate organization may submit a request for administrative remedy on behalf of the organization.
- B. Time Frame for Submitting a Request
- An inmate must submit a request for administrative remedy within thirty calendar days of the date on which the incident occurred or on which the inmate first learned of the incident, whichever is later, in accordance with the provisions of DCD 185-101.
- C. Instructions for Completing a Request for Administrative Remedy, DC Form 185-100bR:
1. An inmate may obtain a Request for Administrative Remedy, DC Form 185-100bR, from a case management specialist, housing unit officer, or the inmate library.
 2. An inmate should adhere to the following instructions when completing the Request for Administrative Remedy:
 - a. use a typewriter or write in black pen or pencil;

- b. address the request to the warden of the institution where currently housed, regardless of where the incident being complained about occurred; or
- c. address the request to the commissioner as an adverse effect request if it is believed that knowledge of the complaint at the institution would result in irreparable harm;
- d. check the box labeled "Emergency Request" if the request concerns a situation that poses a threat to the complainant's health, safety, or welfare.

D. Information to be Included

The following specific information should be included in the complaint:

- 1. the date on which the incident occurred or the date on which the complainant first gained knowledge of the incident;
- 2. the name(s) of the staff and/or inmate(s) involved in the complaint;
- 3. a brief, concise description of the incident; and
- 4. a description of any efforts made to resolve the complaint informally.

E. How to Send the Request

- 1. When sending a request, the inmate must:
 - a. date and sign the request in the spaces provided; and
 - b. address the request to either the:
 - 1) warden of the institution; or
 - 2) the commissioner, if submitted as an adverse effect request.
- 2. If the request is addressed to the commissioner as an adverse effect request, it must be placed in an envelope and sent to the following address either via institutional courier or by United States Postal Service:

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

F. Resubmitting a Request

- 1. If the institutional coordinator has administratively dismissed a request as insufficient or incomplete and issued instructions for resubmitting the request, the inmate may resubmit the request to the warden, one time only, by:
 - a. completing a new Request for Administrative Remedy; and
 - b. following the specific instructions provided by the institutional coordinator in the receipt portion of Part C of the Request for Administrative Remedy.

2. Failure to resubmit the request in accordance with the coordinator's instructions will result in a final administrative dismissal of the request.

G. Withdrawing a Request


An inmate who, for any reason, no longer wishes to pursue a complaint through the Administrative Remedy Procedure may elect to withdraw his/her request by submitting one of the following to the institutional coordinator:

1. a signed letter requesting withdrawal of the complaint; or
2. a completed Withdrawal Form, DC Form 185-100dR.

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DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES
DIVISION OF CORRECTION

 DIVISION OF CORRECTION DIRECTIVE	PROGRAM: ADMINISTRATIVE REMEDY PROCEDURE
	DCD #: 185-403
	TITLE: Submitting a Headquarters Appeal of Administrative Remedy Response
	ISSUED: April 1, 1993
	APPROVED: <i>Edward G. Jackson</i> COMMISSIONER

- I. REFERENCES: DCD 185-100, Administrative Remedy Procedure Description
DCD 185-101, Time Frames
DCD 185-207, Warden's Response to a Request for Administrative Remedy
- II. PURPOSE: To establish the procedure for submitting a headquarters appeal of administrative remedy response.
- III. PROCEDURE:
- A. An inmate may obtain a Headquarters Appeal of Administrative Remedy Response, DC Form 185-100cR, from a case management specialist, housing unit officer, or the inmate library.
- B. Any appeal must be submitted in the name under which the inmate is committed to the custody of the Commissioner of Correction, although a new religious name or a name authorized under court order may be included as an alias.
- C. Appeal of Administrative Dismissal
1. If an inmate disagrees with the warden's or institutional coordinator's rationale for administrative dismissal of a request for administrative remedy, the inmate may appeal the administrative dismissal.
 2. This appeal will initiate a review of the coordinator's reason for dismissing the request; it will not initiate an investigation of the complaint itself.
 3. The inmate must submit the appeal by completing a Headquarters Appeal of Administrative Remedy Response form as follows:
 - a. the inmate must use a typewriter, black pen, or pencil;
 - b. the inmate should include the following information in the appeal:
 - 1) the institution where currently housed;
 - 2) the reason for disagreeing with the coordinator's rationale for administrative dismissal;

- 3) the date submitted; and
 - 4) his/her signature.
4. The inmate should send the appeal to the Commissioner of Correction, ATTN: Headquarters Administrative Remedy Coordinator, within ten calendar days of the date the dismissal was received and attach a copy of the request with the signed administrative dismissal.
 5. If the decision to administratively dismiss the request is upheld, no further action can be taken to resolve the complaint through the administrative remedy procedure.
 6. If the decision to administratively dismiss the request is not upheld, the request will be returned to the institutional coordinator who will assign a new case number to the request, issue a receipt, and accept the request for investigation.

D. Appeal of Untimely Response

1. An inmate may submit a Headquarters Appeal of Administrative Remedy Response to the commissioner as an appeal of untimely response if the warden has failed to respond to the inmate's request for administrative remedy within the proper time frame.
2. This appeal will initiate an investigation of the warden's failure to respond. It will not initiate an investigation of the complaint itself.
 - a. The inmate should include a statement that the appeal is being submitted due to the warden's failure to issue a response to the initial request.
 - b. Upon receipt of the warden's response, the inmate may appeal the response to the commissioner, based on the merit of the case, within the time frame established in DCD 185-101.

E. Appeal of Warden's Response

1. If an inmate disagrees with the warden's response to a request for administrative remedy, the inmate may appeal the decision to the commissioner by completing a Headquarters Appeal of Administrative Remedy Response form.
 - a. The inmate must use a typewriter, black pen, or pencil.
 - b. The inmate should include the following information in the appeal without raising new issues:
 - 1) the case number which is recorded on the receipt, Part C of the Request for Administrative Remedy;
 - 2) the institution where currently housed;
 - 3) the reason for the disagreement with the warden's response;

- 4) the date submitted; and
 - 5) his/her signature.
2. The inmate should send the appeal to the Commissioner of Correction, ATTN: Headquarters Administrative Remedy Coordinator, with the following:
- a. a copy of the completed Request for Administrative Remedy and the warden's response; and
 - b. a copy of the Receipt for Warden's Response, DC Form 185-207b.

F. Resubmitting an Appeal

If the headquarters coordinator has administratively dismissed an appeal as insufficient or incomplete and issued instructions for resubmitting the appeal, the inmate may resubmit the appeal to the commissioner by:

1. completing a new Headquarters Appeal of Administrative Remedy Response; and
2. following the specific instructions provided by the headquarters coordinator in the receipt portion, Part C, of the Headquarters Administrative Remedy Response form.


G. Time Frames

An appeal which is not received within the time frame established in DCD 185-101 shall be administratively dismissed by the headquarters coordinator as untimely. An appeal dismissed as untimely can not be resubmitted and no further action may be taken to resolve the complaint through the administrative remedy procedure.

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DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES
DIVISION OF CORRECTION


 DIVISION OF CORRECTION	PROGRAM: ADMINISTRATIVE REMEDY PROCEDURE
	DCD #: 185-500
	TITLE: Professional Training and Development
	ISSUED: April 1, 1993
	APPROVED: <i>Robert G. Jackson</i> COMMISSIONER

- I. REFERENCES: None
- II. PURPOSE: To establish minimum guidelines for staff training.
- III. PROCEDURE:
- A. The headquarters administrative remedy coordinator shall ensure that all institutional coordinators and other appropriate staff persons acting as investigators receive training in the following areas:
1. basic investigation skills, interviewing techniques, document review, report writing, and mediation;
 2. relevant federal and state regulations that govern the administrative remedy procedure; and
 3. potential resources, within and outside the Division of Correction, that may be able to assist in the investigation and resolution of complaints.
- B. The headquarters coordinator shall ensure that training sessions are conducted by appropriate persons no less than semiannually.

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DIVISION OF CORRECTION

 DIVISION OF CORRECTION	PROGRAM: ADMINISTRATIVE REMEDY PROCEDURE
	DCD #: 185-600
	TITLE: Documentation and Reporting
	ISSUED: April 1, 1993
	APPROVED: <i>Harold G. Jackson</i> COMMISSIONER


DCD CHANGE NOTICE 16-98 EFFECTIVE DATE March 6, 1998

CHANGE # 2 TO THIS DCD

1. Section III. C. is rescinded.
2. Section III. D. now becomes new Section III. C.
3. Section III. E. now becomes new Section III. D.
4. 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	PROGRAM: ADMINISTRATIVE REMEDY PROCEDURE
	DCD #: 185-600
	TITLE: Documentation and Reporting
	ISSUED: April 1, 1993
	APPROVED: <i>David G. Jackson</i> COMMISSIONER

DCD CHANGE NOTICE 42-95 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	PROGRAM: ADMINISTRATIVE REMEDY PROCEDURE
	DCD #: 185-600
	TITLE: Documentation and Reporting
	ISSUED: April 1, 1993
	APPROVED: <i>[Signature]</i> COMMISSIONER

- I. REFERENCES: DCD 185-202, Staff Awareness
DCD 185-209, Administrative Remedy Advisory Committee
- II. PURPOSE: To establish procedures for the preparation, submission, and maintenance of the documents and reports required by the administrative remedy procedure.
- III. PROCEDURE:
- A. Index

The administrative remedy coordinator shall maintain the Administrative Remedy Index, DC Form 185-600a, to record requests for administrative remedy within five working days of receipt in accordance with the following instructions:

1. Start a new index form at the beginning of each calendar month. Enter the institution, month, and year at the top of the form.
2. Assign each request received a case number consisting of the institution's initials followed by a four digit sequential number followed by the last two digits of the year. The four digit number shall begin at 0001 and return to that number on January 1 of each year. (Example: MP-0001-82 would be the number for the first request received by the coordinator of the Maryland Penitentiary for calendar year 1982).
3. Cases which are resubmitted in accordance with the coordinator's instructions will retain the assigned case number and will be indexed only once.
4. The first four columns should be completed as the requests/appeals are indexed.
 - a. The inmate's name and DOC number will be entered in the first column.
 - b. The second column will contain the assigned case number.
 - c. The third column will contain a number from one to thirty-one indicating the date of the month on which the complaint was indexed.

- d. Column four will contain the number code "5" from the disposition codes indicating that a request has been administratively dismissed pending resubmission. Secondly, column four will contain the date on which the resubmitted request is indexed and accepted.
 5. The remaining index entries will be completed as follows:
 - a. Column five will contain the subject code(s) identifying the nature of the complaint for those requests accepted for investigation and response.
 - 1) Codes are provided on the reverse side of the index form.
 - 2) The coordinator is responsible for establishing which code or codes are appropriate.
 - 3) No more than two subject codes may be entered in this column.
 - b. Column six will contain a number from one to thirty-one indicating the date of the month on which the warden/commissioner signed the response.
 - c. Column seven will contain a one-digit number from the coding sheet indicating the disposition of the complaint.
 - d. Column eight is for the entry of a brief description of the inmate's complaint or the reason for administrative dismissal of the complaint.
 6. Each line of the index form should be used through the last entry on the last date of the month. This form may not be altered in any way.
 7. By the tenth working day of each month, a copy of the previous month's index shall be forwarded to the headquarters administrative remedy office.
 8. The coordinator shall ensure that the index is properly updated for all cases which are unresolved as dispositions are made. When dispositions have been made for all cases indexed for the month, a copy of the completed index will be forwarded to the headquarters coordinator.
- B. Files
- The administrative remedy coordinator shall maintain a centralized file of copies of all administrative remedy requests/appeals with any investigative findings or documentation attached.
1. Files will be maintained chronologically by month and year.
 2. Cases will be arranged in the order indexed.
 3. A copy of the monthly index will be kept in the front of each file as a directory to the file's contents.
 4. The files shall be kept for at least four years following the final disposition of the request.

C. Minutes

The institutional administrative remedy coordinator shall submit to the warden, with a copy to the commissioner, written minutes of Administrative Remedy Advisory Committee meetings in accordance with the procedures established in DCD 185-209.

D. Staff Awareness

The institutional coordinator shall submit quarterly to the headquarters administrative remedy coordinator a copy of all Completion of Staff Awareness Training forms completed during the quarter in accordance with the procedures established in DCD 185-202.

E. Program Analysis

Institutional coordinators shall accumulate aggregate data regarding the number and types of requests by subject code heading as listed on the reverse side of the index form. Reports of the data are to be submitted to the headquarters administrative remedy coordinator on a quarterly basis.

IV. APPENDIX: Appendix 1, Administrative Remedy Index, DC Form 185-600a

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**MARYLAND DIVISION OF CORRECTION
ADMINISTRATIVE REMEDY INDEX**


Institution

Month

Year

Column 1	Col. 2	Col. 3	Col. 4	Col. 5	Col. 6	Col. 7	Column 8
Name&DOC Number	Case Number	Filing Date	Resubmit Code/Date	Subject Code	Disiposition Date	Disposition Date	Abstract
1.							
2.							
3.							
4.							
5.							
6.							
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STATE OF MARYLAND
DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES
DIVISION OF CORRECTION

 DIVISION OF CORRECTION DIRECTOR	PROGRAM: ADMINISTRATIVE REMEDY PROCEDURE
	DCD #: 185-700
	TITLE: Audits
	ISSUED: April 1, 1993
	AUTHORITY: _____ PROGRAM DIRECTOR
	APPROVED: <i>[Signature]</i> COMMISSIONER

DCD CHANGE NOTICE 8-01 EFFECTIVE DATE February 15, 2001

CHANGE # 1 TO THIS DCD

1. Section III. B. is changed to read as follows:


B. Composition of the Audit Team

The audit team shall consist of the headquarters coordinator or the headquarters assistant coordinator who shall supervise the audit, and at least one institutional coordinator and/or institutional inmate grievance representative designated by the Headquarters coordinator.

2. Please incorporate this change into all copies of this directive.

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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 #: 185-700
	TITLE: Audits
	ISSUED: April 1, 1993
	APPROVED: <i>[Signature]</i> COMMISSIONER

- I. REFERENCES: None
- II. PURPOSE: To establish procedures for audits of the management of the administrative remedy procedure.
- III. PROCEDURE:
- A. Schedule
1. The dates and times of on-site audits shall be established by the deputy commissioner.
 2. The deputy commissioner will notify the warden of the facility of the date and time of any scheduled audit.
- B. Composition of the Audit Team
- The audit team shall consist of the headquarters coordinator, who shall supervise the audit, and at least one institutional coordinator designated by the headquarters coordinator.
- C. Entrance Interview
- Upon arrival, the audit team shall meet with the warden to explain the purpose of the audit and provide a general overview of the audit plan.
- D. Audit Procedures
- All members of the audit team and the institutional coordinator of the facility shall be present throughout the audit. At a minimum, the audit shall include:
1. an examination of the administrative remedy procedure files and indexes to ensure accuracy;
 2. an examination of investigations to ensure completeness and thorough documentation;

3. an examination of the administrative remedy procedure, in practice as well as theory, to ensure compliance with this series of directives;
4. an examination of meritorious requests and the implementation of any remedies granted;
5. interviews with randomly selected inmates and staff to assess their satisfaction with the administrative remedy procedure; and
6. interviews with advisory committee members to review their conclusions and recommendations.

E. Exit Interview

At the conclusion of the audit, the audit team will meet with the warden to provide an overview of the audit findings.

F. Report of Audit

1. The headquarters coordinator shall provide the deputy commissioner with an audit report within two weeks of the date of audit completion.
2. The deputy commissioner will provide a copy of the report to the warden, who shall respond to the audit report within thirty days and provide a plan of corrective action if necessary.

G. Unannounced Audits or Reaudits

A facility is subject to an unannounced audit or a reaudit to determine the level of compliance with the plan of corrective action at any time.

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