



POLICY DIRECTIVE

Policy:	DOC 3.3.3 INMATE GRIEVANCE PROGRAM
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Signature/Title:	/s/ Brian Gootkin, Director

I. POLICY

The Department of Corrections provides all inmates housed in secure facilities and offenders in Department-operated prerelease centers (collectively referred to as “inmates” in this policy) with a grievance and appeal process to report alleged violations and resolve complaints in a timely and confidential manner in accordance with the provisions of this policy.

II. APPLICABILITY

All secure facilities and Department-operated prerelease centers.

III. DEFINITIONS (see Glossary)

IV. DEPARTMENT DIRECTIVES

A. General Requirements

1. This grievance policy follows federally-mandated requirements and national correctional standards.
2. At intake, the Grievance Manager or designee provides a copy of this policy and the grievance manual to inmates.
3. At each level of the inmate grievance process, the established time periods are uniform.
4. Grievances encompass a broad scope of complaints that include, but are not limited to, policies and procedures, services and conditions, staff misconduct, and inmate rights.

B. Grievance Manager

1. In addition to complying with the general requirements of this policy, the Grievance Manager ensures that:
 - a. the grievance program supplements, but does not replace, the informal communication system or the inmate disciplinary process;
 - b. newly admitted inmates are informed of the grievance process in accordance with *DOC 4.1.2 Offender Reception and Orientation*;
 - c. staff are trained to understand the inmate grievance process and, if required, participate in the resolution of grievances; and
 - d. the grievance manual includes clear, easily understandable information instructing inmates on proper initiation of grievance action at the following levels:
 - 1) informal resolution of grievances;
 - 2) formal standard grievances;
 - 3) formal emergency grievances;
 - 4) grievance appeals to the Administrator; and
 - 5) grievance appeals to the Department Director.

C. Grievance Coordinator

1. The Grievance Manager assigns and trains a staff member as a Grievance Coordinator who is readily available to inmates and staff and ensures that:
 - a. the written grievance policy and associated manual are reviewed by inmates and staff upon intake or hire with opportunity provided for questions and answers;
 - b. the grievance policy and manual are accessible to youth and adult inmates in facilities and programs regardless of classification, status, or disability;
 - c. the grievance policy and manual are available in the language spoken by a significant portion of the inmate population and appropriate provisions exist to assist visually impaired, hearing impaired, or otherwise disabled inmates, as well as inmates who have limited reading skills, to understand and complete the necessary forms;
 - d. necessary forms are readily available, provide clear and concise instructions, and are standardized for all facilities;
 - e. inmates who use the grievance process are guaranteed protection from reprisals;
 - f. the grievance manual includes the specific complaints that may be grieved and not grieved (for example, parole decisions and classification and disciplinary decisions that are subject to a separate appeal process);
 - g. the grievance manual outlines the options to resolve issues informally and gives direction for meaningful, reasonable remedies;
 - h. responses to grievances are provided according to fixed time limits for each level of the process;
 - i. designated staff respond in writing to each grievant at each level of the review by clearly and fully stating the reasons for the decisions reached;
 - j. staff process grievances expeditiously to prevent the grievance from becoming moot;
 - k. unless the grievant is notified of a time extension for a response, the expiration of the time limit without a response entitles the grievant to move to the next stage of the grievance process;
 - l. inmates may file emergency grievances if adhering to established time frames would subject them to a substantial risk of personal injury or cause other serious and irreparable harm;
 - m. emergency grievances are immediately forwarded without substantive review to the level at which corrective action can be taken;
 - n. the grievance process affords all inmates at least one level of review or appeal;
 - o. when further review is available to the grievant, the response informs the grievant of that fact and includes instructions on how to obtain review;
 - p. the grievance process provides for an independent review of grievance dispositions, including alleged reprisals, by a person not under the facility or program's supervision or control;
 - q. facilities provide locked grievance boxes in areas accessible to inmates and retrieved by the Grievance Coordinator, or designee, on a routine basis but no less than once per week;
 - r. grievances are processed from initiation to final disposition within 180 days (except grievances alleging sexual abuse as outlined in IV.E below);
 - s. staff who participate in the disposition of a grievance are allowed access to records essential to its resolution;
 - t. grievance programs have the option to permit in-person hearings that include staff or inmates, or both, so long as no inmate participates in the resolution of any other inmate's grievance over the objection of the grievant; and
 - u. no inmate or staff member who appears to be involved in a grievance participates in the grievance resolution process.
 - v. No inmate will be allowed to abuse the grievance process. If an inmate demonstrates a pattern of abuse, the grievance manager will notify the inmate in writing that such actions are creating an administrative burden at the expense of legitimate complaints. The notice

will contain specific reasons for the decision and the steps taken due to the abuse. The notice is not subject to appeal.

2. The Grievance Coordinator's administrative duties include:
 - a. maintaining accurate, complete, and separate records of each formal grievance, and providing reports and statistics as required by policy and operational procedures;
 - b. screening grievances for emergencies, referrals, and consultation with other staff, for example, health care providers on medical issues, investigators for allegations of sexual abuse or sexual harassment, and Americans with Disabilities Act (ADA) coordinators on issues of inmate accommodations and rights;
 - c. maintaining a log of all grievances and appeals at all levels of the process;
 - d. tracking and adhering to all established time frames;
 - e. returning incomplete or inappropriately filed grievances to inmates with explanations within the prescribed time frames, except grievances alleging sexual abuse which are immediately processed according to IV.E below;
 - f. assigning a case number to each grievance for consistency throughout the process;
 - g. coordinating investigations and explaining decisions in responses;
 - h. maintaining files that include all forms and documents pertaining to each grievance case;
 - i. maintaining confidentiality when handling grievance submissions; and
 - j. providing training on a routine basis to Department staff.
3. Grievance Coordinators are required to document and submit monthly reports to the Grievance Manager that include the following data:
 - a. The number of informal resolutions filed, including category details, complaint type, unit grieved, and result.
 - b. The number of formal grievances filed, including category details, complaint type, unit grieved, and result.
 - c. The number of appeals submitted to the Warden and Director and result.

D. Emergency Grievances

1. The grievance manual must provide clear information and direction to inmates and staff on the use of emergency grievances, including the following:
 - a. what constitutes emergency grievances;
 - b. the options inmates have for reporting emergency grievances, for example, verbally or in writing to any staff member;
 - c. the stipulation that emergency grievances receive immediate attention and are verified for legitimacy and inmate safety without undue delay; and
 - d. such grievances are expeditiously channeled to the appropriate individual who can take corrective action.

E. Grievances Alleging Sexual Abuse

1. This part is required under PREA standards.
2. Inmates alleging sexual abuse must not be required to use an informal grievance system nor must they be required to resolve such a grievance with staff or submit the grievance to the staff member who is the subject of the complaint. Such grievances are not referred to the staff member who is the subject of the complaint.
3. There is neither a time limit on the filing of a grievance alleging sexual abuse, nor a limit on the number of open grievances alleging sexual abuse. Applicable limits may be applied to any portion of a grievance that does not allege an incident of sexual abuse.
4. A final decision on the merits of any portion of a grievance alleging sexual abuse must be issued within 90 days of the initial filing of the grievance.
5. If the 90-day decision deadline is insufficient to make an appropriate decision, an extension of up to 70 days may be permitted for a final decision. The inmate must be notified in writing of any such extension and provided a date by which a decision will be made.

6. At any level of the process, including the final level, if the inmate does not receive a response within the time allotted for reply, including any properly noticed extension, the inmate may consider the absence of a response to be a denial at that level.
7. Processes for the filing of an emergency grievance alleging that an inmate is subject to a substantial risk of imminent sexual abuse must include:
 - a. the grievance form, or any portion of it that alleges the substantial risk of imminent sexual abuse, is immediately forwarded to a level of review at which immediate corrective action may be taken;
 - b. an initial response is provided within 48 hours;
 - c. a final Department decision is made within 5 calendar days; and
 - d. the initial response and final decision documents the determination whether the inmate is at substantial risk of imminent sexual abuse and the action taken in response to the emergency grievance.
8. Third parties are permitted to assist inmates in filing requests for administrative remedies relating to allegations of sexual abuse, and are permitted to file such requests on behalf of an inmate, with the following exceptions:
 - a. adult inmates must give permission for the third party to file requests and must personally pursue any subsequent steps in the grievance process;
 - b. if the alleged victim is a juvenile, a parent or legal guardian is allowed to file a grievance, including appeals, on behalf of the juvenile without the agreement of the juvenile;
 - c. if the alleged victim is a juvenile and the third party is not a parent or legal guardian, the facility may require the juvenile to agree to have the request filed on the juvenile's behalf and may require the juvenile to personally pursue any subsequent steps in the grievance process; and
 - d. if the inmate declines to have the request processed on the inmate's behalf, the facility documents the inmate's decision.
9. The facility or program may discipline an inmate for filing a grievance related to alleged sexual abuse only if the facility or program demonstrates that the inmate filed the grievance in bad faith.

F. Supervisory Review of the Grievance Program

1. The Grievance Manager reviews the monthly grievance reports, analyzes the collected data, and addresses corrective action that may be required to improve operations and/or inmate services.
2. The Grievance Manager ensures that monthly grievance reports are retained by the facility or program for at least three years following the final grievance disposition.
3. Based on the monthly reports, the Grievance Manager completes a semiannual grievance program report summarizing the Grievance Manager's conclusions and recommendations. The conclusions and recommendations are then shared with the Public Safety Chief.
4. Monthly and semiannual reports provide an internal administrative means to analyze current issues being grieved at facilities and spotlighting areas that need systematic review.

V. CLOSING

Questions about this policy should be directed to the Grievance Manager.

VI. REFERENCES

- A. *28 C.F.R. 40.1 et. seq.; 42 U.S.C. 1997e*
- B. *DOC 1.1.17; DOC 1.3.12; DOC 4.1.2*