

CHAPTER: 800

Inmate Management

DEPARTMENT ORDER:

802 – Inmate Grievance Procedure

**OFFICE OF PRIMARY
RESPONSIBILITY:**

**OPS
LS**

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Arizona Department of Corrections Rehabilitation and Reentry



Department Order Manual

A handwritten signature in black ink, appearing to read "David Shinn", is written over a horizontal line.

David Shinn, Director

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EXPECTED PRACTICES

American Correctional Association (ACA) Expected Practices: 5-ACI-3D-19, 5-ACI-5E-02, 5-ACI-6A-01 (M), and 5-ACI-6C-01

PURPOSE

The Department provides inmates with access to an Inmate Grievance Procedure to provide opportunity for informal resolution and a formal review of an issue impacting conditions of confinement or institutional life which personally affect the inmate grievant. This Department Order provides timely, administrative remedies to inmate complaints that might otherwise unnecessarily burden the courts.

RESPONSIBILITY

All Department employees shall promote meaningful dialogue and timely written communication with inmates to resolve inmate complaints and disputes at the lowest possible level in the organization and at the earliest possible opportunity.

The Assistant Director for Prison Operations shall be responsible for the overall operation of the Inmate Grievance Procedure. Under the direction of the General Counsel, the Appeals Officers are responsible for monitoring the effectiveness of the process. Wardens are responsible for ensuring Department employees follow all procedures outlined in this Department Order.

PROCEDURES

1.0 GENERAL INFORMATION

- 1.1 The Inmate Grievance Procedure is designed to address inmate complaints related to any aspect of institutional life or condition of confinement that directly and personally affects the inmate grievant, including written instructions (e.g., Department Orders, Post Orders, and Technical Manuals), procedures, and the actions of staff. {5-ACI-3D-19}
- 1.2 The following are not grievable under the Inmate Grievance Procedure:
 - 1.2.1 Actions of the Governor or State Legislature
 - 1.2.2 Decisions of the Arizona Board of Executive Clemency
 - 1.2.3 Judicial proceedings or decisions of the Courts
- 1.3 Unprocessed Informal Complaint(s), Formal Grievance(s), or Appeal(s)
 - 1.3.1 The following Informal Complaint(s), Formal Grievance(s), or Appeal(s) shall be rejected and returned to the inmate as unprocessed:
 - 1.3.1.1 Threatens serious bodily harm to staff, inmates or the general public
 - 1.3.1.2 Multiple unrelated issue(s) raised on a single form
 - 1.3.1.3 A duplicate or repetitive Complaint, Grievance, or Appeal on the same incident

- 1.3.1.4 Raises an issue previously addressed and adjudicated through the grievance process
 - 1.3.1.5 Untimely filing past the time frame requirement unless there are extenuating circumstances (i.e., inmates not aware of property losses until after returning from court, a hospital or a Criminal Detention Unit)
 - 1.3.1.6 Grievances of inmates designated as a Vexatious Grievant not completed on the Grievance Request form
 - 1.3.2 Prior to returning unprocessed Informal Complaints, Formal Grievances, or Appeals, Grievance Coordinators shall annotate in Arizona Correctional Information System (ACIS) the specific reason for the rejection.
- 1.4 The Inmate Grievance Procedure does not serve as a duplicate appeal process or substitute appeal process for the following, which have independent appeal processes:
 - 1.4.1 Disciplinary Hearing Process outlined in Department Order #803, Inmate Disciplinary Procedure
 - 1.4.2 Publication Review outlined in Department Order #914, Inmate Mail
 - 1.4.3 Protective Custody outlined in Department Order #805, Protective Custody
 - 1.4.4 Security Threat Group Validation outlined in Department Order #806, Security Threat Groups (STGs)
 - 1.4.5 Classification action outlined in Department Order #801, Inmate Classification
- 1.5 Inmates who attempt to file grievances and appeals for actions outlined in 1.4 of this section shall be instructed to follow the appeal process outlined in the specific Department Order or written instruction. Appeals to the Central Office Appeals Unit on these actions may be considered only if the primary issue is outside the scope of the established appeals process.
- 1.6 Pursuant to the Prison Litigation Reform Act of 1996 (PLRA), inmates shall completely exhaust the Department's internal grievance and administrative processes prior to filing any complaint with any State Board or Federal Court.
- 1.7 Inmates may utilize the Inmate Grievance Procedure regardless of their disciplinary status, housing location or classification. Wardens shall prohibit discrimination and make appropriate provisions to ensure inmates who are not fluent in English, persons with disabilities, inmates with low literacy levels, the elderly and the mentally ill have access to the Inmate Grievance Procedure. {5-ACI-5E-02}
- 1.8 Wardens shall ensure there are no barriers for inmate access to Inmate Grievance forms and inmates have the ability to file grievances and appeals in a timely and confidential manner.
- 1.9 Inmates may file grievances and appeals directly to the Warden or designee when the content of the grievance is of a nature, which would pose a threat to the safety of the inmate, staff, or other inmates if the grievance were filed through established procedures.

- 1.10 Emergency Grievance(s) (Medical) - For emergency complaints, inmates shall seek emergency medical attention as outlined in Department Order #1101, Inmate Access to Health Care. {5-ACI-6A-08(M)}
- 1.11 Unless notified of an extension of time frames, expiration of any time limit for a response at any stage in the process shall entitle the inmate grievant to move to the next step in the process. Extensions at any step in the grievance process shall not exceed 15 workdays, with the exception of section 11.0. Extensions at the Informal Complaint Response step shall not be authorized.
 - 1.11.1 If an inmate does not receive a written response within the time period specified, his/her time to proceed to the next stage of the grievance process is the same as if he/she had received a response. The time to proceed to the next stage of the grievance process begins to run the day after a written response was due back to the inmate.
- 1.12 The general length of time for completion of the grievance process is 120 calendar days from initiation of the Formal Grievance process to final disposition.

2.0 INFORMAL COMPLAINT RESOLUTION (NON-MEDICAL)

- 2.1 Inmates shall attempt to resolve their complaints through informal means including, but not limited to, discussion with staff in the area most responsible for the complaint or through the submission of an Inmate Informal Complaint Resolution, Form 802-11.
- 2.2 If unable to resolve his/her complaint through informal means, an inmate may submit an Informal Complaint on an Inmate Informal Complaint Resolution form to the Correctional Officer (CO) IV Grievance Coordinator in his/her respective unit. The Informal Complaint must be submitted within 10 workdays from the date of the action that caused the complaint. The inmate shall attach copies of all documentation to support his/her complaint.
- 2.3 The role and responsibilities of the Unit Grievance Coordinator shall not be delegated to any lesser ranking staff or subordinate.
- 2.4 The unit CO IV Grievance Coordinator shall:
 - 2.4.1 Upload the Informal Complaint Resolution form into the Grievance Module in ACIS, then save and submit the case. ACIS will assign a case number to the Informal Grievance and assign it to the staff role most appropriate to provide a written response based on the Grievance Category.
 - 2.4.2 Reject and cease processing the Informal Complaints if it meets the categories only as defined in sections 1.2 and 1.3.
 - 2.4.3 Log the Informal Complaint on the Unit Coordinator Grievance Log, Form 802-9, using the case number assigned by ACIS.
- 2.5 The staff role designated as the Informal Grievance Responder shall investigate and attempt to resolve the complaint informally, and provide a written response to the inmate within 15 workdays using ACIS.

- 2.5.1 The unit CO IV Grievance Coordinator shall utilize ACIS and print and forward the completed Informal Complaint Response to the inmate.

3.0 INFORMAL COMPLAINT RESOLUTION (MEDICAL)

- 3.1 The unit CO IV Grievance Coordinator shall:
 - 3.1.1 Upload the Medical Informal Complaint Resolution form into the Grievance Module in ACIS, then save and submit the case. ACIS will assign a case number to the Informal Grievance and assign it the Contract Assistant Director of Nursing.
 - 3.1.2 Reject and cease processing Informal Complaints as defined in sections 1.2 and 1.3.
 - 3.1.3 Log the Informal Complaint on the Unit Coordinator Grievance Log form using the case number assigned by ACIS.
- 3.2 Within 15 workdays of the upload, the Contract Assistant Director of Nursing shall:
 - 3.2.1 Investigate the complaint.
 - 3.2.2 Respond to the inmate's Informal Complaint using ACIS. The typed response to the inmate shall include:
 - 3.2.2.1 A summarization of the inmate's complaint.
 - 3.2.2.2 A description of what action was taken to investigate the complaint to include the date and content if a personal meeting with the inmate was conducted.
 - 3.2.2.3 A summary of findings.
 - 3.2.2.4 The decision and supporting rationale in reaching the decision.
- 3.3 The unit CO IV Grievance Coordinator shall utilize ACIS and the date of the typed response to close out his/her tracking log and print and forward the completed Informal Grievance response to the inmate.
- 3.4 Inmates may file a Formal Grievance if they are dissatisfied with the Inmate Informal Complaint Response or if the time frames for the response have been exceeded.

4.0 FORMAL GRIEVANCE PROCESS (NON-MEDICAL)

- 4.1 Grievances of inmates deemed a Vexatious Grievant in accordance with Department Order #803, Inmate Disciplinary Procedure, shall be filed and reviewed as outlined in section 10.0.
- 4.2 An inmate may file a Formal Grievance should he/she be unable to informally resolve his/her complaint. The inmate has five workdays from receipt of the written response from the Informal Grievance Responder through the unit CO IV Grievance Coordinator to submit a Formal Grievance. The Formal Grievance shall be submitted to the unit CO IV Grievance Coordinator using the Inmate Grievance, Form 802-1, and the Inmate Grievance-GF Supplement, Form 802-7.

- 4.3 The unit CO IV Grievance Coordinator shall:
 - 4.3.1 Enter date the Formal Grievance was submitted on the Unit Coordinator Grievance Log form.
 - 4.3.2 Upload the Formal Grievance form and any supporting documentation into the case in ACIS.
 - 4.3.3 Request an additional investigation be conducted, as appropriate. The unit CO IV Grievance Coordinator may assign any unit staff member to the investigation to aid in the resolution of the grievance.
 - 4.3.4 Notify the inmate in writing of any extensions entered into ACIS.
- 4.4 The unit CO IV Grievance Coordinator shall compose a written response and submit it in ACIS to the Deputy Warden for approval. Once approved by the Deputy Warden, the response shall be returned to the inmate no later than 15 workdays from the date the Formal Grievance was received.
 - 4.4.1 The written response to the inmate shall include:
 - 4.4.1.1 A summarization of the inmate's complaint.
 - 4.4.1.2 A description of what action was taken to investigate the complaint.
 - 4.4.1.3 A summary of the findings.
 - 4.4.1.4 The decision and supporting rationale in reaching the decision.
 - 4.4.2 The decision from the unit level shall be marked as "Resolved" or "Not Resolved" in ACIS.
 - 4.4.3 Should the written response indicate the grievance is "Not Resolved" due to a Department written instruction, the specific Department Order, or Post Order or other written instruction or directive shall be noted in the response.
 - 4.4.4 The Deputy Warden shall sign the written response to the inmate in ACIS.

5.0 FORMAL GRIEVANCE PROCESS (MEDICAL) {5-ACI-6A-01 (M)} {5-ACI-6C-01}

- 5.1 An inmate may file a Formal Grievance should he/she be unable to resolve their complaint informally. The inmate has five workdays from receipt of the typed response from the Contract Assistant Director of Nursing to submit a Formal Grievance to the unit CO IV Grievance Coordinator, using the Inmate Grievance and the Inmate Grievance-GF Supplement forms.
- 5.2 Upon receipt of any Medical Grievance, the unit CO IV Grievance Coordinator shall immediately:
 - 5.2.1 Upload the Formal Grievance form into ACIS.
 - 5.2.2 Reject and cease processing Informal Complaints as defined in sections 1.2 and 1.3.

- 5.2.3 Log each Inmate Grievance, using the date the Formal Grievance is uploaded into ACIS, on the Unit Coordinator Grievance Log form.
- 5.3 Within 15 workdays of uploading the grievance, the Contract Director of Nursing shall:
 - 5.3.1 Investigate the complaint.
 - 5.3.2 Respond to the inmate’s Formal Grievance. The typed response to the inmate shall include:
 - 5.3.2.1 A summarization of the inmate’s complaint.
 - 5.3.2.2 A description of what action was taken to investigate the complaint to include the date and content if a personal meeting with the inmate was conducted.
 - 5.3.2.3 A summary of findings.
 - 5.3.2.4 The decision and supporting rationale in reaching the decision.
 - 5.3.2.5 The decision from the facility level shall either be “Resolved” or “Not Resolved.”
 - 5.3.3 The unit CO IV Grievance Coordinator shall utilize ACIS and the date of the typed response to close out his/her tracking log and print and forward the completed Formal Grievance Response to the inmate.

6.0 APPEALS TO THE ASSISTANT DIRECTOR (NON-MEDICAL) {5-ACI-3D-19}

- 6.1 Inmates may elect to appeal the decision of the Deputy Warden to the appropriate Assistant Director within five workdays of receipt of the Deputy Warden’s decision by submitting an Inmate Grievance Appeal, Form 802-3, to the unit CO IV Grievance Coordinator. Inmates may not file an appeal to the Assistant Director until the Inmate Grievance Procedure within their assigned unit and institution has been exhausted.
- 6.2 The unit CO IV Grievance Coordinator shall:
 - 6.2.1 Enter the date the Grievance Appeal was submitted on the Unit Coordinator Grievance Log form.
 - 6.2.2 Upload the completed appeal packet in ACIS within five workdays of receiving the Grievance Appeal from the inmate and email the packet to the Security Operations Appeals Administrator.
- 6.3 The Security Operations Appeals Administrator shall review the case and forward it to the most appropriate Assistant Director or designee for processing. (See Attachment A, Grievance Categories.)
 - 6.3.1 The Deputy General Counsel shall respond as the Assistant Director in cases pertaining to Legal Access issues.

- 6.3.2 Based on the subject matter of the case, Assistant Director Level Appeals may be assigned to any other Assistant Director not listed in Attachment A, as deemed appropriate.
- 6.4 The Assistant Director may return Grievance Appeals to the unit CO IV Grievance Coordinator for further investigation or when they do not meet the requirements of this Department Order.
- 6.5 Within 30 calendar days of receiving the Inmate Grievance Appeal, the Assistant Director shall prepare a response and submit it in ACIS. Once signed by the Assistant Director, the response shall be returned to the unit CO IV Grievance Coordinator in ACIS.
 - 6.5.1 The unit CO IV Grievance Coordinator shall print and forward the completed Grievance Appeal Response to the inmate.
- 6.6 The Assistant Director may delegate signature authority for any and all first level Grievance Appeal responses.

7.0 APPEALS TO THE GENERAL COUNSEL (NON-MEDICAL) {5-ACI-3D-19}

- 7.1 Inmates may elect to appeal the decision of the Assistant Director to the General Counsel within five workdays of receipt of the Assistant Director decision by submitting an Inmate Grievance Appeal, Form 802-3, to the unit CO IV Grievance Coordinator. Inmates may not file an appeal to the General Counsel until the Inmate Grievance Procedure through the Assistant Director Level Appeal has been exhausted.
- 7.2 The unit CO IV Grievance Coordinator shall:
 - 7.2.1 Enter the date the Grievance Appeal was submitted on the Unit Coordinator Grievance Log form.
 - 7.2.2 Upload the completed appeal packet in ACIS in the Supporting Information section of the case within five workdays of receiving the Grievance Appeal from the inmate and email the packet to the Legal Services Grievance Appeal inbox.
- 7.3 The Central Office Appeals Officer may return Grievance Appeals to the unit CO IV Grievance Coordinator for further investigation or when they do not meet the requirements of this Department Order.
- 7.4 Within 30 calendar days of receiving the Inmate Grievance Appeal, the Legal Services Appeals Officer shall prepare a response and submit it in ACIS to the General Counsel or designee for signature. Once signed by the General Counsel, the response shall be returned to the unit CO IV Grievance Coordinator in ACIS.
 - 7.4.1 The unit CO IV Grievance Coordinator shall print and forward the completed Grievance Appeal Response to the inmate.
- 7.5 The General Counsel may delegate signature authority for any and all Grievance Appeal responses.
- 7.6 The decision of the General Counsel or designee is final and constitutes exhaustion of all remedies within the Department.

8.0 APPEALS TO THE CONTRACT FACILITY HEALTH ADMINISTRATOR (MEDICAL) {5-ACI-6A-01 (M)} {5-ACI-6C-01}

- 8.1 Inmates may elect to appeal the decision of the Contract Director of Nursing to the Contract Facility Health Administrator within five workdays of receipt of the Contract Director of Nursing's decision by submitting an Inmate Grievance Appeal form to the unit CO IV Grievance Coordinator. Inmates may not file an appeal to the Contract Facility Health Administrator until the Inmate Grievance Procedure within their assigned unit has been exhausted.
- 8.2 Upon receipt of any Medical Grievance Appeal, the unit CO IV Grievance Coordinator shall:
 - 8.2.1 Immediately enter the Appeal into ACIS, and notify the Contract Facility Health Administrator and the Department's Medical Grievance Investigator via email.
 - 8.2.2 Reject and cease processing Informal Complaints as defined in sections 1.2 and 1.3.
 - 8.2.3 Log each Appeal, using the date the email notification is sent to the Contract Facility Health Administrator, on the Unit Coordinator Grievance Log form.
- 8.3 Within 30 calendar days of receiving the Inmate Grievance Appeal, the Contract Facility Health Administrator shall:
 - 8.3.1 Respond using Inmate Grievance Response, Form 802-2, and upload into ACIS.
 - 8.3.2 Notify the unit CO IV Grievance Coordinator and the Department's Medical Grievance Investigator via email that a written response was submitted.
- 8.4 The decision of the Contract Facility Health Administrator is final and constitutes exhaustion of all remedies within the Department.
- 8.5 The unit CO IV Grievance Coordinator shall utilize ACIS and the date the response email notification is sent to close out his/her tracking log and print and forward the completed Appeal Response to the inmate.

9.0 INTERSTATE COMPACT AND PRIVATE PRISON GRIEVANCES

- 9.1 Inmates housed out-of-state through Interstate Compact Agreements or assigned to a private prison facility in state or out of state shall follow all Inmate Grievance and Appeals procedures at the institution where they are housed.
 - 9.1.1 Arizona inmates who are housed out of state through the Interstate Corrections Compact (ICC) may utilize the Arizona Department of Corrections, Rehabilitation and Reentry (ADCRR) grievance process solely for grievable issues that pertain specifically to the ADCRR. All documents shall be submitted to the Special Services Manager for review and processing.
- 9.2 Private prison Wardens shall notify the Contract Beds Bureau Monitor of all Formal Grievances regarding issues specifically related to an action by the private prison, and how they were resolved. Documentation shall be maintained as part of the Inmate Grievance record.

9.3 Inmates Assigned To Private Prisons – For inmates housed in private prisons, whether in-state or out-of-state, the private prison Warden shall ensure the contracted facility has a meaningful grievance procedure that affords inmates the opportunity to resolve issues at the local level.

9.3.1 The private prison Program Supervisor shall act in the capacity of the unit CO IV Grievance Coordinator.

9.3.2 The private prison Warden or designee shall act in the capacity of the Deputy Warden. The private prison Warden or designee, in consultation with the Contract Beds Bureau Deputy Warden Monitor, shall provide written Formal Grievance response to the inmate.

9.3.3 Medical grievances shall follow the ADCRR grievance process.

10.0 VEXATIOUS GRIEVANCES (NON-MEDICAL) – Grievances of inmates deemed a Vexatious Grievant in accordance with Department Order #803, Inmate Disciplinary Procedure, shall be filed and reviewed as outlined in this section. An inmate's Vexatious Grievant status shall be noted on the appropriate Arizona Correctional Information System (ACIS) screen.

10.1 The filing of even one grievance that meets any of the criteria of Vexatious Conduct, as defined in the Glossary of Terms, may subject inmates to disciplinary action in accordance with Department Order #803, Inmate Disciplinary Procedure.

10.2 Inmates who have been categorized as a Vexatious Grievant who wish to file a Formal Grievance after following the process outlined in section 2.0 shall submit a Grievance Request, Form 802-13, to the unit CO IV Grievance Coordinator.

10.2.1 The unit CO IV Grievance Coordinator shall upload the Grievance Request form to the case in ACIS and submit it to the Warden for decision. Grievance requests not submitted on the Grievance Request form shall be returned as unprocessed.

10.3 The Warden shall review the Grievance Request form and all other documentation related to the grievance to determine whether the grievance meets the criteria of Vexatious Conduct. The Warden's decision to allow or deny the grievance shall be entered into the case in ACIS.

10.3.1 If the grievance is allowed, the decision shall be indicated in ACIS within five calendar days. The grievance will then be accepted and processed in accordance with sections 4.0 and 6.0.

10.3.2 If the grievance is denied, the form shall be returned to the inmate within five calendar days with the reason for the denial noted in ACIS.

10.4 If the inmate wishes to appeal the decision of the Warden, he/she shall submit the Grievance Appeal form to the unit CO IV Grievance Coordinator within five calendar days of receipt.

10.4.1 The unit CO IV Grievance Coordinator shall:

10.4.1.1 Enter date the Grievance Appeal was submitted on the Unit Coordinator Grievance Log form.

10.4.1.2 Upload the completed appeal packet in ACIS.

10.5 Within 15 calendar days of receipt of an inmate's Inmate Grievance Appeal, the Director or designee shall note their decision to allow or deny the appeal on the form in ACIS.

10.5.1 The unit CO IV Grievance Coordinator shall print and forward the completed Grievance Appeal Response to the inmate.

10.6 The Director's Level decision is final and constitutes an exhaustion of available administrative remedies as it relates to Inmate Grievance Requests.

11.0 SEXUAL OFFENSE GRIEVANCE – Staff receiving an Informal Complaint or Formal Grievance at any level that describes activity that may be in violation of the Prison Rape Elimination Act (PREA) of 2003, 24 U.S.C.A. 15601 through 15609 shall immediately initiate Department Order #125, Sexual Offense Reporting and notify the Shift Commander, who shall notify the unit Deputy Warden or institution Warden.

11.1 The exhaustion of administrative remedies consists of the following (an agency shall be exempt from this standard if it does not have administrative procedures to address Inmate Grievances regarding sexual abuse):

11.1.1 The Department shall not impose a time limit when an inmate may submit a grievance regarding an allegation of sexual abuse.

11.1.2 The Department may apply otherwise applicable time limits to any portion of a grievance that does not allege an incident of sexual abuse.

11.1.3 The Department shall not require an inmate to use any informal grievance process or to otherwise attempt to resolve with staff an alleged incident of sexual abuse.

11.1.4 Nothing in this section of the Department Order shall restrict the ability of the Department to defend against an inmate's lawsuit on the ground that the applicable statute of limitation has expired.

11.1.5 The unit CO IV Grievance Coordinator shall ensure an inmate who alleges sexual abuse may submit a grievance without submitting it to a staff member who is the subject of the complaint; and such grievance is not referred to a staff member who is the subject of the complaint.

11.1.6 The unit CO IV Grievance Coordinator or staff member receiving an emergency grievance or an Informal Complaint alleging an inmate is subject to a substantial risk of imminent sexual abuse shall immediately forward the grievance or Complaint (or any portion thereof that alleges the substantial risk of imminent sexual abuse) to a level of review at which immediate corrective action may be taken. An initial written response shall be provided to the inmate within 48 hours, and the Warden or designee shall issue a final decision within five calendar days.

11.1.7 The Warden or designee shall document the initial written response and final decision, the determination whether the inmate is in substantial risk of imminent sexual abuse, and the action taken in response to the emergency grievance. Copies shall be forwarded to Legal Services and the Department PREA Coordinator.

11.1.8 The Department may discipline an inmate for filing a grievance related to alleged sexual abuse only where the Department can demonstrate the inmate filed the grievance with bad faith.

11.1.9 The decision of the Warden or designee is final and constitutes exhaustion of all remedies within the Department.

11.2 Final Decisions/Extensions

11.2.1 The Warden or designee shall issue a final decision on the merits of any portion of a grievance alleging sexual abuse within 90 workdays of the initial filing of the grievance. Computation of the 90 workday time period shall not include time consumed by inmates in preparing any administrative appeal.

11.2.2 The unit CO IV Grievance Coordinator may claim an extension of time to respond, of up to 70 workdays, if the normal time period of 90 workdays for response is insufficient to make an appropriate decision. The Department shall notify the inmate in writing of any such extension and provide a date by which a decision will be made.

11.2.3 At any level of the administrative process, including the final level, if the inmate does not receive a written response within the time allotted for reply, including any properly noticed extension, the inmate may consider the absence of a written response to be a denial at that level.

11.3 Third Parties

11.3.1 Third parties, including fellow inmates, staff members, family members, attorneys, and outside advocates, shall be permitted to assist inmates in filing requests for administrative remedies relating to allegations of sexual abuse, and shall also be permitted to file such requests on behalf of inmates.

11.3.2 If a third party files such a request on behalf of an inmate, the facility may require as a condition of processing that the alleged victim agree to have the request filed on his or her behalf, and may also require the alleged victim to personally pursue any subsequent steps in the administrative remedy process.

11.3.3 If the inmate declines to have the request processed on his or her behalf, the Department shall document the inmate's decision.

12.0 PROTECTION AGAINST REPRISAL

12.1 Retaliation or the threat of retaliation for use of the Inmate Grievance Procedure is strictly prohibited. The inmate may pursue any alleged or threatened retaliation through the Inmate Grievance Procedure. An inmate retaliation hotline shall be accessible to all inmates thru the Inmate Telephone System. Employees found to be in violation of this section shall receive disciplinary action as outlined in Department Order #601, Administrative Investigations and Employee Discipline.

- 12.2 Failure of an inmate to substantiate his/her grievance allegations shall not, by itself, be used as grounds to initiate disciplinary action against the inmate. If it is found the inmate has intentionally falsified information in the Informal Complaint, Formal Grievance, or Appeal, the unit CO IV Grievance Coordinator may recommend disciplinary action after consultation with the Central Office Appeals Administrator.
- 12.3 Staff responses to inmate Informal Complaints, Formal Grievances, and Appeals shall be professional and shall not include any demeaning or degrading language or inappropriate remarks.
- 12.4 All documents relating to the Inmate Grievance Procedure are confidential and shall not be shared with any other inmate or staff member outside of the investigative and appeal process.

13.0 ORIENTATION AND TRAINING

- 13.1 Inmate Grievance Procedure shall be made available to all new staff at Employee Orientations and shall be included in the Correctional Officer Training Academy (COTA) curriculum.
- 13.2 All CO IVs shall complete Inmate Grievance Coordinator training prior to assuming the responsibilities of a unit Grievance Coordinator.
- 13.3 Inmates shall receive a written and oral explanation of the Inmate Grievance Procedure at Reception Centers Intake and as part of the orientation process in any subsequent facility.

14.0 REPORTING AND RECORDS REQUIREMENTS (NON-MEDICAL)

- 14.1 The Warden shall designate staff at their institution and ensure Deputy Wardens designate a staff member at their unit to record and enter information regarding Inmate Grievances into the Monthly Statistical Report, Form 802-10.
- 14.2 The unit CO IV Grievance Coordinator at each unit and the Central Office Appeals Officer shall maintain all Inmate Grievance records to include “unprocessed grievances” in a confidential and secure storage area. Inmate Grievances and Appeals are confidential and shall not be included in the Inmate Master File or any institutional file. Once uploaded into ACIS, all forms and supporting documents shall be returned to the inmate.
- 14.3 Inmate Grievance records not previously uploaded into ACIS shall be maintained for five years following the date of the last appeal response.

15.0 REPORTING AND RECORDS REQUIREMENTS (MEDICAL) – The unit CO IV Grievance Coordinator shall forward the previous month’s Unit Coordinator Grievance Log, Form 802-9, to the Department’s Medical Grievance Investigator email no later than the 25th of each month.

IMPLEMENTATION

The Assistant Director for Prison Operations shall ensure an appropriate level of training is conducted for all staff involved in the Inmate Grievance process.

DEFINITIONS/GLOSSARY

Refer to the Glossary of Terms for the following:

- Contract Facility Health Administrator
- Emergency
- Grievance
- Informal Resolution
- Medical Grievance
- Unprocessed
- Vexatious Grievant
- Workday

ATTACHMENT

Attachment A – Grievance Categories

FORMS LIST

802-1, Inmate Grievance
802-2, Inmate Grievance Response
802-3, Inmate Grievance Appeal
802-7, Inmate Grievance-GF Supplement
802-9, Unit Coordinator Grievance Log
802-10, Monthly Statistical Report
802-11, Inmate Informal Complaint Resolution
802-12, Inmate Informal Complaint Response
802-13, Grievance Request

AUTHORITY

28 CFR Part 40, Order 957-81, Standards for Inmate Grievance Procedures

ATTACHMENT A

Grievance Categories

Assistant Director of Prison Operations

- Classification/Time Computation (Has its own appeal process, not grievable.)
- Commissary/Store
- Conditions of Confinement
- Discipline (Has its own appeal process, not grievable.)
- Escorted Visits
- Food
- Interstate Compact
- Mail
- Phone
- Property
- Protective Segregation (Has its own appeal process, not grievable.)
- Release Eligibility
- Sexual Offense (Per this policy these are responded to within 48 hours and the Warden is the final.)
- Staff
- Transfer Requests (Inmates are not permitted to request elective transfers per DO #801, Inmate Classification.)
- Visitation

Assistant Director of Inmate Programs and Reentry

- Community Corrections
- Counseling/Treatment
- Program Access
- Religion
- Work Pay

Assistant Director of Financial Services

- Banking

Deputy General Counsel

- Legal Access

Assistant Director of Facilities Management

- Facilities

Appropriate Assistant Director based on subject matter:

- Policy/Department Orders
- Procedures
- Safety