

### Minnesota Department of Corrections

<b>Policy:</b>	<b>303.100</b>	<b>Title:</b>	<b>Grievance Procedure</b>
<b>Issue Date:</b>	<b>4/1/05</b>		
<b>Effective Date:</b>	<b>5/1/05</b>		

**AUTHORITY:** Minn. Stat. §243.56.

**PURPOSE:** To provide a process for conflict resolution for offenders.

**APPLICABILITY:** All department facilities and Policy and Legal Services.

**POLICY:** An effort to promptly resolve concerns/issues. Offenders incarcerated in adult facilities must address staff verbally and in writing by the staff's title or Mr./Ms and the staff's last name.

- A. The Offender Grievance form is a means to address formal grievance concerns that are personal to an offender. Offenders must attempt to resolve any concerns informally via the kite system prior to pursuing the formal grievance process. Offender must follow the chain of command and contact only one staff at a time. An offender may, in good faith, submit a grievance without fear of retaliation.
- B. Facilities may develop instructions to implement this policy.
- C. This policy does not apply to any other policy/division directive that has its own separate review/appeal procedure, including but not limited to:
  1. 106.020, "Settlement of Claims"
  2. 202.100, "Classification System-Adult Facilities"
  3. 204.010, "Offender Assignment and Compensation Plan"
  4. 303.010, "Discipline" (except the procedure outlined in Offender Discipline Regulation #510, "Mandated Treatment Failure/Refusal")
  5. 303.015, "Informal Sanctions"
  6. 302.020, "Mail" (unallowable items section only)
  7. 302.100, "Visiting"
  8. 500.308, "Chemical Dependency Assessment and Programming"

**DEFINITIONS:**

Informal Resolution- written communication with staff to informally resolve an issue via the kite form.

Offender Grievance - a method by which offenders may submit a formal concern regarding an issue, which has not been addressed previously under a different complaint, claim, administrative or legal procedure. An offender grievance must be limited to current matters involving the offender filing the grievance.

Offender Grievance Appeal – offenders not satisfied with the warden's/superintendent's or designee's response may submit an appeal. Once the assistant or deputy commissioner or the Commissioner has resolved a grievance appeal, there will be no further appeals. Offender Grievance Appeal forms are available in the living unit.

Offender Kite Form or "kites" - a printed form issued by the department that offenders use to communicate with staff (e.g., request to see a health care provider, request a special visit, request for

program information, request for information to transfer, etc.). A kite form can be used to request appointments, information, programming, or to informally resolve an issue.

## PROCEDURES:

### A. Grievance:

1. *Initiating a Formal Grievance:* If the offender does not believe his/her issue has been resolved informally through kites with staff, he/she may submit a formal grievance (attached) to the facility grievance coordinator, provided that he/she has more than 40 days left until release.
  - a) The offender must:
    - 1) Complete an Offender Grievance form and state clearly the grievance identifying a single complaint.
    - 2) Attach kite(s) to which staff have responded that shows an attempt at informal resolution.
    - 3) Not exceed the limit of using the form and one additional 8½ X 11 inch page to state the complaint. Supporting exhibits with the complaint are not limited.
  - b) The offender may obtain assistance from another offender, facility staff, family members, or attorneys in preparing a grievance. However, no person may submit a grievance on the offender's behalf.
2. *Processing Formal Grievances.* The facility grievance coordinator will:
  - a) Return formal grievance that involve matters that are not personal to the offender, contain multiple issues, are unclear, or do not indicate the offender attempted to informally resolve the issue.
  - b) Log the grievance into the database system, unless returned to the offender for reasons stated in subsection (a) above.
  - c) Send the offender written notice of the date the grievance was logged into the grievance database along with supporting evidence.
  - d) Determine the appropriate staff and method of investigating the grievance.
  - e) Submit the investigation results to the warden/superintendent or designee who will do one of the following upon receiving the results from the facility grievance coordinator:
    - 1) Dismiss the grievance;
    - 2) Affirm the grievance; or
    - 3) Affirm the grievance with modifications.
  - f) Provide written notification to the offender of the warden's/superintendent's or designee's decision within 20 working days from the date the grievance was logged into the grievance database. The warden/superintendent or designee may make a, one time only, 20 working day extension provided the offender is notified of the extension within the first 20 working days.
  - g) If the offender does not receive a decision within 20 working days of the date

the grievance was logged into the database or 40 working days if the offender received notice of an extension, the offender may consider the grievance dismissed and the offender may appeal the grievance immediately.

3. *Exception to Filing at Facility.* If the offender has received threats to his/her physical safety, well-being, or can establish that he/she would be in danger if the complaint would be known at the facility:
  - a) He/She may submit the complaint directly to the central office grievance appeal coordinator.
  - b) The offender may mark "special mail" on the envelope.
  - c) The central office grievance appeal coordinator will consult with department staff to determine if the complaint will be processed in central office or returned to the facility or to the offender to resubmit as a grievance for processing through the formal grievance procedure.
  - d) The assistant or deputy commissioner will respond to offender complaints directly submitted to the central office grievance appeal coordinator when it is determined that the offender's safety or well-being would be placed in danger if the complaint became known at the facility.
  - e) All decisions made on grievances processed by central office will be final. There will be no second level of appeal.

B. Appeal:

1. *Initiating a Grievance Appeal.* If the offender is not satisfied with the warden's/superintendent's or designee's response, the offender may submit an appeal (attached) to the central office grievance appeal coordinator within 15 working days of the date the warden/superintendent or designee signed the response.
  - a) The offender must submit the appeal form and one copy of the facility grievance and response. The appeal must not exceed the form and one additional 8½ X 11 inch page to state the complaint.
  - b) Supporting exhibits will be returned to the offender.
2. *Processing Grievance Appeals.* The central office grievance appeal coordinator will:
  - a) Log the grievance appeal into the database system.
  - b) Send the offender written notice of the date the grievance appeal was logged into the grievance database along with supporting exhibits.
  - c) Return grievance appeals that involve matters that combine multiple grievances into one appeal, are unclear, or have not gone through the formal grievance process.
  - d) Determine the appropriate method of investigating the grievance and submit the investigation results with recommendation to the appropriate assistant or deputy commissioner.
  - e) Process the decision of the assistant or deputy commissioner who will respond

to the appeal within 20 working days from the date the appeal was logged into the grievance database. The assistant or deputy commissioner may make a, one time only, 20 working day extensions provided the offender is notified of the extension within the first 20 working days.

- f) If the offender does not receive a decision within 20 working days of the date the grievance appeal was logged into the database or 40 working days if the offender received notice of an extension, the offender may consider the grievance appeal dismissed and the offender may report the matter to the Commissioner for a resolution.
- g) Once a grievance appeal has been resolved by the assistant or deputy commissioner or the Commissioner, there will be no further appeals.

D. Accommodations: Reasonable accommodations will be made for offenders who are disabled in a manner that interferes with communication, or are unable to speak or read the English language.

**REVIEW:** Annually

**REFERENCES:** ACA Standards 4-4016, 4-4284, 3-JTS-1A-21, 3-JTS-3D-09, 1-ABC-1A-15, 1-ABC-3D-08, 2-CO-1A-18, 3-3022.

**SUPERSESSSION:** Policy 303.100, "Offender/Staff Communication Grievance Procedure," 12/1/04. All facility policies, memos, or other communications whether verbal, written, or transmitted by electronic means regarding this topic.

**ATTACHMENTS:** Offender Grievance  
Grievance Appeal

/s/

Harley W. Nelson, Deputy Commissioner  
Community Services

Dennis L. Benson, Deputy Commissioner  
Facility Services

**Instructions**

303.100RW, "Offender/Staff Communication"