

ł

7

unsesterenter di zervicationezope

CERTIFIED INMATE GRIEVANCE PROCEDURE (IS 8-2.1)

The certified inmate grievance procedure implemented at your institution will provide you a method of presenting complaints and also gives staff the opportunity to resolve legitimate complaints. We encourage you to have informal discussions with your unit staff to resolve any complaints you may have. This procedure was certified by the United States Department of Justice on March 20, 1992. You are required to complete it prior to filing a lawsuit in the federal courts. The certified inmate grievance procedure consists of 4 stages:

1. INFORMAL RESOLUTION REQUEST (or IRR). If you have not been able to resolve your complaint, you may request an IRR form from unit staff. You must file this form within 15 days of the incident you are complaining about. You will receive a response within 30 days of receipt of your IRR by the staff processing IRRs. If you have not received a response within that time, you may request a Formal Grievance Form from the grievance officer. 2. FORMAL INMATE GRIEVANCE. If you are not satisfied with the response to your IRR, you will be given an Inmate Grievance Form which you must file within 5 Working Days of your review of the IRR response. If additional time is needed to prepare the grievance, you must request an Extension Waiver from the grievance officer within the five working day period. You will receive a response to your grievance within 30 days. If no response is received within that time you may request an Inmate Grievance Appeal form from the grievance officer.

3. INMATE GRIEVANCE APPEAL. If you are not satisfied with the response to your grievance you will be given an appeal form. You must file this form with the grievance officer within five working days from the date you sign the Inmate Grievance Response. If you fail to do so, the grievance officer will send you an abandonment notice, and the grievance will be terminated. If more time is needed, you must request an extension from the grievance officer within this time frame.

31

30

4. INMATE GRIEVANCE - SECOND AP-PEAL. If you state a desire to appeal, you will be given this appeal form to continue the grievance. Filing this appeal is considered a waiver of the 90 day limit on the grievance procedure. You will have 10 working days in which to file this appeal form. If you fail to file within that time, the grievance will be considered exhausted and no further action will be taken. An extension of the time may be requested from the grievance officer within that time period. Inmates who deliberately file improper or false grievances or an unreasonably high number of grievances may be limited as to the number of IRRs they may file. This limitation will be implemented by the superintendent. You may grieve any issue except: decisions of the Parole Board, actions of the state legislature and other agencies, actions in institutions to which you are not assigned unless those actions personally involve or affect you, judicial proceedings, conditions which affect another inmate without personally 'affecting you. Any further questions you may have concerning the grievance procedure may be addressed to the grievance officer.

SUMMARY

Each of you should remember that Institutional Services Policies and Procedures affecting inmate living conditions, programs, housing and work areas are available in the inmate library. In addition, all institutional standard operating procedures are also available in the library for your review.

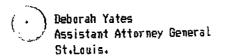
All inmates are expected to abide by all local, state and federal laws, as well as procedures developed by the department and division. Nothing in this rulebook prohibits prosecution for breaking any laws.

Nothing contained in this rulebook is intended to create a liberty interest protected by the United States Constitution.

Effective 11/1/92

,

33



T0:

DEPARTMENT OF CORRECTIONS 2729 Plaza Drive P.O. Box 236 Jefferson City, Missouri 65102

314 - 751 - 2389 TDD Available October 28, 1993 314-751-4099 (Fax)



...... Carnahan, Governor

Dora B. Schriro, Ed.D., Director

Institutional Services Manual Holders FROM: George A Lombardi, Director

Missou

Division of Adult Institutions R. Dale Riley, Director Division of Classification & Treatment

SUBJECT: Revision to Institutional Services Procedure

IS8-2.1 Inmate Grievance Procedure

Be advised that effective December 1, 1993, the following revision will be effective:

M. After receiving a response from the division director/designate, the inmate may consider the certified grievance procedure, pursuant to federal law, exhausted. However, if the inmate wishes further review, the inmate may appeal the decision to the department director. This appeal should be considered an automatic waiver of the 90 calendar day limitation of the certified grievance procedure. The inmate must wait until the Citizens Advisory Committee has made a recommendation and the legal counsel has responded to the inmate before the inmate may file a lawsuit. This appeal should not exceed 90 calendar days.

1. The inmate will submit an Inmate Grievance - Second Appeal form (Attachment K) to the grievance officer within 10 working days of the date of the response of the division director/designate. The grievance officer will log the appeal on the Inmate Grievance Log form, attach a Citizens Advisory Committee Recommendation form (Attachment L) and forward to the Legal Counsel.

These appeals should be reviewed by the Citizens Advisory 2. Committee. The assigned member of the Citizens Advisory Committee will inform the inmate that the grievance was received via the Citizens Advisory Committee Receipt - Inmate Grievance form (Attachment M). Citizens Advisory Committee members will make a recommendation to the Legal Counsel. The recommendation will not be provided to the inmate except as outlined in III. O. 2. of this procedure.

Please place this memorandum in your manual in front of IS8-2.1 Inmate Grievance Procedure.

> ★ ★ AN EQUAL OPPORTUNITY EMPLOYER ★ ★ Services provided on a Non-discriminatory basis AD EXCELLEUM CONAMUR * WE STRIVE TOWARDS EXCELLENCE

 $F_{X, +}$

DEPARTMENT OF CORRECTIONS ANF . IAN RESOURCES MISSO INSTITUTIONAL SERVICES POLICY AND PROCEDURE MANUAL PROCEDURE TITLE PROCEDURE NO. IS8-2.1 **Inmate Grievance Procedure** January 15, 1992 EFFECTIVE DATE APPROVAL: George A. Lombardi, Director R. Dale Riley, Director Division of Adult Institutions Division of Classification & Treatment Ι. PURPOSE: This procedure provides guidelines for inmates and staff to follow in processing inmate grievances.

A. AUTHORITY: 217.020, 217.025, 217.035, 217.040, 217.075, 217.155, 217.170, 217.175, 217.370 RSMo.; Title 42 USC (Section 1997)

B. APPLICABILITY: Each superintendent of any facility housing inmates under the jurisdiction of the Division of Adult Institutions and Division of Classification and Treatment will develop standard operating procedures based on the guidelines herein.

This procedure should be posted in areas of the institution accessible to all staff, and in areas accessible to all inmates. This procedure should be maintained on file in each institutional library. A 30 day time frame will be provided for comments by staff and inmates before implementation of each revision of this procedure. Comments must be in writing and submitted to the Administrative Analyst at Central Office.

II. DEFINITIONS:

A. Abandonment: Failure to file a formal grievance or appeal the superintendent's response to the division director within applicable time frames.

PROCEDURE NUMBER: IS8-2.1 PROCEDURE TITLE: () e Grievance Procedure

0

B. Calendar Day: All days except in those time frames specifically designated as working days in this procedure.

C. Emergency Grievance: A grievance concerning matters that, under regular time limits, would subject the inmate to a substantial risk of personal injury or cause other serious and irreparable harm to the inmate.

Page 2 of 14 pages

D. Exhaustion: Mandatory completion of the formal procedure at the division director's level, prior to filing a lawsuit, unless the inmate chooses to appeal to the department director.

E. Extension Waiver: An agreement by both parties to bypass the established time frame whenever the inmate or respondent requires additional time to prepare a grievance or response.

F. Formal Procedure: Certified process of obtaining administrative review of inmate complaints.

G. Grievance Officer: Employee assigned by the superintendent/designate to perform tasks set forth by this procedure.

H. Grievance Procedure Evaluation Committee: A group of people consisting of the Legal Counsel/assistant as chairperson, a member of the Citizen's Advisory Committee, the Grievance Coordinator, the Administrative Analyst, a representative of the Division of Adult Institutions selected by the division director, and a representative of the Division of Classification and Treatment selected by the division director.

I. Informal Resolution: Mandatory discussion of an inmate's complaint and written documentation of such between an inmate and appropriate staff prior to filing a grievance.

J. **Preliminary Review:** An initial review by an institutional grievance officer, without the inmate being present, to determine the course of action to be taken.

PROCEDURE NUMBER: IS8-2.1 PROCEDURE TITLE: (•)e Grievance Procedure

0

K. Waiver: Temporary surrender of the right to immediately file a federal lawsuit after the division director's response.

Page 3 of 13 pages

Ex.H.

L. Working Day: Monday through Friday except holidays.

III. PROCEDURES:

A. This procedure should be available to inmates in institutional libraries and to staff in the institutional policy and procedures manual. This procedure should be kept current at all times.

1. Each institution should ensure that the procedure is accessible to impaired and handicapped inmates.

2. Comments by staff or inmates should be sent to the Administrative Analyst at central office.

3. Each inmate should be entitled to use the grievance procedure unless limitations have been placed on the inmate as a result of abuse of the grievance procedure.

B. Each new inmate and staff member should be instructed on the grievance system to make all staff and inmates aware of how the procedure is used and what purpose it serves.

1. Inmates should receive training as part of the orientation program at the diagnostic centers.

2. Staff should receive training on the grievance procedure during basic training.

C. The Grievance Procedure Evaluation Committee should meet annually and evaluate the certified grievance process.

1. All comments from staff and inmates should be reviewed by the committee and appropriate action taken.

2. The committee will review all institutions' compliance with the procedure.

3. The procedure and/or any proposed changes will be reviewed.

PROCEDURE NUMBER: IS8-2.1 Page 4 of 14 pages PROCEDURE TITLE: • te Grievance Procedure •)

4. The committee should develop a report concerning comments submitted by staff and inmates, proposed revisions to the procedure, and attach a summary of any statistical information.

5. The report should be submitted to the department director and the division directors of Adult Institutions and Classification and Treatment.

D. No reprisals or disciplinary action should be taken against any inmate for good faith use or participation in the grievance procedure.

1. If an inmate feels that a reprisal has occurred, a grievance stating the alleged reprisal may be filed directly to the appropriate division director/designate.

2. While all inmates are encouraged to utilize this procedure for the redress of grievances, inmates must refrain from deliberately filing improper or false grievances or filing an unreasonably high number of grievances.

3. Unusual cases of abuse of the grievance procedure will be brought to the attention of the superintendent for appropriate action. Whenever an inmate files an unreasonably high number of grievances, continues to file on the same subject, files false or improper grievances, or, in any fashion continually abuses the procedure, the superintendent will review with the grievance officer, the documentation substantiating the abuse. A determination will be made as to whether that inmate should be limited on the number of grievances she/he may file. If a limitation is warranted, the inmate may first be issued a letter of caution by the superintendent advising her/him that if such actions continue it will be considered an abuse of the procedure and appropriate action will be taken. If the inmate continues to abuse the grievance procedure, she/he may be placed on a limitation whereby she/he will be permitted to file only two informal resolution requests and/or two grievances per week. This action should be reviewed by the superintendent on a monthly basis to determine if the inmate should remain on the limitation.

4. Informal Resolution Requests and Inmate Grievances are limited to one grievable issue per request or grievance and will not be expanded to include other issues at any stage of the review process.

5. Specific issues or incidents will be addressed only once by Informal Resolution Request or Inmate Grievance. Continuous filing of such will be considered abuse of the procedure and will be dealt with as stated in III. D. 3.

Fx.H.

PROCEDURE NUMBER: IS8-2.1 PROCEDURE TITLE:

te Grievance Procedure

Page 5 of 14 pages

E. Grievable Issues: Inmates may grieve all matters related to institutional life, except:

1. decisions of the Board of Probation and Parole;

2. actions of State Legislature or other agencies:

3. actions in institutions where the inmate does not reside, unless said actions personally involve or affect the inmate;

4. judicial proceedings;

5. conditions which affect another inmate without affecting the grieving inmate personally.

F. Remedies should be determined by the respondent with the goal of appropriately resolving legitimate claims. All remedies within the power of the superintendent or division director/designate should be available for the proper resolution of legitimate grievances.

G. When an inmate is transferred out of state, paroled, placed under house arrest or in a residential treatment facility, or is released from all jurisdiction of the department, the inmate is responsible for contacting the grievance officer, within applicable time frames, to continue a pending grievance.

Н. Informal Resolution Process

1. Prior to filing a grievance the inmate should file an Informal Resolution Request (Attachment A) with a unit staff member within 15 days of the alleged incident. The inmate will provide whatever material/information is available to her/him. The staff person receiving the Informal Resolution Request should review the request to ensure it is complete and accurate and within procedural guidelines. Only original Informal Resolution Request forms will be accepted. The unit staff person will immediately record receipt of the form on the Informal Resolution Request Log (Attachment B) and will record the Informal Resolution Request Log Number in the upper right hand corner of the Informal Resolution Request form.

a. The first set (00-00-00-000-00) will be the month received (01 for January and 12 for December.)

b. The second set (00-00-000-00) will be the date received (01 through 31). The date recorded should be the date the Informal Resolution Request was received by unit staff, not the date listed by the inmate.

Fx. H.

PROCEDURE TITLE: • (•)te Grievance Procedure

IS8-2.1

PROCEDURE NUMBER:

Page 6 of 14 pages

Ex.H.

c. The third set (00-00-00-00) will be the year received (90 for 1990).

d. The fourth set (00-00-00-000-00) will be the sequential number (001 for the first informal Resolution Request received that month, 055 for the 55th Informal Resolution Request). This set starts over with 001 with the first informal Resolution Request received each month.

e. The fifth set (00-00-000-000) will be the functional unit number (01 for unit 1, 05 for unit 5).

2. If the Informal Resolution Request contains an alleged incident of inmate abuse, the staff member should immediately contact the superintendent/ designate for appropriate action.

3. The staff person receiving the Informal Resolution Request should decide within 3 working days if the complaint should be handled as an emergency grievance. If a determination is made that it should be handled as an emergency, the staff member will immediately provide all information to the grievance officer.

a. The grievance officer should immediately refer the Informal Resolution Request to an official who is able to initiate immediate corrective steps, even if that official is the department director.

b. The official receiving an emergency Informal Resolution Request should respond to the inmate within seven calendar days.

c. If the inmate wishes to appeal the response, the inmate may forward the appeal to the next highest level, up to the department director.

d. All appeals must be processed within three working days.

e. All responses must be processed within three working days.

4. If not an emergency, the unit staff member receiving the complaint may interview the inmate within 10 days.

5. The unit staff member will investigate and develop a proposed response for the approval of the Functional Unit Manager or Classification & Treatment section head.

a. This proposal should be submitted in writing on a separate sheet of paper, signed by the investigating staff person and unit staff member and attached to the Informal Resolution Request.

b. If the Functional Unit Manager or Classification & Treatment f section head approves the proposed response, he/she will sign indicating approval and submit to the assistant superintendent/designate.

· le Grievance Procedure

IS8-2.1

PROCEDURE NUMBER:

PROCEDURE TITLE:

 \sim

Page 7 of 14 pages

c. Upon approval of the assistant superintendent/designate, the proposal will be returned to the unit, the response will be included on the Informal Resolution Request form, the Functional Unit Manager or Classification and Treatment section head will sign as respondent and the original will be given to the inmate within 30 calendar days of the date the Informal Resolution Request was filed.

6. The inmate will review the findings and recommendations in the presence of the unit staff member and indicate his/her response by marking either the satisfactory or unsatisfactory section of the Informal Resolution Request form.

7. Upon completion, the original Informal Resolution Request and all investigative materials will be maintained in the individual Informal Resolution Request file. The inmate will be given a copy of the Informal Resolution Request form. Notation will be made in the chronological of the classification file including the Informal Resolution Request number.

8. If the informal resolution process has not been resolved within 30 days, or the inmate is not satisfied with the response, the inmate may initiate the grievance procedure.

9. A Monthly Informal Resolution Request file will be maintained including all Informal Resolution Requests submitted during each month. If the inmate chooses to grieve, the Informal Resolution Request material will be transferred to the grievance officer for formulation of a grievance file.

10. Each unit will prepare a Monthly Informal Resolution Request Report following the format (Attachment C), indicating the number of informal resolutions filed in that unit for that month and the status of each, as well as any other relevant information. This report will be submitted, along with a copy of the monthly Informal Resolution Request Log, to the grievance officer no later than the fifth day of the following month. The grievance officer will compile the Monthly Informal Resolution Request Reports into a single monthly summary report utilizing the same format. The summary report will be routed to the superintendent/designate no later than the tenth day of the month. The report will be returned to the grievance officer for filing.

11. Requests for Informal Resolution that are pending on an inmate who is transferred will be forwarded to the grievance officer and notation will be made on the Informal Resolution Request Log. If the inmate wishes to pursue the complaint, the inmate will be responsible for filing a grievance at the receiving institution.

Ex.H.

PROCEDURE NUMBER: IS 1 PROCEDURE TITLE: IN e Grievance Procedure

I. Grievance Process: The maximum period between receipt of a grievance and final appeal response should not exceed 90 calendar days unless the inmate agrees in writing to an extension. Upon expiration of a time limit the grievance will be abandoned/exhausted at the last completed step unless the time limit is extended as indicated in this procedure. The grievance officer will be responsible for monitoring logs and ensuring time frames are adhered to. If it becomes apparent that an extension is needed, the grievance officer will automatically request an extension of time via the Grievance Extension Report format (Attachment D).

1. Inmates wishing to file a grievance against an institution from which the inmate was transferred shall bypass the Informal Resolution Request process and proceed by filing a Grievance.

a. The grievance officer of the institution where the inmate is residing will send the form to the appropriate institution's grievance officer for processing and response and will not take any action or maintain any files on the grievance.

b. A copy of the grievance may be maintained for general information purposes only.

•<u>•</u>•

 After completing the Informal Resolution Request process, if the inmate is not satisfied, he/she may obtain an Inmate Grievance form (Attachment
 E) from designated staff within the institution, complete the form, attach a copy of the completed Informal Resolution Request form and file it with the grievance.

3. Grievances must be filed within five working days after completion of the Informal Resolution Request.

a. The grievance officer may, however, grant additional time for filing a grievance if, in the grievance officer's opinion, it is necessary to achieve the goals of the grievance procedure.

b. If extension is recommended by staff, the grievance officer will note the extension and reason on a report following the Grievance Extension Report format which should be attached to the Inmate Grievance form.

4. The grievance officer should provide any inmate with an Inmate Grievance form and assist or arrange for assistance for those inmates who cannot complete the forms themselves.

Ex.H

5. A Grievance Log (Attachment F) should be maintained by the grievance officer. Upon receipt, each grievance will be issued a number and

PROCEDURE NUMBER: PROCEDURE TITLE:

1991)

Page 9 of 14 pages

information will be noted on the log, including the date received. The grievance numbering system should be as follows:

a. The first set (00-00-000) will indicate the institution identification number (JCCC - 01, ACC - 03, etc.).

é Grievance Procedure

b. The second set $(00-\underline{00}-000)$ will indicate the year (91 for

c. The third set (00-00-000) will be the sequential number which will revert back to zero at the beginning of each new calendar year (the first grievance filed at the beginning of the year will be 001).

d. One of the following category numbers should be indicated on the Grievance Log as determined by the grievance officer:

- 1) classification
- 2) privileges
- 3) due process
- 4) harassment
- 5) medical
- 6) property
- 7) physical abuse
- 8) other.

6. Within 7 calendar days, the grievance officer should accomplish the following:

a. Prepare a grievance file containing the Informal Resolution Request form and materials and all other available information and documents pertinent to the grievance.

b. Conduct a preliminary review of the grievance and determine which of the following actions should be taken.

- 1) make an immediate recommendation to the superintendent
- 2) determine if further investigation is needed
- 3) determine if a Grievance Committee Hearing is warranted

Fx. H

4) if Classification & Treatment is involved, send to

appropriate staff for response

c. Upon completion of the preliminary review, if a Grievance Committee Hearing is not needed, the grievance officer should prepare a suggested response using the Recommended Superintendent's Response format (Attachment G).

PROCEDURE NUMBER: IS 1 PROCEDURE TITLE: In e Grievance Procedure

The suggested response will be attached to the Inmate Grievance form and, along with all investigative materials, should be submitted to the superintendent/designate who will approve, modify or disapprove.

d. In conjunction with the superintendent, if needed, establish the Grievance Committee membership. If the grievance is of a medical, mental health or educational nature, the supervisor/designate of that area should be a member of the Grievance Committee.

1) The grievance officer will establish a hearing date and notify the inmate of the date, place and time of the hearing using the Inmate Grievance Hearing Notification format (Attachment H).

7. The grievance officer should call witnesses available and necessary to the charge being reviewed, but need not call witnesses with repetitive information.

J. Grievance Committee:

1. For grievances concerning the application of general institutional procedures, practices or conditions that affect a majority of inmates, which requires a Grievance Committee Hearing, the superintendent shall appoint an inmate to the committee to act in an advisory capacity. If the grieving inmate objects, no inmate will be appointed.

2. An inmate may request that an inmate be designated by the superintendent to be present in an advisory capacity at the Grievance Committee hearing of his/her grievance. No inmate should be made to act as an advisor at a Grievance Committee Hearing against his/her will.

3. If more than one inmate files a grievance concerning the application of general institutional procedures, practices or conditions, the Grievance Committee may process these grievances as a group and prepare the same response to each grievance.

4. No employee or inmate, except the inmate grievant, who appears to be involved in the matters grieved, should participate in any capacity in the resolution of the grievance, except when the grievance is part of a consolidated class of grievances or touches upon matters involving large numbers of employees. Involved employees may then sit on the committee.

Fx.H.

PROCEDURE NUMBER: IS 1 PROCEDURE TITLE: In Grievance Procedure

5. The Grievance Committee may obtain written statements from witnesses requested by the inmate rather than having them appear in person and may call other witnesses.

6. The inmate may testify except when the grievance is consolidated with other grievances, at which time the Grievance Committee may call one or more selected grievants at its discretion.

7. The Grievance Committee will develop a suggested response using the Recommended Superintendent's Response format. The suggested response will be attached to the Inmate Grievance form and, along with all investigative materials, should be submitted to the superintendent/designate who will approve, modify or disapprove.

8. The superintendent/designate will respond to grievances within 30 calendar days of receipt unless an extension of time is needed.

a. If an extension of time is needed, notification using the Grievance Extension Report format will be sent to the inmate. If the inmate refuses to agree to the extension and the time frame is passed without a response, the inmate may accept the last response to his grievance or may appeal.

b. When finalized for return to the inmate, the superintendent/designate will sign the form. If the response concerns medical, mental health or education, the appropriate section head/designate will also sign the form.

K. If the inmate wishes to appeal, the inmate must submit an Inmate Grievance Appeal form (Attachment I) to the grievance officer within 5 working days. Appeals for the Fulton Reception and Diagnostic Center, and those pertaining to medical, mental health or education will be forwarded to the Director/Designate of the Division of Classification and Treatment. All other appeals will be referred to the Director/Designate of the Division of Adult Institutions.

1. The grievance officer will log the appeal on the Grievance Log.

2. Upon receipt of an appeal, the division director/designate may investigate, rehear or remand the grievance for further consideration.

3. The division director/designate will respond to the inmate on the Inmate Grievance Appeal form within 30 calendar days of the date of receipt of the appeal.

Ex. H.

Page 11 of 14 pages

PROCEDURE NUMBER: IS0-2.1 PROCEDURE TITLE: I Grievance Procedure

4. If an extension of time is needed, the Grievance Extension Report format will be sent to the grievance officer for delivery to the inmate. If the inmate refuses to agree to the extension and the time frame expires, the inmate may accept the last response to his grievance or may appeal.

L. If the inmate fails to file an appeal to the division director within the time allotted, the grievance officer may abandon the grievance and will notify the inmate in writing following the Abandonment of Grievance format (Attachment J).

M. After receiving a response from the division director/designate, the inmate may consider the certified grievance procedure, pursuant to federal law, exhausted. However, if the inmate wishes further review, the inmate may appeal the decision to the department director. This appeal should be considered an automatic waiver of the 90 calendar day limitation of the certified grievance procedure. The inmate must wait until the Citizens Advisory Committee has made a recommendation and the department director has responded to the inmate before the inmate may file a lawsuit. This appeal should not exceed 90 calendar days.

1. The inmate will submit an Inmate Grievance - Second Appeal form (Attachment K) to the grievance officer within 10 working days of the date of the response of the division director/designate. The grievance officer will log the appeal on the Inmate Grievance Log form, attach a Citizens Advisory Committee Recommendation form (Attachment L) and forward to the department director. 2. These appeals should be reviewed by the Citizens Advisory Committee. The assigned member of the Citizens Advisory Committee will inform the inmate that the grievance was received via the Citizens Advisory Committee Receipt - Inmate Grievance form (Attachment M). Citizens Advisory Committee members will make a recommendation to the department director. The recommendation will not be provided to the inmate except as outlined in III. O. 2. of this procedure.

N. The grievance officer should complete and submit a copy of the Monthly Grievance Report format (Attachment N) at the end of each month to the division director/designate via the superintendent. The original should be maintained on file by the grievance officer.

Ex.H.

PROCEDURE NUMBER: PROCEDURE TITLE:

0. File Maintenance and Confidentiality:

1. Monthly Informal Resolution Request files will be maintained for two years.

e Grievance Procedure

Page 13 of 14 pages

2. Grievance files should be generated in anticipation of litigation. Grievance files and material therein should be confidential and should not be distributed to the inmate except at the direction of the division director/designate or department director or pursuant to a court order. However, consistent with ensuring confidentiality and security, staff who are participating in the disposition of a grievance should have access to records essential to the resolution of the grievance.

a. All documents related to a formal grievance, including all relevant reports, requests, statements, or any other pertinent evidence should be maintained in a file assigned to that grievance.

b. Grievance files should be maintained for a minimum of five years.

P. Grievance Response:

1. Each grievance should be answered in writing at each level of decision and review. The response should state the reason the decision was reached and the forms should include a statement that the inmate is entitled to further review, if appropriate, and should contain simple directions for obtaining such review.

2: When the person who would normally sign as respondent at the institution level is specifically grieved against for a personal action directly against that inmate, the signing respondent should be that person's supervisor. Appeals will then be responded to and signed by the respondent's supervisor as appropriate. Personal action does not include normal and customary actions performed as a result of official duties (i.e., conduct violation review, classification assignments, etc.)

R. At the end of each month, the grievance officer should prepare documentation following the Formal Grievance File - Department of Justice format (Attachment O).

Fr. H

PROCEDURE NUMBER: 72.1 PROCEDURE TITLE: 72.1

Ate Grievance Procedure

Page 14 of 14 pages

Fr.H

1. The superintendent/designate should randomly select one grievance each month from each level of review accepted and appealed to be submitted to the Department of Justice as samples. These samples should include dispositions.

2. Ten samples of extension requests, if any, should also be included as evidence of compliance.

IV. REFERENCE:

A. None

V. ATTACHMENT SUMMARY:

A. Informal Resolution Request

B. Informal Resolution Request Log

C. Informal Resolution Request Report format

D. Inmate Grievance

E. Grievance Extension Report format

F. Inmate Grievance Log

G. Recommended Superintendent's Response format

H. Inmate Grievance Hearing Notification format

I. Inmate Grievance Appeal

J. Abandonment of Grievance format

K. Inmate Grievance - Second Appeal

L. Citizens Advisory Committee Recommendation

M. Citizens Advisory Committee Receipt

N. Monthly Grievance Report format

0. Formal Grievance File - Department of Justice format

VI. HISTORY: Previously addressed in Division Rule 116.040 Inmate Grievance
Procedure; Original rule effective: November 1, 1980. Revised: 11-1-1981,
3-1-1988, 6-7-1988, 10-17-1989, 4-2-1990, 5-1-1990, 6-1-1990, 7-9-1990, 8-1-1990,
9-4-1990, 10-1-1990

A. Original Procedure Effective: October 1, 1991B. Revised Procedure Effective: January 15, 1992