



STATE OF WYOMING
DEPARTMENT OF CORRECTIONS

ADMINISTRATIVE
REGULATIONS

NUMBER

2.501

PAGE NUMBER

1 OF 9

SUBJECT: Inmate Grievance
Procedure

I. PURPOSE:

To establish a uniform grievance procedure among all state penal institutions in Wyoming which conforms to federal standards, for informal and formal administrative resolution of inmate complaints.

II. GENERAL:

A. Statutory and Regulatory References

1. Civil Rights of Institutionalized Persons Act, Pub. L. 96-247, 94 Stat. 399 (42 U.S.C. § 1997)
2. Title 28, Code of Federal Regulations, Part 40
3. Department of Justice Information Handbook for certification of inmate grievance procedures pursuant to the Civil Rights of Institutionalized Persons Act (April 14, 1992)

B. Definitions

1. DOC - Wyoming Department of Corrections
2. Director - Director of the Wyoming Department of Corrections.
3. State Penal Institution -
 - a. Wyoming State Penitentiary
 - b. Wyoming Women's Center
 - c. Wyoming Honor Farm
 - d. Wyoming Honor Conservation Camp
 - e. Adult Community Corrections Facilities
4. Chief Executive Officer -
 - a. Warden, WSP
 - b. Warden, WWC
 - c. Superintendent, WHF
 - d. Superintendent, WHCC
 - e. Director, ACC facility
5. Inmate - Individual incarcerated in a state penal institution, including residential offenders sentenced to adult community corrections facilities as a condition of probation.

STATE OF WYOMING DEPARTMENT OF CORRECTIONS	A.R. No. 2.501	SUBJECT: Inmate Grievance Procedure	PAGE 2 OF 9
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II. GENERAL: (Continued)

B. Definitions (Continued)

6. **Policy** - A written institutional policy, procedure, regulation, rule or standard which personally affects a grievant.
7. **Practice** - A course of action or conduct which, although not written, is generally recognized and applied within the institution as the standard operating procedure for equal application among inmates in similar circumstances and which personally affects a grievant. An isolated course of action or conduct which is applied only to the grievant and not to the general inmate population is not a "practice" within the meaning of this rule.
8. **Challenge to a policy or practice** - A grievance that complains that a policy or practice on its face or as generally applied is unfair, illegal or unconstitutional. Not a grievance that complains simply that the policy or practice, which is otherwise unobjectionable, was unfairly or improperly applied in a specific instance.
9. **Emergency Grievance** - A grievance involving a problem which results from an unforeseen combination of circumstances or the resulting state and which calls for immediate action. If disposition of the grievance according to the regular time limits would subject the inmate to a substantial risk of personal injury, or cause other serious or irreparable harm to the inmate, it will be considered an emergency.
10. **Frivolous Grievance** - Any grievance that the inmate knows or reasonably should know is without merit, is irresponsible, or has no rational basis in fact or law; written in bad faith.
11. **Malicious Grievance** - Any grievance in which the inmate willfully falsifies information with the intent to vex, annoy, slander, or injure an institutional employee, inmate, or any other person.

III. PROCEDURES:

A. Certification of Procedure

1. Federal Certification Process

- a. **A copy of a draft procedure and the pertinent federal regulations will be sent to each chief executive officer and each U.S. District Court Judge and Magistrate in Wyoming by DOC central office. A copy of the DOC Inmate Grievance Procedure is attached hereto as Appendix "A".**

STATE OF WYOMING DEPARTMENT OF CORRECTIONS	A.R. No. 2.501	SUBJECT: Inmate Grievance Procedure	PAGE 3 OF 9
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III. PROCEDURES: (Continued)

A. Certification of Procedure (Continued)

b. Upon receipt, chief executive officers will post copies of the draft procedure and accompanying federal regulations in common areas so that they are available for review by all inmates and employees. Additional copies shall be made available in institutional libraries or other predominant places accessible to all inmates and staff. Provisions will be made so that inmates not having access to common areas are notified of and given the opportunity to review the draft procedure. Posted draft procedures and regulations will be accompanied by a conspicuous notice containing the following information:

- i. Notice that the inmate grievance procedure has been designed to bring it in line with federal standards contained in the Civil Rights of Institutionalized Persons Act (CRIPA) of 1980.
- ii. The location of copies of the draft procedure and federal regulations for inmate/employee review.
- iii. An invitation for inmates and employees to provide written comments regarding the procedure to chief executive officers. Additionally, inmates and employees will be advised that they may direct comments to the certifying agency at the following address:

National Inmate Appeals Administrator
Federal Bureau of Prisons
320 First Street, N.W.
Washington, D.C. 20534

- iv. A deadline for submission of written comments no later than twenty-one (21) days after the date of posting the notice.

A copy of a form notice containing the above requirement is attached hereto as Appendix "B".

The DOC shall also request review and comments by U.S. District Court Judges and Magistrates, and chief executive officers.

- c. Upon termination of the review period, each chief executive officer shall send the following materials to the DOC central office:
 - i. A copy of the notice which was posted as described above.
 - ii. A description of the locations and dates in which the notice and draft procedures were posted, and any special means used to provide the opportunity for review and comments to those inmates without access to common areas.

STATE OF WYOMING DEPARTMENT OF CORRECTIONS	A.R. No. 2.501	SUBJECT: Inmate Grievance Procedure	PAGE 4 OF 9
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III. PROCEDURES: (Continued)

A. Certification of Procedure (Continued)

- iii. All written comments which are received from inmates and employees pursuant to the notice.
 - iv. A list of the names of inmates and employees selected to serve as members of the "Grievance Review Committee".
 - v. A description of the manner in which the final procedure will be distributed/made available to inmates and employees.
 - vi. A description of the oral explanation of the procedure which will be given to inmates and employees and a description of the circumstances under which such oral explanation will be delivered.
- d. At the termination of the review period, the DOC central office will take the following steps:
- i. Review and consider all comments and incorporate desired changes into draft procedure.
 - ii. Submit an application for certification to the U.S. Department of Justice, Federal Bureau of Prisons.
- e. The application submitted by the DOC shall include the following information:
- i. Description of institutions covered by the procedure.
 - ii. Evidence of implementation, including final procedure and documents submitted by chief executive officers pursuant to paragraph 3 above.
 - iii. Copies of standard grievance and appeal forms.
 - iv. A plan for collecting information on the number and types of complaints during the following year, disposition of the grievances, compliance with time limits, and inmate and employee involvement in the formulation, implementation and operation of the procedure.
 - v. Description of steps to ensure confidentiality of grievance records.
 - vi. A description of plans for periodic evaluation of the procedure.

<p align="center">STATE OF WYOMING DEPARTMENT OF CORRECTIONS</p>	<p align="center">A.R. No. 2.501</p>	<p align="center">SUBJECT: Inmate Grievance Procedure</p>	<p align="center">PAGE 5 OF 9</p>
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III. PROCEDURES: (Continued)

B. Implementation of Procedure

1. Institutional Implementation

During the federal certification process, and until certification is received, existing grievance procedures at all penal institutions shall remain in full force and effect.

Upon federal certification of the DOC Inmate Grievance Procedures, each chief executive officer shall develop internal institutional policy and procedure, through operating memoranda, to accomplish the following steps:

- a. Repealment of existing procedures and dissemination and availability of the DOC Inmate Grievance Procedure publication to inmates;
- b. Selection and appointment of informal and formal grievance officers, committee members, and any other officials deemed necessary to carry out this procedure; and
- c. Detailed procedures as needed to implement the general requirements of this procedure, including, but not limited to, the following:
 - i. Inmate and staff training.
 - ii. Document control and record keeping.
 - iii. Any other matter deemed by the chief executive officer to be in furtherance of the purpose of the Inmate Grievance Procedure.

C. General Guidelines for Operation of Grievance Procedures

1. Communication of Procedure

Chief executive officers shall ensure that every inmate and employee has ready access to the grievance procedure. This may be accomplished, at the chief executive officer's discretion, either by providing each inmate and employee with a copy, by insertion into Inmate Rules Handbooks, or by maintaining copies in inmate libraries, on bulletin boards, and in policy manuals accessible to staff.

At this time, the procedure will only be available in the English language. If at any time a significant portion of the population in an institution is non-English speaking, the procedure will also be made available in the predominant foreign language.

Upon arrival at an institution, each inmate will be provided either a written summary of the procedure or a copy of the complete procedure. Additionally, each newly-arrived inmate shall receive an oral description of the procedure.

STATE OF WYOMING DEPARTMENT OF CORRECTIONS	A.R. No. 2.501	SUBJECT: Inmate Grievance Procedure	PAGE 6 OF 9
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III. PROCEDURES: (Continued)

C. General Guidelines for Operation of Grievance Procedures (Continued)

Inmates who need assistance reading and/or understanding the procedure because they do not speak English, because they are impaired or handicapped, or for any other reason, shall be afforded assistance by their assigned counselor or case manager, who may arrange for further assistance as indicated.

2. Accessibility

The grievance procedure is available to each inmate regardless of any disciplinary, classification, or other administrative or legislative decision affecting the inmate. Although such access may never be totally restricted, inmates' access to the procedure may be limited if they are found to have abused the procedure. Impaired or handicapped inmates needing assistance in utilizing the procedure shall obtain needed assistance from their assigned counselor or case manager unless the counselor or case manager is the subject of the complaint, in which case, any needed assistance shall be provided by the inmate's unit supervisor.

3. Applicability

a. The grievance procedure may be utilized to complain about a broad range of matters, so long as the issue affects the complainant personally. Grievable issues include, but are not limited to, the following:

- i. Policies, practices and conditions within the jurisdiction of the institution and the DOC;
- ii. actions by employees and inmates; and
- iii. other incidents occurring within the institution.

b. The grievance procedure may not be utilized to complain of:

- i. disciplinary proceedings and decisions;
- ii. classification proceedings and decisions; and
- iii. decisions and procedures of the Board of Parole, the Courts, or other non-DOC agencies.

4. Remedies

The grievance procedure will afford a successful grievant a meaningful remedy to include, but not be limited to, modification of institutional policy or practice, restoration of or restitution for personal property, the discipline of or other corrective action for employees who willfully or unknowingly violate institutional policy, the assurance that deprivation of necessary care or other abuse will not recur, and such other remedies that will meaningfully solve the problem

presented.

STATE OF WYOMING DEPARTMENT OF CORRECTIONS	A.R. No. 2.501	SUBJECT: Inmate Grievance Procedure	PAGE 7 OF 9
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III. PROCEDURES: (Continued)

C. General Guidelines for Operation of Grievance Procedures (Continued)

5. Grievance and Appeal Forms

Grievances and appeals under this procedure may only be initiated by use of DOC forms DOC FR G-1 and DOC FR G-2, attached hereto as appendix "C". Forms shall be made readily available from inmates' counselors, case managers and supervisors. Counselors, case managers and supervisors or other staff shall render any requested assistance to inmates who are unable to complete forms by themselves. Grievances or appeals not utilizing standard forms shall be returned to the grievant with instructions to use appropriate forms.

6. Grievance Review Committee

a. A committee comprised of staff and inmates shall be established to provide advisory input on grievances that challenge general policy and practices. The chief executive officer or the grievance officer assigned to investigate and answer written grievances shall identify grievances that challenge general policy and practices and shall forward copies of such grievances to the committee for its review. The committee shall meet within the time required for response to a grievance under this procedure, and shall prepare a report of its determination of the questions presented, including individual views of each member and the consensus determination of a majority of the committee. The report shall be forwarded to the responsible grievance officer for consideration prior to initial adjudication of the grievance, within the time limit for response to grievances.

i. Inmates shall not participate in the grievance resolution process if the grievant objects thereto.

ii. The committee shall be known as the "grievance review committee".

iii. The committee shall be made up of inmates and institutional employees in numbers determined by the chief executive officer.

iv. Members shall be appointed in writing by the chief executive officer, and shall serve for terms designated by the chief executive officer.

b. Employee and Inmate review of effectiveness of grievance procedure.

Chief executive officers shall post permanent notices on inmate and employee bulletin boards inviting comments on the effectiveness and credibility of the grievance procedure. Such comments shall be directed

to the Director, DOC, and shall be reviewed thereby as part of the regular evaluation of the procedure.

A copy of a form notice which shall be used for this purpose is attached hereto as Appendix "D".

STATE OF WYOMING DEPARTMENT OF CORRECTIONS	A.R. No. 2.501	SUBJECT: Inmate Grievance Procedure	PAGE 8 OF 9
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III. PROCEDURES: (Continued)

C. General Guidelines for Operation of Grievance Procedures (Continued)

7. Conflicts of Interest

No inmate or employee who appears to be involved in a matter shall participate in any capacity in the investigation or resolution of a grievance concerning that matter.

8. Reasoned, Written Responses

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

9. Fixed Time Limits

All grievances must be processed within the time limits fixed herein, unless a grievant agrees, in writing, to an enlargement of time for a fixed period. Expiration of a time limit at any stage of the process shall entitle the grievant, at the grievant's option, to move to the next stage of the process, unless the grievant has agreed, in writing, to an extension of the time for response.

10. Review Independent from Institutions

All appeals under this procedure shall be to the Director, DOC, and shall be allowed and conducted without influence or interference by administrators or employees of the institution.

11. Reprisals

Action or threats of action against inmates for good faith use of or good faith participation in the grievance procedure are prohibited, and such actions or threats shall constitute a basis for an additional grievance.

12. Abuse of the Grievance System through Frivolous and Malicious Grievances

Any grievance which the inmate knows or reasonably should know is without merit, is irresponsible, or has no basis in fact or law and is written in bad faith, or any grievance in which the inmate willfully falsifies information with the intent to vex, annoy, slander, or injure staff, inmates or any other person, shall be considered an abuse of the grievance system.

Although access to the grievance procedure may not be barred to inmates found to have filed frivolous or malicious grievances, such a finding may be a basis for limiting the access of such inmates to the procedure.

STATE OF WYOMING DEPARTMENT OF CORRECTIONS	A.R. No. 2.501	SUBJECT: Inmate Grievance Procedure	PAGE 9 OF 9
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III. PROCEDURES: (Continued)

C. General Guidelines for Operation of Grievance Procedures (Continued)

13. Maintenance of Records

All documents related to the individual filing and disposition of grievances shall be maintained by the institution and, in cases of appeals, by the DOC central office for a period of three years. Each institution shall prepare and maintain an aggregate record regarding the numbers, types and dispositions of grievances. Such will be forwarded to DOC Central Office as an annual report by a date to be established by Central Office.

14. Confidentiality

All records concerning an individual's participation in the grievance procedure shall be considered and treated as confidential, and shall not be released to other inmates, the general public, or any other non-criminal justice agency or individual. Such records shall be maintained in secure areas not available to inspection by inmates, the general public, or any other non-criminal justice agency or individual.

15. Periodic Evaluation of the Procedure

On the first anniversary date of DOJ certification of this procedure, and every year thereafter, the Director, DOC, or the Director's designee shall investigate, review and evaluate the effectiveness and credibility of the grievance procedure. Materials to be considered include, but are not limited to, review of a representative sample of documents related to the individual filing and disposition of grievances at each institution and appeals thereof in the previous year, review of any comments submitted by inmates/employees in the previous year, and review of aggregate reports prepared by institutions (see paragraph 13 above) regarding the numbers, types and dispositions of grievances in the previous year. The Director/designee shall prepare a concise report discussing the credibility/effectiveness of the procedure, which report shall be forwarded to certifying officials.

Judith Uphoff, Director
Wyoming Department of Corrections

Effective Date

Comments:

DEPARTMENT OF CORRECTIONS INMATE GRIEVANCE PROCEDURE

The DOC inmate grievance procedure provides each inmate who is incarcerated in a DOC penal institution with the opportunity for review and resolution of problems, grievances and complaints which relate to their imprisonment.

The procedure consists of three levels: informal, formal, and appeal. Each grievant is required to attempt to resolve a grievance at the lowest level possible before advancing to the next level.

This procedure is intended to resolve valid and justified grievances without involvement of the courts. It also provides the courts with a written record of the grievance and administrative action taken, if the matter should reach the courts. Accordingly, the courts may require evidence that administrative remedies have been exhausted prior to proceeding in an action brought under 42 USC §1983.

The availability of this procedure does not prohibit inmates from writing to DOC officials, the Governor, the Attorney General, or any other official. However, letters to state officials regarding grievable issues may be responded to with instructions to utilize the grievance procedure if the inmate has not done so beforehand.

A. DEFINITIONS

1. DOC - Wyoming Department of Corrections
2. Director - Director of the Wyoming Department of Corrections.
3. State Penal Institution -
 - a. Wyoming State Penitentiary
 - b. Wyoming Women's Center
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 - e. Adult Community Corrections Facilities
4. Chief Executive Officer -
 - a. Warden, WSP
 - b. Warden, WWC
 - c. Superintendent, WHF
 - d. Superintendent, WHCC
 - c. Director, ACC facility
5. Inmate - Individual incarcerated in a state penal institution, including residential offenders sentenced to adult community corrections facilities as a condition of probation.
6. Policy - A written institutional policy, procedure, regulation, rule or standard which personally affects a grievant.
7. Practice - A course of action or conduct which, although not written, is generally recognized and applied within the institution as the standard operating procedure for equal application among inmates in similar circumstances and which personally affects a grievant. An isolated course of action or conduct which is applied only to the grievant and not to the general inmate population is not a "practice" within the meaning of this rule.

8. **Challenge to a policy or practice - A grievance that complains that a policy or practice on its face or as generally applied is unfair, illegal or unconstitutional. Not a grievance that complains simply that the policy or practice, which is otherwise unobjectionable, was unfairly or improperly applied in a specific instance.**
9. **Emergency Grievance - A grievance involving a problem which results from an unforeseen combination of circumstances or the resulting state and which calls for immediate action. If disposition of the grievance according to the regular time limits would subject the inmate to a substantial risk of personal injury, or cause other serious or irreparable harm to the inmate, it will be considered an emergency.**
10. **Frivolous Grievance - Any grievance that the inmate knows or reasonably should know is without merit, is irresponsible, or has no rational basis in fact or law; written in bad faith.**
11. **Malicious Grievance - Any grievance in which the inmate willfully falsifies information with the intent to vex, annoy, slander, or injure an institutional employee, inmate, or any other person.**

B. STATEMENT OF GENERAL POLICY

1. Communication of Procedure

Every inmate shall have ready access to the grievance procedure. Assistance will be provided to any inmate who, for any reason, cannot read and understand the grievance procedure as written.

2. Accessibility

An inmate's access to the grievance procedure will not be limited as a result of any disciplinary, classification, or other administrative or legal decision affecting the inmate. However, access may be limited for an inmate who is found to have filed frivolous or malicious grievances. Counselors, case managers or unit supervisors will provide any needed assistance to ensure access to impaired or handicapped inmates.

3. Applicability

a. The grievance procedure may be used to complain about a broad range of matters, so long as the issue affects the complainant personally. Grievable issues include, but are not limited to, the following:

- i. Policies, practices and conditions within the jurisdiction of the institution and the DOC;
- ii. actions by employees and inmates; and
- iii. other incidents occurring within the institution.

b. The grievance procedure may not be utilized to complain of:

- i. disciplinary proceedings and decisions;
- ii. classification proceedings and decisions; and
- iii. decisions and procedures of the Board of Parole, the Courts, or other non-DOC agencies.

4. **Remedies**

Valid and justified grievances will receive a meaningful remedy reasonably necessary to correct the problem complained of.

5. **Grievance and Appeal Forms**

Grievances and Appeals must be submitted on forms available from counselors, case managers and supervisors. Grievances or appeals not utilizing standard forms shall be returned to the grievant with instructions to use appropriate forms.

6. **Inmate and Employee Input into the Grievance Procedure**

a. **Grievance Review Committee**

A committee composed of inmate and institutional employee representatives shall review and provide advisory input to decision-makers regarding grievances that challenge institutional policy or practices, unless the grievant objects to inmate participation.

b. **Employee and Inmate Review of Effectiveness and Credibility of Procedure.**

Inmates and institutional employees are invited and encouraged to submit written comments regarding the effectiveness and credibility of the grievance procedure at any time. Comments may be submitted to the chief executive officer or to the director.

7. **Conflicts of Interest**

No inmate or employee who appears to be involved in a matter shall participate in any capacity in the investigation or resolution of a grievance concerning that matter.

8. **Fixed Time Limits**

If a grievant does not receive a written response to a grievance within the time limits fixed by this procedure, the grievant may, at the grievant's option, proceed to the next level of review. If a grievant does not submit a matter for resolution within the time limits established for each level of review, the matter may be dismissed.

9. **Reprisals**

Actions or threats of action against inmates for good faith use of or good faith participation in the grievance procedure are prohibited, and such actions or threats shall constitute a basis for an additional grievance.

10. **Abuse of the Grievance System through Frivolous and Malicious Grievance**

Access to the grievance procedure may be limited for inmates who are found to have filed a frivolous or malicious grievance.

11. **Confidentiality**

All information related to an inmate's participation in the grievance procedure shall be considered and treated as confidential and shall not be released to other inmates over the grievant's objection, to the general public, or to any other non-criminal justice agency or individual.

Envelopes containing formal grievances for transmittal to the chief executive officer shall be sealed and clearly marked "GRIEVANCE" and "CONFIDENTIAL" and may only be opened by the chief executive officer or the officer's designee. Any opening, diversion, destruction or other tampering with an envelope so marked, by any individual other than the chief executive officer or the officer's designee, shall constitute grounds for disciplinary action.

C. PROCEDURE FOR FILING A GRIEVANCE

1. Informal Grievance

- a. Within seven (7) calendar days after the problem occurs, the grievant shall attempt to resolve the problem by talking with an informal grievance officer. Informal grievance officers will be designated by the chief executive officer.
- b. The informal grievance officer will perform any investigation deemed necessary to determine the basis of the problem.
- c. Within three (3) working days after discussing the problem with the grievant, the informal grievance officer shall provide a brief written report of the matter to the inmate and the chief executive officer. The report shall contain a brief statement of the problem, pertinent facts and a summary of the attempt made to informally resolve the problem.
- d. If the grievant is not satisfied that the problem has been resolved at the informal level, he/she may file a formal written grievance.

2. Formal Grievance

- a. After attempting to resolve a problem at the informal level, a grievant may file a formal, written grievance. A grievance form may be obtained from a counselor, case manager or supervisor, and those persons will provide any needed assistance in filling out the form.
- b. The grievance should be explained in writing on the form. Written grievances which are not on standard forms provided shall be returned with instructions to resubmit in proper form. Inmates are required to provide the following information:
 - i. A clear statement of the problem.
 - ii. A description of the inmate's efforts to resolve the problem by talking to an informal grievance officer and the reason why the result was not satisfactory.
 - iii. It is the inmate's burden to provide all currently known facts and information regarding the complaint, including pertinent dates, times, places, references to the rule book, documents and other information which will fully explain the problem. Additionally, inmates may submit voluntary written comments regarding the grievance from other inmates and/or staff.
 - iv. A clear statement of exactly what relief or remedy is expected.
- c. The grievance form must be placed in a sealed envelope addressed to the chief executive officer. The envelope shall be clearly marked "GRIEVANCE" and "CONFIDENTIAL" on the outside. The envelope may be placed in any available institutional distribution system or given to the control center officer or other appropriate staff person for delivery to the chief executive officer.

- d. The grievance form must be filed no later than thirty (30) calendar days after the problem occurred. A grievance challenging a policy or practice may be filed at any time, so long as the grievant is personally affected by the policy or practice in dispute.

In cases where a court continues an inmate's civil rights action so that the inmate may exhaust administrative remedies pursuant to 42 USC 1997(e), the thirty (30) day time limit may be extended by written notice of the chief executive officer.

D. PROCEDURE TAKEN AFTER GRIEVANCE IS FILED

1. Upon receipt of a formal grievance, the chief executive officer or the officer's designee shall assign a sequential identifying number to the grievance. That number will be recorded on the face of the grievance and on a log of grievances received. The grievant shall be provided written notification of receipt of the grievance including the date of receipt and the number assigned thereto within three (3) working days of receipt of the grievance forms. The log of grievances received shall also record the nature of the grievance and the date and nature of disposition of the grievance.
2. The chief executive officer shall review the grievance, and may assign a neutral formal grievance officer from among institutional staff to thoroughly investigate the grievance. If, in the chief executive officer's or the grievance officer's determination, the grievance constitutes a challenge to an institutional policy or practice which affects the grievant, the grievance will be referred to the grievance review committee for advisory input unless the grievant objects to inmate participation in resolution of the grievance.
3. The grievance officer, if assigned, will consult with the grievant and others involved in the grievance, and will investigate any other sources of information which are indicated.
4. After the grievance officer or the grievance review committee has investigated the problem completely, a written report will be submitted to the chief executive officer for review and evaluation.
5. The chief executive officer will then make the following determinations:
 - a. whether or not the grievance appears to be frivolous or malicious; and
 - b. whether or not there is a factual or legal basis for remedial action; and
 - c. what remedial action, if any, will be granted; or
 - d. whether or not a hearing or further investigation is needed to develop further facts prior to making determinations in items a through c above.
6. After making the determinations in paragraph 4(a) through (c) above, the chief executive officer will give the grievant a written response containing the decisions made and the reason(s) for the decision. This written decision will be given to the inmate within thirty (30) calendar days after receipt of the grievance by the chief executive officer, unless an extension has been agreed to by the grievant. Each response shall advise the grievant of the right to appeal an adverse decision to the Director.

The response may:

- a. deny the requested remedy;
- b. grant the requested remedy;

- c. grant a remedy other than that which was requested; or
- d. find that the grievance is frivolous or malicious.

A copy of the grievance and the chief executive officer's response shall be forwarded to the Director by the institution.

E. EMERGENCY GRIEVANCES

1. Sometimes a grievance may be of an emergency nature. Informal grievance officers will immediately refer grievances that appear to be emergency in nature to the chief executive officer. The chief executive officer will make a determination as to whether or not any particular grievance is to be treated as an emergency.
2. If the chief executive officer determines that a grievance is not an emergency, he will instruct the informal grievance officer to process the grievance as an ordinary grievance.
3. The chief executive officer will determine whether a grievance is an emergency within two (2) working days after receipt of the grievance. The chief executive officer may then direct a formal grievance officer to investigate the grievance as an emergency. Emergency grievances will be resolved and a written response provided to the grievant within three (3) working days from the receipt of the grievance.
4. If an emergency grievance is of a nature that can only be decided by the Director, then the chief executive officer shall, within three (3) working days of receipt of the grievance, refer it to the Director for determination in accordance with Paragraph G. 6 of this procedure.

F. FRIVOLOUS OR MALICIOUS GRIEVANCES

1. Filing of malicious or frivolous grievances constitutes an abuse of the grievance process and may subject the inmate to limitations on use of the grievance process.
2. If a grievance appears to the chief executive officer to be frivolous or malicious, the chief executive officer may appoint an uninvolved investigating officer to thoroughly investigate the allegations of the grievance, compile a record of all relevant evidence, including sworn statements of the grievant and other involved individuals if such will be helpful in making a determination. A report of the evidence will be submitted to the Director.
3. If the Director finds substantial evidence that the inmate has abused the grievance system by filing a malicious or frivolous grievance;
 - a. on the first offense, the inmate shall be cautioned that further violations may result in a limitation or modification of grievance access;
 - b. on the second offense, the Director may modify the inmate's access to the system; and
 - c. if the conduct is repeated, the Director may limit access to the grievance system for a fixed period of time.
4. An inmate's access to the grievance system for filing of emergency grievances may not be modified or limited under this section.

G. APPEALS

1. If an inmate is dissatisfied with the decision of the chief executive officer, an appeal may be made to the Director, using a grievance appeal form.

2. An appeal to the Director must be submitted in writing within ten (10) calendar days following receipt of the chief executive officer's written decision. If a grievance is determined to be an emergency, the inmate shall be afforded the opportunity to fill out and file a grievance appeal immediately.
3. The appeal must be submitted to the Director, Wyoming Department of Corrections, 700 West 21st Street, Cheyenne, Wyoming 82002. Or, it may be submitted to the chief executive officer, who will forward it to the Director.
4. The appeal must not be frivolous or malicious and must state the grievant's reasons for appeal and disagreement with the Warden's grievance ruling.
5. The Director or the Director's designee shall acknowledge receipt of the grievance appeal in writing to the grievant within three (3) working days of receipt. Receipt of the appeal will be entered into a log of grievance appeals, which shall record the date of receipt, grievance number, nature of grievance and date and nature of disposition of the appeal.
6. The Director shall review all material regarding the grievance and appeal. The Director may make a further independent investigation or inquiry into the matter as a matter of discretion, but is not required to do so. It is therefore in the inmate's best interest to present as much pertinent evidentiary material as possible to the Director.
7. The Director will then either find basis for the appeal and direct the chief executive officer to take appropriate remedial action or affirm the chief executive officer's decision within forty-five (45) calendar days after receipt of the appeal. Either shall require a written decision to both the chief executive officer and the inmate giving reasons for the appeal decision. In cases of emergency grievances, the Director shall dispose of the grievance or appeal within ten (10) calendar days.

H. INTER-INSTITUTIONAL TRANSFERS

An inmate may wish to file a grievance about a problem which occurred while at an institution from which he/she has subsequently been transferred. Or, an inmate may be transferred to a different institution while resolution of the grievance is pending. In all cases, grievances shall be filed and resolved at the institution where the problem occurred.

 Judith Uphoff, Director
 Wyoming Department of Corrections

Revision Effective Date

Revised: 12/11/98

- Summary of Revisions:
1. On Appendix A, last page, under Appeals, number 2: the word made in the first sentence was changed to submitted. Changing the first sentence to read; An appeal to the Director must be submitted in writing within ten (10) calendar days following receipt of the chief executive officer's written decision.
 2. On Appendix A, last page, under Appeals, number 3: the address was changed from the Herschler Building to the current address of 700 West 21st Street, Cheyenne, Wyoming 82002.

I. TIME-SCHEDULE FOR GRIEVANCE PROCEDURE

NON-EMERGENCY GRIEVANCES	
ACTION	TIME-LIMIT
Grievant discusses problem with informal grievance officer.	Seven (7) calendar days after problem occurs.
Informal grievance officer submits written report to grievant and chief executive officer.	Three (3) working days after discussion with grievant.
Grievant files formal, written grievance to chief executive officer.	Thirty (30) calendar days after problem occurs (informal step must be completed first).
Chief executive officer responds to formal grievance in written decision.	Thirty (30) calendar days after receipt of formal, written grievance.
Grievant appeals chief executive officer's decision to director.	Ten (10) calendar days after receipt of institutional administrator's decision.
Director responds to appeal.	Forty-five (45) calendar days after receipt of appeal.
EMERGENCY GRIEVANCES	
ACTION	TIME-LIMIT
Informal grievance officer notifies chief executive officer of possible emergency grievance.	Immediately.
Chief executive officer determines grievance is emergency.	Two (2) working days from receipt of grievance.
Chief executive officer responds to emergency grievance.	Three (3) working days from receipt of grievance.
Chief executive officer determines emergency grievance can only be decided by director and refers it to director.	Three (3) working days from receipt of grievance.
Director responds to emergency grievance or to appeal from chief executive officer's response to emergency grievance.	Ten (10) calendar days from receipt of grievance/appeal.

NOTE: Failure of the administration to comply with time limits will allow the grievant, at the grievant's option, to proceed to the next step or level of the process.

Failure of a grievant to comply with time limits constitutes grounds for dismissal of a grievance or an appeal.

NOTICE

THIS NOTIFICATION IS TO BE POSTED IN PREDOMINANT PLACES ACCESSIBLE TO ALL INMATES AND STAFF IN ALL INSTITUTIONS OF THE WYOMING DEPARTMENT OF CORRECTIONS.

TO: ALL INMATES/OFFENDERS AND EMPLOYEES

INSTITUTION: _____

LOCATION OF
POSTING: _____

DATE
POSTED: _____

The Wyoming Department of Corrections has developed a uniform inmate grievance procedure in line with federal standards under the Civil Rights of Institutional Persons Act (CRIPA) of 1980. The Department intends to seek federal certification of the grievance procedure for implementation at all DOC institutions.

Copies of the proposed grievance procedure and the Code of Federal Regulations which sets forth the minimum standards for federal certification of the grievance process are available for your inspection at the following locations:

The DOC invites your comments on compliance of the proposed procedure with the federal regulations. Your written comments should be directed to your institutional Warden/Superintendent/Director, who will forward them to the DOC central office for consideration prior to finalization of the procedure. Your comments must be submitted no later than / / (21 days after the date of posting this notice).

Also, any inmate or staff member may direct comments to the U.S. Department of Justice at the following address:

National Inmate Appeals Administration
Federal Bureau of Prisons
320 First Street, N.W.
Washington, D.C. 20534

Any inmate or staff needing assistance in forwarding their comments may so request and assistance will be provided by counselors, case managers or supervisors.

DOC GRIEVANCE FORM

GRIEVANCE NUMBER: _____
GRIEVANCE OFFICER: _____
DATE RECEIVED: _____
(Administrative Use Only)

NAME: _____ INMATE # _____

INSTITUTION AND LIVING UNIT: _____

[Prepare this section when submitting a grievance to the Chief Executive Officer]

I have discussed my problem with Informal Grievance Officer

(Name)

Describe your attempt to resolve your problem by talking with the above, and why the result was not satisfactory:

Nature or description of problem (describe in detail) and what you want to happen to solve this problem:

(Use and attach additional paper, if necessary, and provide any supporting evidence or documents)

Signed: _____ Date: _____

NOTE: You may appeal the resolution of this grievance by filing an appeal within ten (10) days of the response to your grievance. Use a grievance appeal form for filing your appeal.

NOTE: If your grievance challenges a general policy or practice of the Institution, it may be reviewed by the grievance review committee. Individual names and specific facts will not be disclosed. However, if you object to any inmate review or the review by a specific inmate who serves on the committee, indicate below:

_____ I object to any inmate review
_____ I object to review by inmate _____
_____ I have no objection to inmate review

DOC GRIEVANCE APPEAL FORM

DATE RECEIVED BY DIRECTOR: _____

(Administrative Use Only)

NAME: _____ INMATE # _____

INSTITUTION AND LIVING UNIT: _____

APPEAL TO GRIEVANCE NUMBER: _____

[Prepare this section when filing an appeal to a chief executive officer's grievance decision.]

I have/ have not attempted to solve my problem at the institutional grievance level.

Nature or description of problem (describe in detail); why you are appealing the institution's grievance decision; and what you want the Director to do about your problem:

Signed: _____ Date: _____

(Use additional paper if necessary. Provide all information and documents which will fully explain the problem and earlier attempts to resolve it at the institutional level.)

NOTICE

THIS NOTIFICATION IS TO BE PERMANENTLY POSTED IN PREDOMINANT PLACES ACCESSIBLE TO ALL INMATES AND STAFF IN ALL INSTITUTIONS OF THE WYOMING DEPARTMENT OF CORRECTIONS.

TO: ALL INMATES/OFFENDERS AND EMPLOYEES

INSTITUTION:

LOCATION

OF

POSTING:

DATE

POSTED:

The Wyoming Department of Corrections invites your continuing comments on the credibility and effectiveness of the DOC inmate grievance procedure. Your good faith comments will be treated confidentially, may not be a basis for retaliation, and will be utilized in the DOC's ongoing evaluation of the procedure.

Please direct your written comments at any time to:

**Director
Wyoming Department of Corrections
700 West 21st Street
Cheyenne, Wyoming 82002**
