


DEPARTMENT OF CORRECTION  	OPERATIONS Prisons	DIRECTIVE NUMBER: 316.02.01.001	PAGE NUMBER: 1 of 7
		SUBJECT:  Offender Grievance Process	Reviewed: 02-05-03 Revised: 09-16-04

**01.00.00. POLICY OF THE DEPARTMENT**

It is the policy of the Idaho Board of Correction that the Idaho Department of Correction provide a process that enables each offender to resolve problems and find answers to questions concerning the operation of the Department as it relates to the offender. It is the purpose of this policy to provide a responsive offender grievance process whereby the offender will be able to address complaints concerning the Idaho Department of Correction.

**01.01.00. PURPOSE**

It is the purpose of this policy to provide a responsive offender grievance process whereby the offender will be able to address complaints concerning the Department.

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**03.00.00. REFERENCES**

Attachment A, Offender Concern Form.

Attachment B, Grievance/DOR Appeal Transmittal.

Attachment C, Grievance Form.

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Department Policy 318, Disciplinary Procedures.

Division Directive 318.02.01.01, Disciplinary Procedures.

Standards for Adult Correctional Institutions, Fourth Edition, Standard 4-4284.

#### **04.00.00. DEFINITIONS**

**Appellate authority.** The facility head. (Also referred to as warden.) The appellate authority for medical grievances shall be the regional manager or regional vice president employed by the contractor.

**Board.** The state Board of Correction.

**Department.** The state Department of Correction.

**Facility.** A building or residence, including the property and land where the building or residence is located, owned or leased and operated or managed by the Board or Department.

**Facility Head.** The person with primary responsibility to oversee, manage or operate a Department facility. (Also referred to as Warden.)

**Offender.** A person under the legal care, custody, supervision or authority of the Board including a person within or without the state pursuant to agreement with another state or a contractor.

**Offender grievance.** A written complaint by an offender or on the offender's behalf regarding a policy applicable within a facility, a condition in a facility, an action involving an offender of a facility, or an incident occurring within an facility.

**Reprisal.** Any action or threat of action against anyone for the use of, or participation in, the grievance procedure.

**Reviewing Authority.** The Deputy Warden.

#### **05.00.00. PROCEDURE**

The offender grievance process is a three-step process consisting of the Concern Form (See Attachment A, Offender Concern Form), the Grievance Form (See Attachment C, Offender Grievance Form), and the grievance appeal.

The offender grievance procedure may be used for complaints by offenders regarding

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all policies, conditions of confinement, actions by employees, actions by other offenders and incidents occurring within the jurisdiction of the Department that affect the offender personally. Grievances about a disciplinary offense report are an exception and must be handled through the disciplinary appeal process of Policy 318, Disciplinary Procedures.

Offenders are entitled to use the grievance procedure regardless of classification or restrictive housing status.

Reprisals against offenders who file offender grievances are strictly prohibited. Offenders have the right to file grievances against any employee for any reprisal resulting from the filing of a grievance.

Each facility will provide a locked box for offenders to place grievances, offender concerns, etc.

All offender grievances shall be treated as confidential and viewed only by staff on a need to know basis.

Response to grievances should be returned to the offender in a sealed envelope or folded and secured.

An offender may only have three (3) grievances at one (1) time.

The grievance coordinator shall submit a monthly report to the facility head showing the number of grievances filed by category and the number granted, modified, or denied.

Grievance Categories are:

Access To Courts;

Administration;

Classification;

Commissary;

Complaint Against Staff;

Conditions Of Confinement;

Food;

Mail;

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Medical;

Programs;

Property, and,

Security.

Grievances and appeals shall be maintained by the grievance coordinator for five (5) years and then destroyed.

**05.01.00. Communication Of Offender Grievance Procedures**

The written offender grievance procedure shall be readily available to all offenders.

Each offender shall, upon arrival at the facility, receive written notification and an oral explanation of the procedure, including the opportunity to have their questions regarding the procedure answered orally. The written procedure shall be available in any language spoken by a significant portion of the institution's population. Appropriate provisions shall be made for those speaking other languages and for the disabled or those requiring special accommodations.

**05.02.00. Offender Grievance Process**

Each facility shall create field memoranda explaining in detail the method of processing offender grievances. Each facility shall review its applicable field memoranda to ensure consistency with this directive.

**05.02.01. Offender Concern Form**

An offender shall try to solve an issue or problem informally by using a Concern Form before filing a grievance.

The Concern Form must be handwritten. Typed Concern Forms will not be accepted. Staff should respond within seven (7) working days of receiving an Offender Concern Form.

**05.02.02. Offender Grievance Form**

If the issue cannot be solved informally, the offender may obtain a grievance form from the unit staff.

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The grievance shall be filed within fifteen (15) days of the incident or problem that is the basis of the grievance. The reviewing authority may extend the time limit for up to sixty (60) days.

Reasons for time limit extensions could include but are not limited to transfer of staff or offenders, sickness of staff or offender, staff vacation or other time off, loss of documentation.

The offender shall fill out the grievance by hand legibly and completely. Typewritten grievances shall not be accepted. Steps taken to solve an issue shall be documented on the Offender Concern Form and attached to the grievance.

The grievance must contain all information relating to the nature of the complaint. The grievance must be specific as to dates, places, names of personnel involved, and how the offender has been adversely affected.

The offender must state the action that the offender believes the reviewing authority should take.

The grievance coordinator shall determine if the grievance has been correctly and completely filled out.

If the grievance is not correctly filled out, the grievance coordinator shall return the grievance to the offender using the Grievance/DOR Appeal Transmittal form (See Attachment B, Grievance/DOR Appeal Transmittal.)

If the grievance is correctly filled out, the grievance shall be assigned to the most applicable staff, but not the same staff who responded to the concern. The coordinator shall number the grievance and log whom the grievance was assigned to.

Log numbers will consist of a six (6) digit number. The first two (2) digits indicate the facility, the second two (2) indicate the month, and the last two (2) the number of grievances received. As an example, if IMSI receives fifteen (15) grievances in the month of December, they would be numbered 101201 through 101215.

If the grievance is related to a medical issue, the section entitled "the response from the staff member being grieved or in charge of the area/operation being grieved" should be completed by healthcare staff employed by the contractor and supervised by the health services administrator, employed by the contractor.

The section entitled "your grievance has been reviewed and I find," should be completed by the health services administrator employed by the contractor.

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The assigned staff shall answer the grievance and return it to the coordinator within seven (7) working days. If staff fail to respond within the time frame, a reason should be provided in the staff response.

All grievances shall be answered professionally and as clearly as possible. The assigned staff shall put his answer in the space provided on the grievance form.

The coordinator shall log when the assigned staff returns the grievance and forward the grievance to the reviewing authority for a decision.

The reviewing authority shall return the completed grievance to the grievance coordinator, within fourteen (14) working days.

The institution grievance coordinator will ensure that the facility head receives a copy of all grievance, appeals and responses.

The grievance coordinator shall then log the grievance and return the original (white) copy to the offender.

The pink copy shall be forwarded to the Operations Deputy Administrator with the monthly Management Briefing report.

The yellow copy shall be kept on file for five (5) years and then destroyed.

#### **05.03.00. Appeal Process**

If the offender is not satisfied with the reviewing authority's response, the offender may appeal by returning the original (white) copy of the grievance to the grievance coordinator. The appeal must be filed within ten (10) days of the reviewing authority's response.

The grievance coordinator will log the appeal and forward to the appellate authority. The appellate authority for medical grievances shall be the regional manager or regional vice president employed by the contractor. The regional manager or regional vice president shall complete the section entitled, "your appeal has been reviewed and I find". The appellate authority shall respond and return the appeal to the grievance coordinator. The grievance coordinator will log the appellate authority's response and forward the completed appeal to the offender. The completed appeal shall be returned to the offender within fourteen (14) working days from receipt. If an extension is required, the offender shall receive written notification.

If the grievance is related to a medical issue, the regional manager or regional vice president employed by the contractor shall forward copies of his responses to the

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Department's medical services manager at the same time the responses are returned to the institution grievance coordinator. In addition to copies of responses, the regional manager or regional vice president shall include copies of all documents (summaries, medical records, etc.) upon which he relied to determine his decision.

The appellate authority may forward the grievance appeal to the director or other division administrator when, in the opinion of the appellate authority, the resolution to the grievance is beyond the appellate authority's control.

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Administrator, Operations

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