

Illinois Department of Corrections	ADMINISTRATIVE DIRECTIVE		Number	04.01.115
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			Effective	11/1/2001 Amended 4/1/2005
Section	04	Programs and Services		
Subsection	01	General Provisions		
Subject	115	Administrative Review Board Proceedings		

I. POLICY

A. Authority

730 ILCS 5/3-2-2, 3-8-8, and 3-10-9

20 Ill. Adm. Code 504

B. Policy Statement

The Department shall ensure all offenders have an opportunity to air and seek resolutions to unresolved grievances, complaints, and problems with the Administrative Review Board in accordance with Department Rule 504.

II. PROCEDURE

A. Purpose

The purpose of this directive is to establish written procedures governing the operation of the Administrative Review Board.

B. Applicability

This directive is applicable to all facilities within the Department and the Office of Inmate Issues.

C. Internal Audits

An internal audit of this directive shall be conducted at least annually.

D. Designees

Individuals specified in this directive may delegate stated responsibilities to another person or persons unless otherwise directed.

E. General Provisions

1. The Administrative Review Board (ARB) shall:
 - a. Review unresolved offender grievances to ensure offenders were afforded their due process rights and to ensure compliance with Department policies;
 - b. If necessary, refer issues grieved for further investigation; and

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- c. Make recommendations to the Director who shall render a final decision.
- 2. Grievances involving the following shall be sent directly to the Office of Inmate Issues for ARB proceedings.
 - a. Decisions by the Transfer Coordinator's Office.
 - b. Decisions regarding protective custody placement.
 - c. Decisions regarding the involuntary administration of psychotropic medications.
 - d. Decisions regarding disciplinary issues originating from a facility other than the facility where the offender is currently housed.
 - e. Decisions regarding other issues except personal property issues that pertain to a facility other than the facility where the offender is currently housed.
- 3. All other grievances must be processed through the facility's grievance procedures before being submitted to the Office of Inmate Issues for ARB proceedings.
- 4. The Coordinator of the Office of Inmate Issues shall schedule monthly ARB dockets to address offender grievances, as necessary.
- 5. ARB docket proceedings shall be completed within 120 days from the receipt of the grievance, where reasonably feasible under the circumstances, in one of the following manners.
 - a. ARB Reviews may be conducted on the written material submitted by the offender and other pertinent information.
 - b. ARB Hearings shall be conducted in person or via video or telephone conference with the offender at the facility housing the offender.
- 6. ARB Hearings shall be held in areas that afford some degree of privacy.
- 7. Only the offender grieving the specific issue being considered shall be within hearing distance of the ARB proceeding, unless otherwise approved by the Chief Administrative Officer for reasons such as language interpretation.
- 8. Security staff shall only be present during ARB proceedings if determined necessary by the Chief Administrative Officer.
- 9. During ARB Hearings via telephone or video conference, staff shall be present to operate the technical conference equipment. Offenders shall be prohibited from accessing or operating any equipment in the telephone or video conference room.

F. Requirements

- 1. The Director shall appoint ARB members in accordance with Department Rule 504, Subpart F.

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2. The Chief Administrative Officer at each facility shall:
 - a. Ensure that all documents that may be reviewed by the ARB such as disciplinary reports, Program Unit and Adjustment Committee summaries, Grievance Officer's reports, incident reports, and contraband slips are completed legibly and accurately.
 - b. Ensure a supply of Committed Person's Grievance forms, DOC 0046, and the Protective Custody Status forms, DOC 0054, are available to offenders. Only grievances submitted on the DOC 0046 or the DOC 0054 shall be considered by the ARB. All other requests shall be returned to the offender.
 - c. Designate a staff member to serve as the ARB Liaison. The ARB Liaison shall provide logistical assistance in scheduling the ARB's issues such as issuing offender call passes; obtaining master, disciplinary, and personal property files and other pertinent documentation; obtaining a citizen member, whenever available; and scheduling conference rooms.

G. Procedures for Determining the Type of ARB Proceedings

1. Following receipt of the Committed Person's Grievance from the offender or the Protective Custody Status, the Office of Inmate Issues shall:
 - a. Review the grievance and supporting documentation such as the disciplinary reports, Program Unit and Adjustment Committee summaries, Grievance Officer's reports, incident reports, and contraband slips.
 - b. Return using the Administrative Review Board Return of Grievance or Correspondence, DOC 0070, any requests that are not submitted on the appropriate form, require additional information, have been misdirected, or require no further redress, excluding issues identified in Paragraph II.E.1.a.
 - c. Determine whether the issue requires a review or hearing. Factors to be considered for the type of proceeding shall include, but not be limited to, nature of the grievance, seriousness of the issue grieved, and documentation pertaining to the issue.
 - d. Place the offender's name on an ARB Review or Hearing docket.
2. If it is determined that an ARB Review shall be conducted:
 - a. The ARB members shall review the offender's grievance and documentation relevant to the issue being grieved.
 - b. Upon completion of the ARB Review, the ARB Chairperson shall:
 - (1) Advise the respective Chief Administrative Officer of issues requiring corrective action, further administrative review, or investigative referrals.
 - (2) Submit a summary of the issues grieved and a recommendation to the Director.

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3. If it is determined that an ARB Hearing shall be conducted:
 - a. The Office of Inmate Issues shall schedule the hearing with the offender either face-to-face or via telephone or video conference at the facility.
 - b. Fourteen working days prior to the date of the hearing, the Office of Inmate Issues shall notify the facility's ARB Liaison of:
 - (1) The type of hearing, face-to-face or video or telephone conference.
 - (2) The date, time, and name of the Chairperson conducting the hearings. If a problem exists with the date or time scheduled, the ARB Liaison shall immediately notify the Office of Inmate Issues so an alternative date and time may be arranged.
 - (3) The names and numbers of offenders to be interviewed and the nature of each individual's grievances.
 - c. The Chief Administrative Officer shall ensure:
 - (1) The ARB is notified prior to the scheduled hearing if the offender was transferred or released.
 - (2) If the hearing is to be conducted via video or telephone conference that all material relating to the specific issue is sent to the ARB Chairperson seven working days (Monday - Friday) prior to the scheduled hearing date.
 - (3) The offender is notified of the hearing and given the opportunity to participate using the Administrative Review Board Hearing Notice and Waiver, DOC 0256. A copy of the completed DOC 0256 shall be maintained in the offender's master file. If the offender refuses to participate in the hearing, a copy of the DOC 0256 shall be forwarded to the Board Chairperson.
 - d. The ARB Liaison shall:
 - (1) Schedule the conference room.
 - (2) Attempt to arrange for a citizen member to be present.
 - (3) Prearrange the appropriate offender files such as the master, disciplinary, and personal property files.
 - (4) Coordinate the movement of offenders to ensure all scheduled individuals are available with the least inconvenience to the facility and the ARB.
 - (5) Submit to the ARB Chairperson written documentation of any offender's refusal to appear before the ARB. The ARB shall document the refusal in

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its summary to the Director.

- (6) Produce any documentation required by the ARB.
 - (7) Be available to assist the ARB while hearings are being conducted.
- e. The ARB members shall confer with the offender and review information they determine to be relevant to the issue being grieved.
- f. After all hearings are concluded, the ARB Chairperson shall:
 - (1) Ensure offender files are returned to the facility's Record Office or ARB Liaison.
 - (2) Debrief with the Chief Administrative Officer or Assistant Chief Administrative Officer (no designees). Debriefing shall be delayed until such time one of these individuals is accessible. Each grievance issue warranting further action or consideration and the ARB's recommendation and rationale shall be discussed.
 - (3) Submit a summary of the issues grieved, the offender's statements, and a recommendation for each grievance to the Director.
4. Following the ARB Review or ARB Hearing, if the Chief Administrative Officer or Assistant Chief Administrative Officer disagrees with the ARB's recommendation, he or she may protest the recommendation.
 - a. The written protest and relevant documentation shall be submitted to the respective Deputy Director and Coordinator of the Office of Inmate Issues within five working days of the debriefing.
 - b. The Deputy Director shall review all pertinent material and submit his or her recommendation to the Director.
5. After the Director renders a final decision, the Office of Inmate Issues shall send the decision to the offender and to the facility housing the offender for inclusion in the offender's master file.
 - a. Decisions on ARB Reviews shall be rendered within four months of receipt of the grievance where reasonably feasible under the circumstances.
 - b. Decisions on ARB Hearings shall be rendered within six months of receipt of the grievance where reasonably feasible under the circumstances.

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Authorized by:

Donald N. Snyder Jr.
Director

Supersedes:

04.01.115 AD 7/1/1988

And as amended 6/1/1990