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| Illinois Department of Corrections | ADMINISTRATIVE DIRECTIVE | | Number | 04.01.114 |
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| | | | Effective | 8/1/2012 |
| Section | 04 | Programs and Services | | |
| Subsection | 01 | General Provisions | | |
| Subject | 114 | Local Offender Grievance Procedures | | |

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 establish and maintain a local grievance process for addressing offender grievances within the facilities.

II. **PROCEDURE**

A. **Purpose**

The purpose of this directive is to provide guidelines for staff regarding local offender grievance procedures.

B. **Applicability**

This directive is applicable to all correctional facilities within the Department.

C. **Facility Review**

A facility review 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. Offender grievances involving the following shall be exempt from local grievance procedures; such grievances must be sent directly to the Office of Inmate Issues for Administrative Review Board (ARB) proceedings in accordance with Administrative Directive 04.01.115.

a. Decisions by the Transfer Coordinator's Office.

b. Decisions regarding protective custody placement.

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- 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.
2. Offender grievances involving issues other than those listed in Paragraph II.E.1. and disciplinary reports shall be handled in accordance with the provisions of this directive.
 3. Offender grievances must be filed within 60 days after the discovery of the incident, occurrence, or problem that gives rise to the grievance. Grievances not filed within this time frame shall be considered only if the offender can demonstrate good cause for the untimely filing.
 4. Offenders shall be notified of the grievance procedures.
 - a. Written grievance procedures shall be available to all offenders.
 - b. Offenders who are unable to speak or read English may request that the procedure be explained in a language the offender understands.
 5. Offender's Grievance, DOC 0046, shall be available to offenders in the living units and other locations approved by the Chief Administrative Officer.
 6. Staff assistance shall be available as requested by any offender who is unable to prepare his or her grievance without assistance.
 7. Staff shall be prohibited from reviewing and making a recommendation on a particular grievance in which he or she was directly involved, such as the subject of the grievance, a witness, the offender's counselor, or a member of the Program Unit or Adjustment Committee that heard the disciplinary report.
 8. Staff shall be prohibited from imposing discipline due to use of the grievance process.

F. Requirements

1. The Chief Administrative Officer of each facility shall appoint two or more employees to serve as Grievance Officers.
2. The Chief Administrative Officer of each facility shall ensure that all staff legibly and accurately completes documents.
3. Reasonable efforts shall be made to resolve issues at the facility.

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G. Grievance Process

Unless an offender can demonstrate delays due to good cause, only grievances filed within 60 days after the discovery of the incident, occurrence, or problem that gives rise to the incident shall be considered.

1. Offenders who are seeking resolution for non-resolved issues must:
 - a. Legibly complete an Offender's Grievance, DOC 0046, for all grievances other than protective custody denials. Grievances concerning protective custody denials shall be documented on the Protective Custody Status, DOC 0054.
 - b. Submit the DOC 0046 and other pertinent information such as the disciplinary report, Program Unit or Adjustment Committee summary, or contraband slip to the:
 - (1) Chief Administrative Officer for emergency grievances in which there is substantial risk of imminent personal injury or other serious or irreparable harm to self.
 - (2) Administrative Review Board (ARB) for issues involving transfer denials by the Transfer Coordinator; involuntary administration of psychotropic medications; protective custody; another facility other than for personal property issues; or grievances not resolved by the Chief Administrative Officer.
 - (3) Counselor for all issues except those issues addressed in Paragraph II. E.1. and issues involving discipline.
 - (4) Grievance Officer for issues involving discipline at the present facility or issues that have not been resolved by the Counselor.

2. For issues being sent to the Chief Administrative Officer:
 - a. The Chief Administrative Officer shall review the offender's grievance to determine if there is a substantial risk of imminent personal injury or other serious harm to the offender. The Chief Administrative Officer shall document the review and determination in the "Emergency Review" section of the DOC 0046.
 - (1) If the grievance is marked as an emergency and is substantiated, the Chief Administrative Officer shall expedite the grievance review and response process. The Chief Administrative Officer shall notify the offender in writing of the decision.
 - (2) If the emergency grievance is not substantiated, the Chief Administrative Officer shall so indicate in writing and return the grievance form to the offender.
 - b. If the offender rejects the Chief Administrative Officer's decision, he or she must forward a copy of the grievance form that includes the Chief Administrative Officer's decision to the emergency request through the normal review process.

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3. For issues being sent to the ARB, the ARB shall review and respond to the grievances in accordance with Administrative Directive 04.01.115.
4. For issues being sent to the Counselors:
 - a. The Counselor shall:
 - (1) Confer with the offender, if necessary, and clarify and attempt to resolve the issues grieved;
 - (2) Legibly complete the "Counselor's Response" section of the DOC 0046 documenting pertinent information reviewed; and
 - (3) Return the DOC 0046 to the offender with his or her response or instructions to forward the grievance to the Grievance Officer or ARB, whichever is appropriate.
 - b. If the offender rejects the Counselor's response, he or she must forward a copy of the DOC 0046 that includes the Counselor's response to the Grievance Officer.
5. For issues being sent to the Grievance Officer:
 - a. The Grievance Officer shall:
 - (1) Review grievances on a weekly basis.
 - (a) Grievances regarding alleged discrimination based on disability or denied requests for accommodation to access programs, activities, or services based on disability, shall be promptly forwarded to the facility American's with Disability Act (ADA) Coordinator who shall:
 - i. Within five business days of receipt, begin the investigation of the allegations, including interactive dialogue with the offender, to identify physical and mental limitations and what accommodations may enable access. Interactive dialogue shall be documented in the Case History and Management Program System (CHAMPS);
 - ii. Determine if the allegation is an ADA issue. Non-ADA grievances shall be promptly returned to the Grievance Officer.
 - iii. Complete and submit the "Grievance Officer's Report" section of the Response to Offender's Grievance, DOC 0047, including his or her recommendations to the Chief Administrative Officer for final determination.

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- iv. Issue, or arrange for issue, permits and approval for reasonable accommodation in accordance with the Chief Administrative Officer's final determination.
 - v. Notify the Agency ADA Compliance Officer of ADA accommodations.
 - (b) Grievances identified as a Health Insurance Portability and Accountability Act (HIPAA) issue involving the privacy of medical records, access to medical records, restriction of medical records, or an error in medical records shall be promptly forwarded to the Facility Privacy Officer. The Facility Privacy Officer shall:
 - i. Conduct investigations as necessary; and
 - ii. Complete and submit to the Chief Administrative Officer the "Grievance Officer's Report" section of the DOC 0047 including his or her written recommendations.
 - (2) Examine and document all relevant information and documentation concerning the issue being grieved, including interviewing witnesses.
 - (3) Attempt to resolve offender issues that remain unresolved through means such as counseling, goal setting, and conflict resolution.
 - (4) Based on the seriousness of the issue being grieved, meet with the offender. Issues that require face to face meetings include but are not limited to issues that are life threatening and issues involving the use of force, sexual assaults, and the safety and security of the facility.
 - (5) Legibly complete the "Grievance Officer's Report" section of the DOC 0047, documenting any attempts to resolve the grievance and relevant information discovered during the review process.
 - (6) Submit the DOC 0047 and recommendations to the Chief Administrative Officer for final decision.
- b. The Chief Administrative Officer shall make reasonable efforts within two months of the receipt of the grievance to:
- (1) Review the material submitted by the Grievance Officer, facility ADA Coordinator, or Facility Privacy Officer, respectively.
 - (2) Render and document the decision in the "Chief Administrative Officer's" section of the DOC 0047.
 - (3) Forward a copy of the completed DOC 0047 to the offender and to the Records Office for inclusion in the offender's master file.

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- (4) If applicable, notify the facility ADA Coordinator of his or her final determination.
- c. If the offender rejects the Grievance Officer's response and Chief Administrative Officer's decision and wishes to appeal the decision, he or she must within 30 days of the date of the Chief Administrative Officer's decision:
- (1) Sign the "Offender's Appeal to the Director" section of the DOC 0047; and
- (2) Forward a copy of the DOC 0046 that includes the Counselor's Response and a copy of the DOC 0047 to the ARB.

Authorized by:


S.A. Godinez
Director

Supersedes:
04.01.114

AD

3/1/2005