

COMMONWEALTH OF MASSACHUSETTS

DEPARTMENT OF CORRECTION

MASSACHUSETTS ALCOHOL AND SUBSTANCE ABUSE CENTER

103 CMR 491 – INMATE GRIEVANCE POLICY

I. Purpose:

This procedure is promulgated in accordance with 103 DOC 491, Inmate Grievances. The purpose of this procedural statement is to define a process for informal resolution of issues prior to a grievance being filed.

II. Informal Resolution of Complaints

While inmates/commitments are encouraged to pursue informal measures to resolve an issue prior to filing a grievance, they shall not be required to do so. Should they wish to resolve an issue informally, they shall adhere to the following guidelines.

- A. The informal complaint resolution process is the preferred mechanism for the resolution of inmate/commitment concerns. Effective communication between institution staff and inmates/commitments is essential. Most requests and complaints can be addressed easily and quickly through direct communication with the staff person responsible in the particular area of the problem. It is important that inmates/commitments attempt to address their issues at the lowest institutional level possible. Inmates/commitments are expected to express their concerns in a respectful, constructive manner. Staff awareness as to the need for prompt attention and response to these issues is also essential and will minimize the use of formal grievance procedures.
- B. Communicating requests and complaints verbally should be the first step taken to address informal requests and concerns. Other avenues of information communication include but are not limited to staff access and correspondence submitted to the staff person responsible for the area of concern. Staff shall respond to written or verbal concern submitted by inmates/commitments in an expedient manner.
- C. The inmate/commitment orientation program and manual shall include a component addressing the staff communication and informal complaint resolution process.
- D. The informal complaint resolution process shall include, but not be limited to, the utilization of the informal complaint form (Attachment I).
- E. While inmates/commitments are encouraged to utilize other available avenues as defined in the Informal Complaint Resolution Standard Operating Procedure (2), for addressing complaints prior to submitting an informal complaint form, they shall not be penalized for failing to do so.
- F. The informal complaint resolution process is not a substitute for existing appeal processes, including but not limited to classification and disciplinary appeals.
- G. Informal Complaint Forms.
 - a. The informal complaint resolution process shall be coordinated by the Sergeant identified to handle informal complaints.
 - b. Informal Complaint Forms are available in the unit offices, the library and by requesting the same through the CPOs.
 - c. Inmates/commitments shall file an informal complaint form within five (5) working days of the actual incident or within five (5) working days of the inmate's/commitment's becoming aware of the incident or situation.

- d. Informal Complaint Forms should contain a brief description of the issue. If more than one (1) issue exists, inmates/commitments shall use separate forms for each issue to ensure it is referred to the appropriate staff person for response.
 - e. Inmates/commitments shall address forms to the Sergeant and submit them via institution mail or deposit them directly into the locked drop box designated for grievances.
 - f. The Institution Grievance Coordinator (IGC) shall forward informal complaint forms submitted via the locked drop box to the Sergeant each business day.
 - g. The Sergeant shall immediately screen the incoming informal complaint forms and shall ensure they are recorded into the informal complaint resolution log within one (1) working day of receipt.
 - h. Within one (1) working day of logging the informal complaint form, the Sergeant shall forward a copy of the informal complaint form to the appropriate department head or responsible staff person for possible resolution.
 - i. The department head or responsible area staff person shall evaluate the request or concern, including interview the inmate/commitment if deemed appropriate.
 - j. Once the department head or responsible area staff person makes his/her decision, he/she shall take appropriate action to resolve the matter or advise the inmate of the reason for denial of the inmate's complaint.
 - k. The department head shall issue a response to the inmate within ten (10) working days of receipt from the Sergeant.
 - l. The department head shall return a copy of the informal complaint form with the documented outcome to the Sergeant.
 - m. The Sergeant shall document the outcome of the informal complaint resolution process into the informal complaint resolution log. The Sergeant shall also maintain the completed informal complaint form which shall be attached to the original on file.
 - n. The Superintendent or designee shall review the log periodically to identify and address potential problem areas.
8. Once the informal complaint resolution process has concluded and if the inmate/commitment is not satisfied with the informal decision rendered, the inmate/commitment shall have ten (10) working days from receipt of the informal complaint decision to file a formal grievance without being penalized.

III. Processing

- A. Grievance forms may be obtained from any unit staff member (Officer, Correctional Program Officer). They are also available through the IGC. Forms are also available in the inmate library and unit offices. Completed grievance forms can be given directly to the Superintendent, Deputy Superintendent, or IGC or placed in the designated locked box located in the Dining Room.
- B. Inmates/commitments have 10 working days from the date of incident, or within 10 working days of the inmate/commitment becoming aware of the incident or situation to file a grievance.
- C. Upon receipt of a grievance, the IGC shall be responsible for the following:
 - 1. Input the grievance as written in the IMS Grievance Detail screen. Provide a copy of the IMS grievance to the inmate/commitment to serve as a receipt.

2. Interview the inmate/commitment and, if appropriate, the staff person responsible for the area where the problem occurred. Input this information into the IMS as well.
3. Investigate the factual basis of the grievance and propose a resolution or deny the grievance within ten (10) working days from receipt of the grievance. Input decision into IMS.
4. Provide the inmate/commitment with a written explanation regarding the proposed resolution or the reasons for the denial of the grievance.
5. If satisfied with the proposed resolution, the inmate/commitment shall sign an acknowledgement form and the grievance procedure will be considered resolved.
6. The IGC shall inform the inmate/commitment of his right to appeal a denial to the Superintendent

All settlements shall be logged in the appropriate settlement logbook and assigned a number.

- D. If a grievance is returned to the inmate/commitment for improper format, it shall be returned to the inmate/commitment, along with a written explanation. The inmate/commitment shall have three (3) additional working days from the date of receipt to re-file the grievance in the proper format.
- E. Extensions for filing a grievance may be extended if the IGC or Superintendent determines that the initial period is insufficient to make an appropriate decision of if the inmate presents a legitimate reason for requesting an extension. Requests for extension must be in writing and must be signed by the IGC and the inmate. This document will become part of the permanent grievance record.

IV. Appeals

A. Filing

1. Inmates/commitments may obtain Appeal Forms (Attachment B) from any unit staff member (CPO, Unit Sergeant or Officer) or from the IGC. Appeal forms are also available in the inmate library and unit offices. All appeals shall be submitted to the Superintendent within 10 working days from receipt of the grievance decision. The Superintendent's Office shall date the form.
2. Extensions may be granted for filing an appeal if the Superintendent determines that the initial period is insufficient to make an appropriate decision or if the inmate/commitment presents a legitimate reason for requesting an extension, (see attachment G – Grievance / Appeal Extension Request). The Extension form will become part of the permanent grievance record. Written notice of all extensions shall be provided to the grievant.
3. The Superintendent's Office shall enter the grievance appeal into IMS and print out the appeal. The appeal and original grievance will be returned to the inmate/commitment, with copies distributed to the inmate's institutional file, and forwarded to the respective Institutional Grievance Coordinator.

V. Withdrawals

Inmates wishing to withdraw grievance appeals should contact the IGC in writing. When an inmate wishes to withdraw their grievance, they shall be required to complete the Grievance Withdrawal Form (Attachment C) and submit it to the IGC. Grievance withdrawals and withdrawals of grievance appeals shall be maintained on file by the IGC and may be used for research, officer training and statistical data but shall not be placed in either the inmate's institution or Central Files.

VI. Record Keeping and Distribution

- A. The IGC shall be responsible for maintaining original hand written and typed copies of all inmate/commitment grievances /appeals and for the forwarding of copies of appropriate grievances to the Department Grievance Manager.

- B. The Superintendent's office shall be responsible for entering all Grievance Appeals into IMS. All grievances shall be tracked from the date filed to the final disposition (including appeals), using IMS.
- C. The IGC is responsible for submitting the monthly report, to the Department Grievance Manager by the fifth day of each month for the proceeding month.
- D. The IGC shall be responsible for maintaining institutional grievances for a period of seven (7) years.

VII. Emergency Grievances

- A. A inmate/commitment who believes his grievance involves an issue for which a delay in resolution may cause a substantial risk of personal injury or other damages shall plainly mark the grievance form "Emergency".
- B. The IGC will evaluate the issue and determine if, in fact it is an emergency. If the matter is determined not to be an emergency, the form will be returned to the inmate/commitment for proper filing. Whenever a grievance appeal is returned for improper filing the inmate shall be notified in writing of the reason additionally, they shall be granted three (3) working days to resubmit properly.
- C. The emergency grievance process shall be completed in three (3) working days of the filing.
- D. The Superintendent shall act on an appeal of an emergency grievance in five (5) working days.

VIII. Special Assistance

Inmates/commitments who are illiterate, can not write legibly, or speak English, shall be assisted by staff. If language is the only barrier, the assigned Correction Program Officer will assist with writing the grievance utilizing the Telephonic Interpreter Service. A log of this assistance will be maintained by the Correctional Program Officer and shall also be documented within the investigative comments section in IMS by the IGC.

IX. Settlements

- A. All property or monetary settlements resulting from grievances or appeals are to be approved by the Superintendent of the facility from which the grievance originated or by the Departmental Grievance Manager.
- B. The Superintendent or Department Grievance Manager shall determine if the settlement is appropriate. All settlements will be recorded by the IGC in a Settlement Log and assigned a number.

X. Inmate Transfers (Minimum security inmate population only)

When an inmate is transferred after a grievance has been filed, but prior to its being resolved, the grievance, if still applicable, shall be processed by staff at the originating institution. When a transferred inmate files a grievance concerning a matter which arose at the sending institution, the IGC at the inmate's present institution shall process the grievance.

**COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF CORRECTION
INMATE GRIEVANCE FORM**

INMATE'S NAME:	INMATE'S #:	DATE:
INSTITUTION:		DATE OF INCIDENT:
INSTRUCTIONS: 1. Refer to 103 CMR 491, Inmate Grievance Policy. 2. In Block B , give a brief and understandable summary of your complaint/issue. 3. List any actions you may have taken to resolve this matter in Block C . Be sure to include the identity of staff members you have contacted. 4. Provide a Requested Remedy in Block D .		
A. When filing an Emergency Grievance check Emergency. <p align="center">_____ EMERGENCY</p>		
B. Give a brief and understandable summary of your complaint/issue. Additional paper may be used, if necessary.		
C. List any action taken to address/resolve this matter. Include the identity of staff members you have contacted.		
D. Provide your Requested Remedy.		

Inmate's Signature _____ Date: _____

Staff Recipient _____ Date: _____

****DENIED GRIEVANCES MAY BE APPEALED TO THE REVIEWING AUTHORITY WITHIN 10 BUSINESS DAYS.
(Inmate receipts/responses will be generated via the Inmate Management System.)**

**COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF CORRECTION
INMATE GRIEVANCE APPEAL FORM**

INMATE'S NAME:	INMATE'S #:	DATE:
INSTITUTION:		ASSIGNED GRIEVANCE #:
INSTRUCTIONS: 5. Refer to 103 CMR 491, Inmate Grievance Policy. 6. Provide your appeal argument in Block A , in a brief and understandable manner. 7. Provide your requested remedy in Block B .		
A. Provide your appeal argument in a brief and understandable manner.		
B. Provide your requested remedy		

Inmate's Signature _____ **Date:** _____

Staff Recipient _____ **Date:** _____

(Inmate receipts/responses will be generated via the Inmate Management System.)

GRIEVANCE WITHDRAWAL FORM

I _____ request to withdraw grievance/grievance appeal

_____ based upon the following reason(s) (check off line applicable below):

_____ 1. The grievance issue I raised in a formal grievance has been resolved since the grievance was filed.

_____ 2. The appropriate Department staff has been contacted and the necessary action needed to resolve and rectify this matter to my satisfaction has been taken.

_____ 3. I have thought about this matter and I have determined that this is not the appropriate process to address my concern or the issue.

_____ 4. Other:

I have taken this action freely. I am not under any form of duress or coercion, nor has there been any expressed or implied threats of retaliation if I do not seek this withdrawal. I also understand that my withdrawal is considered a termination of the grievance/grievance appeal process.

Inmate's Name: _____ Date: _____

Witness: _____ Date: _____

cc. File