

INMATE GRIEVANCE

IMS PROCEDURES

I. PROCESSING FORMAL GRIEVANCES

Inmates filing an institution grievance shall complete the Institution Grievance Form and forward this form to the Institution Grievance Coordinator (IGC) within ten (10) business days from the date of the incident/situation or within ten (10) business days of the inmate becoming aware of the incident/situation.

1. **The IGC shall process inmate grievances in accordance with 103 CMR 491, Inmate Grievances and via the IMS requirements as follows:**

- A. Upon receipt of an inmate grievance, the IGC shall ensure that the grievance complies with 103 CMR 491.09 and if not, return the grievance to the inmate with a handwritten explanation. In addition, grievances that are returned to the inmate for improper filing should not be recorded in IMS.

Note: When a grievance has been returned to the inmate for improper format, the inmate shall be granted an additional three (3) business days to resubmit his/her grievance in appropriate format.

- B. The date received, date of grievance, date of incident, institution occurred at, location, recipient staff, institution at the time of incident (this shall be the same as the institution occurred at), and housing unit at the time of incident shall be entered in the "Grievance Details Screen". When the location of the grievance cannot be identified, the inmate's housing unit shall be entered into IMS.
- C. A word for word description of complaint, remedy requested, grievance type (only one shall be selected), staff involved to include those staff specifically identified in the description of complaint, and all other relevant information shall be entered into the "Grievance Details Screen".

Note: When selecting a grievance type the IGC should make every effort to select a specific applicable grievance type whenever possible versus selecting a more generic category such as "Other".

- D. Emergency Grievances shall be identified as such by selecting "Emergency" from the Grievance Type table in addition to the applicable grievance type located in the "Grievance Details Screen" after being properly screened by the IGC and Superintendent/designee.
- E. When an inmate has filed a staff related grievance the applicable staff names shall be entered into the staff involved field on the "Grievance Details Screen."
- F. Any use of the telephonic interpreter service shall be documented under "Investigative Comments Field" in the "Grievance Decision Screen."
- G. The Inmate Grievance receipt shall be generated from the "Grievance Details/Decision Screen." A copy of the IMS grievance shall be printed and provided to the inmate, which contains a formal receipt.

Note: The IGC shall provide the inmate with a full print out of the grievance screen. The receipt portion of the form should not be removed.

- H. IMS will automatically generate a grievance number therefore it is not necessary to assign a number or to maintain a separate logbook.
- I. The IGC shall conduct an investigation into the inmate's grievance, which shall include but not be limited to:
 - a. Conducting an interview with the grievant unless the grievance is being fully approved, is non-grievable or has been referred to Internal Affairs.
 - b. Conducting an interview with the staff person responsible for the area where the complaint occurred.
 - c. Conduct an interview with any staff and/or inmate witnesses noted in the grievance or revealed during the interview process with the grievant.
 - d. Conduct any other interviews as deemed necessary (internal and external).
 - e. Collect documentation related to the grievance to include any policy/procedure references, property records, incident reports, logbook information, inmate account information, relevant IMS information, etc.
 - f. A review of the inmate's efforts to resolve the issue informally and proceed to exhaust all efforts of resolving the grievance.

All information obtained during the interview shall be recorded under the "Investigative Comments Field" in the "Grievance Decision Screen" in chronological order by date. Investigative comments should include the date, action taken, information obtained, names of staff and inmates interviewed, etc.

- J. Following the investigation of the inmate's concern, the IGC shall render a decision which shall be entered in the grievance decision field and decision comments located under the "Grievance Decision Screen" within ten (10) business days from receipt of the grievance. The decision comments may include but shall not be limited to:
 - a. A proposed resolution stating what specific corrective action will be taken.
 - b. A reason for denial stating specific reason for the denial.
 - c. A reason for a partial approval stating what specific corrective action will be taken.
 - d. A reason why the grievance was determined to be non-grievable.
 - e. A reason why the grievance was referred to Internal Affairs.

Note: IGCs should not indicate that a grievance has been referred to Internal Affairs until the Superintendent has determined that matter is to be referred. It is important to note that the decision comments should not state that the matter has been referred to the Superintendent for review.

- K. The Inmate Grievance Form (which will include the decision) shall be generated from the "Grievance Details/Decision Screen" and provided to the inmate.

Note: At no time should the inmate be provided a handwritten decision in addition to the decision generated by IMS.

- L. If satisfied with the proposed resolution and where a property or monetary settlement is being offered, the inmate shall be asked to sign a Resolution Agreement form and

the grievance procedure shall be considered resolved. The signing of the Resolution Agreement form shall also be documented under the investigative comments located in the "Grievance Decision Screen" in IMS.

M. Denied grievances shall inform the inmate of the right to appeal.

N. The IGC shall maintain a file containing original handwritten grievances and supporting documents. The IGC does not need to maintain a hard copy of IMS information in their files.

II. PROCESSING INMATE GRIEVANCE APPEALS

If the inmate is not satisfied with the grievance decision he/she may appeal the grievance decision within ten (10) business days from the IGC's decision. In addition, the IGC shall provide the Superintendent with the grievance package to include the inmate's handwritten grievance and supporting documentation for review.

1. Grievance appeals shall be processed in accordance with 103 CMR 491, Inmate Grievances and via IMS as follows:

A. Upon receipt of an inmate grievance appeal the Superintendent or designee shall ensure that the grievance appeal complies with 103 CMR 491 and if not, return the grievance appeal to the inmate with a handwritten explanation. In addition, grievance appeals that are returned to the inmate for improper filing should not be recorded in IMS.

B. The Superintendent's office **or designee, who is not the IGC**, shall enter the appeal date, appeal received date, description of appeal, and remedy requested information into the "Grievance Appeal Screen." **A word for word description of the inmate's handwritten grievance appeal and remedy requested shall be entered into IMS.**

C. The inmate grievance appeal receipt shall be generated from the "Grievance Appeal Details Screen". A printout of the IMS grievance appeal shall be provided to the inmate, which contains a formal receipt. The Superintendent's office shall ensure that the grievance number is displayed or written on the receipt portion of the IMS generated form.

Note: The Superintendent/designee shall provide the inmate with a full print out of the grievance screen. The receipt portion of the form should not be removed.

D. IMS automatically tracks grievances and appeals therefore, it is not necessary for the Superintendent's office to assign an appeal number or to maintain a logbook.

E. The IGC shall forward any/all supporting documentation not contained in IMS to the Superintendent upon request.

F. The Superintendent or designee shall take reasonable steps to document additional investigative action taken under the "Investigative Comments Field" in IMS located in the "Grievance Decision Screen" in chronological order. Investigative comments should include the date, action taken, information obtained, the names of staff/inmate's interviewed, etc.

- G. The Superintendent shall review the "Grievance Screens" and any non-IMS supporting documentation. The Superintendent or designee shall enter his/her decision in the "Appeal/Decision Screen" in IMS within thirty (30) business days from receipt of the inmate's grievance appeal.
- a. The time periods for issuing a grievance appeal response to any inmate may be extended when the Superintendent determines that the initial period is insufficient to make an appropriate decision or if the inmate presents a legitimate reason for requesting an extension. Extensions shall be recorded in IMS under the "Investigative Comments" located in the "Grievance Decision Screen." Written notice of all extensions shall be provided to the grievant.
- H. In the event the Superintendent modifies or overturns the IGC's decision, he/she shall enter their decision in the "Appeal Decision Field" in the "Appeal Decision Screen". Decision comments shall be entered in the "Appeal Decision Comments" field in the "Appeal Decision Screen."
- a. Proposed resolutions shall clearly state what specific corrective action will be taken.
 - b. Reasons for appeal denials shall clearly state the reason for denial.
 - c. Reasons for partial approvals shall clearly state the reason for a partial approval and what action will be taken when appropriate.
 - d. Reasons for referrals to Internal Affairs shall clearly state why the referral was made.

If satisfied with the proposed resolution and where a property or monetary settlement is being offered, the inmate shall be asked to sign a Resolution Agreement form and the grievance appeal procedure shall be considered resolved. The signing of the Resolution Agreement form shall be documented under the "Investigative Comments" located in the "Grievance Decision Screen" in IMS.

- I. When the process is complete the inmate shall be provided with the Superintendent's decision via IMS printout of the Inmate Grievance Appeal. The Superintendent or designee shall ensure that the grievance number is displayed or written on the printout.
- J. If the grievance appeal is denied or partially approved, the IGC shall forward a copy of any non-IMS and relevant supporting documentation (including the grievance number on each document) to the Department Grievance Manager immediately upon the Department Grievance Manager's request.
- K. If deemed appropriate, the Department Grievance Manager shall document any action taken in the "Appeal Decision Screen" to include support of the decision rendered by the facility or action taken to overturn a decision by the facility.

Note: The IGC should have no involvement in the grievance decision making process. IGC involvement presents a conflict of interest as the IGC made the grievance decision to begin with. The IGC should not provide the Superintendent with any recommendations regarding the grievance appeal and should only forward the grievance package to the Superintendent for use in making a decision on the appeal. However, the Superintendent or another

designee, which may be the IGC, may conduct any further investigation into the grievance as directed by the Superintendent.

IMS entry of appeal information should not be done by the IGC with the exception of investigative comments.

III. EMERGENCIES

When an inmate has filed an emergency grievance and believes his/her grievance involves an issue for which a delay in resolution may cause a substantial risk of personal injury or other damages, the IGC shall review the issue with the Superintendent or designee to determine if the issue constitutes an emergency. This consultation should be noted in the investigative comments. In addition, the IGC shall document if the grievance was determined not to be an emergency in the investigative comments.

IV. GRIEVANCE WITHDRAWALS

Inmates wishing to withdraw a grievance/grievance appeal should notify the IGC/Superintendent by completing a "Grievance Withdrawal Form". The reason for the grievance/grievance appeal withdrawal shall be entered into the "Investigative Comments" located in the "Grievance Decision Screen." In addition, the original handwritten document shall be maintained in the IGC's file. Lastly, the inmate's withdrawal decision shall be documented in the "Grievance Decision or Appeal Decision Field" by selecting "Withdrawn." Withdrawals are considered a termination of the grievance process.

V. SUSPENSIONS

When the Superintendent has suspended an inmate's ability to file grievances due to abuse of the grievance process, the IGC shall immediately notify the Department Grievance Manager of such suspension. Additionally, the Department Grievance Manager shall be provided a copy of the "Suspension Notification" with the supporting rationale.

VI. EXTENSIONS

When the IGC or Superintendent has authorized an extension on behalf of the inmate or whenever the IGC/Superintendent has determined that more time is required to appropriately investigate an inmate's grievance/grievance appeal, the inmate shall be notified of the extension in writing. Additionally, the extension shall be documented in IMS under the Investigative Comments.

VI. RECORD KEEPING

The IMS shall be considered the inmate's electronic institutional file therefore, the original handwritten grievance, grievance appeal and supporting documents shall be maintained in the IGC's file. Hard copies of any information that is contained in the IMS should not need to be kept. Therefore, no grievance information shall be filed in the inmate's institutional 6-part folder.

All grievance information recorded in IMS is confidential and requirements set forth in 103 DOC 751 must be adhered to.