

MICHIGAN DEPARTMENT OF CORRECTIONS ECF - Oaks Correctional Facility OPERATING PROCEDURE	EFFECTIVE DATE	NUMBER
	05/01/2007	03.02.130
SUBJECT PRISONER GRIEVANCE APPEAL	SUPERSEDES ECF-03.02.130 (03/10/06)	
	AUTHORITY PD-03.02.130	
	ACA Standards 4-4284	
	PAGE 1 OF 3	

OBJECTIVE:

Prisoners shall be provided with an effective method of seeking redress for alleged violations of policy and procedure or unsatisfactory conditions of confinement. The prisoner grievance appeal provides a mechanism for timely investigation at the Step II level here at the Oaks.

FORMS USED:

- CSJ-247B – Prisoner/Parolee Grievance Appeal Form
- CAH-978 – Grievance Appeal Receipt
- CAH-979B – Grievance Investigation Delay Letter – Step II Assignment of Step II Grievance Response

INFORMATION:

PD-03.02.130, Prisoner/Parolee Grievances, establishes a dispute resolution mechanism for prisoners and parolees. In order to function effectively, the grievance process must be used responsibly, be fair, and be perceived as fair by both prisoners and staff. The grievance process is designed to be a problem-solving device and must be used in conjunction with the established response time limits.

In processing grievances, time limits ordinarily will be counted in business days (Monday through Friday, excluding holidays). Time limitations shall be adhered to by both grievant and staff. A grievance appeal that is not responded to within the prescribed time limits may be forwarded to the Step III respondent by the grievant by filling out the retained goldenrod copy.

Prisoners are required to exercise their right to grieve in a responsible manner. Appeals of grievance responses containing profanity, threats of physical harm, or language which demeans the character, race, ethnicity, physical appearance, gender, religion, or national origin of any person will be rejected.

Grievance appeals are normally responded to by the Warden. Each grievance appeal will be assigned to an appropriate Department Head or the Deputy Warden for investigation and preparation of a proposed response for the Warden’s signature.

The total grievance process from the point of filing a Step I grievance to providing a Step III response is to be generally completed within one hundred twenty (120) days unless an extension has been approved, in writing, by the Grievance Coordinator or the Grievance and Appeals Section, Office of Legal Affairs. An extension shall not exceed 15 business days.

PROCEDURE:

WHO

DOES WHAT

Grievant

1. If no response to the Step I grievance is received within the 15-business day time limit or within an approved extension date, or if not satisfied with Step I response, submits a kite requesting a CSJ-247B, “Grievance Appeal Form”, from the Grievance Coordinator.

Grievance

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| Coordinator | 2. | Completes the appropriate portion of the appeal form, including the grievance identifier, and forwards the Step II appeal form to the grievant. |
| Grievant | 3. | May file a Step II grievance if s/he is dissatisfied with the response received at Step I or if s/he did not receive a timely response. To file a Step II grievance, the grievant must request a Prisoner/Parolee Grievance Appeal (CSJ-247B) from the Step I Grievance Coordinator and send the completed form to the Step II Grievance Coordinator designated for the facility, field office, or other office being grieved within ten business days after receiving the Step I response or, if no response was received, within ten business days after the date the response was due, including any extensions. If the office being grieved does not have a designated Grievance Coordinator, the grievant is to send the grievance to the Step II Grievance Coordinator for the facility in which s/he is housed or appropriate field office for processing. |
| Grievance Coordinator | 4. | Upon receipt of the appeal form, reviews to determine if further investigation is necessary or if appeal should be rejected. |
| | 5. | Reasons for rejection and return of grievance to grievant: <ul style="list-style-type: none"> a) Are duplicative or untimely. b) Complain about issues which are non-grievable. c) Contain prohibited language as discussed in paragraph G of PD-03.02.130, Prisoner/Parolee Grievances. |
| | 6. | Places general population status prisoner on call out to the 300 building to discuss grievance and reason for rejection. |
| | 7. | If further investigation is warranted, completes (CAH-978, "Grievance Appeal Receipt", indicating: <ul style="list-style-type: none"> a) The grievant's name and number; b) The date of receipt of the appeal; c) The date the Step II response is due. (The Step II response is to be provided within 15 business days of the appeal, unless an extension is requested and approved by the Grievance Coordinator or Prisoner Affairs Office.) |
| | 8. | Returns the receipt to the grievant. |
| | 9. | Completes form "Assignment of Step II Grievance Response", including name of Department Head or Supervisor, prisoner's name, grievance code, and response date due to Administrative Assistant's office. |
| | 10. | Logs information listed above; copies appeal; sends copy of appeal, copy of answered grievance and Assignment Form to Administrative Assistant or Grievance Coordinator. |
| | 11. | Submits original Appeal Form packet to the Warden's Administrative Assistant. |
| Administrative Assistant or Grievance Coordinator | 12. | Investigates or arranges for thorough investigation of allegations in Appeal Form and Step I grievance. |

- 13. Prepares proposed Step II response and returns with copy of grievance and copy of appeal to the Administrative Assistant per the indicated due date. Responses must be written in "first person" for Warden's signature and cite applicable policy, procedure or rule(s).
- Administrative Assistant
- 14. Reviews Step II response for completeness and accuracy with Departmental policy and procedure. If proposed response is not satisfactory, returns packet to Department Head or Supervisor for further review/revision.
 - 15. If acceptable response, submits packet to Warden.
- Warden
- 16. Reviews packet and, if proposed response is satisfactory, signs appeal form and returns to Warden's secretary for distribution. If proposed response is not satisfactory, returns packet to Administrative Assistant for revision.
- Warden's Secretary
- 17. Upon receipt of packet with Warden's signature, returns white and canary copies of appeal and white copy of grievance to prisoner. Pink copy is returned to the Grievance Coordinator.
- Grievance Coordinator
- 18. Upon receipt of pink copy, logs Step II grievance appeal response as complete and files grievance, as appropriate.

CC:MM:04/26/07