

MICHIGAN DEPARTMENT OF CORRECTIONS MRF - Macomb Correctional Facility OPERATING PROCEDURE	EFFECTIVE DATE	NUMBER
	08/01/2012	03.02.130
SUBJECT PRISONER GRIEVANCE PROCEDURE	SUPERSEDES	
	OP-MRF-03.02.130 (01/01/2009)	
	AUTHORITY	
		PD-03.02.130
		ACA Standards
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OBJECTIVE:

To provide a mechanism for the timely investigation and resolution of prisoner grievances.

FORMS USED:

- CAJ-970 Grievance Appeal Request Denial
- CAJ-976 First Step Grievance Receipt
- CAJ-977 Grievance Coordinator Log Sheet
- CAJ-978 Grievance Appeal Receipt - Step II
- CAJ-979 Grievance Investigation Delay Letter
- CAJ-994 Monthly Grievance Report
- CSJ-247A Prisoner/Parolee Grievance Form
- CSJ-247B Prisoner/Parolee Grievance Appeal Form

INFORMATION:

PD-03.02.130, Grievance Policy - Prisoner/Parolee, establishes a dispute resolution mechanism available to prisoners and parolees. In order to function effectively, the grievance process must be used responsibly, fairly, perceived as equitable by both prisoners and staff, used as a problem solving device, and according to established time limits.

In processing grievances, time will be counted as business days (Monday through Friday excluding holidays). Time limitations are to be adhered to by both prisoner(s) and staff. A grievance which is not responded to by staff within the prescribed time limits may be forwarded by the grievant to the next step of the grievance process within ten (10) business days after the response deadline, including extension if requested, expires.

When responding to a grievance alleging loss of prisoner personal property, staff will indicate whether staff's action, inaction or negligence caused or contributed to any loss, which can be confirmed. Prisoner(s) grieving the damage or loss of personal property must establish ownership of the item(s) by having receipt(s) of property at issue. Also, the respondent to the grievance must report if prisoner contributed to the loss/damage and in whose (staff/prisoner) control the property was in when damage or loss occurred.

Prisoner(s) is/are required to exercise their right to grieve in a responsible manner. Grievances or appeals of grievance responses containing profanity, threats of physical violence, sex, religion, or national origin of a staff member will not be processed. Prisoner(s) who file excessive numbers of grievances which are frivolous, duplicative, non-meritorious, which complain about non-grievable matters, or which contain proscribed language may have their access to the grievance process limited by the Warden.

The Step 1 Grievance Coordinator will be responsible for reviewing this operational procedure to update or amend according to changes in Policy Directives, etc not later than the end of the first quarter of the year.

PROCEDURE:

WHO DOES WHAT

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|-----------------|----|--|
| Prisoner | 1. | Within two (2) business days after becoming aware of a grievable issue which directly affects him, unless prevented by circumstances beyond his control, attempts to resolve the issue by discussing it with the staff member(s) most directly involved. |
| Staff Member(s) | 2. | Within two (2) business days after the discussion of the issue with the prisoner, unless prevented by circumstances beyond his/her control, verbally advises the prisoner of the decision regarding the issue. |

STEP 1

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| Prisoner | 3. | <p>If not satisfied with the staff member's decision or if the staff member fails to respond verbally to the complainant within five (5) business days, prepares CSJ-247A, Prisoner/Parolee Grievance form. The completed grievance form shall include:</p> <ul style="list-style-type: none"> A. The Grievant's name and number. B. The facility and housing unit in which the prisoner is confined. C. The date the incident being grieved occurred. D. What attempt was made to resolve. E. The date the grievance was filed. F. A clear, concise statement of the grievance. To facilitate a response, a grievant is permitted to grieve only one issue on any one grievance form. Grievant should limit the statement of the grievance to the space provided on the grievance form. It is not necessary for a grievant to receive more than one (1) CSJ-247A to describe/explain the issue being grieved. G. The Grievant's signature. H. A prisoner shall be provided grievance forms(s) by housing unit staff. A prisoner who has been placed on Modified Access Status by the Warden may only obtain grievance forms from the First Step Grievance Coordinator. |
| | 4. | Submits the white, green, canary, and pink copies of the completed grievance form to the First Step Grievance Coordinator. Retains the goldenrod copy. |
| First Step Grievance Coordinator | 5. | Carefully reviews the grievance in order to assure that the issue being grieved is: grievable; not frivolous, duplicative, or clearly without merit; free of profanity, threats of physical harm; and, does not contain language which impugns the character of a staff member or which demeans race, ethnicity, physical appearance, sex, religion, or the national origin of a staff member. Grievances which do not satisfy these criteria will be rejected by the First Step Grievance Coordinator and returned to the prisoner with a brief explanation as to why they will not be processed. |
| First Step Grievance Coordinator | 6. | Completes CAJ-976 or computer generated form, if using the computerized database, First Step Grievance Receipt, indicating the grievant name and number, the date the grievance was received, the date the Step I response is due, the grievance issue identified by category, and the facility and housing unit to which the First Step prisoner is confined. |

First Step Grievance
Coordinator

The grievance response will ordinarily be due no later than fifteen (15) business days from the date of receipt. An extension of fifteen (15) business days shall be granted if determined necessary by the Step I Respondent if approved by the Grievance Coordinator. If the issue being grieved presents an imminent threat to the Grievant's health, safety, or welfare, the First Step Grievance Coordinator may order that the grievance be responded to within two (2) business days. When this is determined necessary, the First Step Grievance Coordinator will immediately contact the Warden to initiate an investigation and will also notify the Assistant to the Director for Prisoner Affairs.

7. Returns the receipt to the grievant.
8. Assigns grievance to supervisor of the department which is being grieved at Step I. The First Step Grievance Coordinator may respond to routine grievances filed at Step I. However, to maximize the problem solving potential of the grievance process, the supervisor who is most directly involved in the matter being grieved will typically be assigned as the Step I Reviewer. Grievances involving the Hearings Division will be forwarded to the Hearings Officer Supervisor for response at Step I.
9. Logs the necessary information regarding the grievance on CAJ-977, Grievance Coordinator Log Sheet. Retains green copies of grievance form for tracking purposes. Forwards the white, canary, and pink copies of the grievance form to the Step I Reviewer.

Step 1 Grievance
Reviewer

10. Carefully reviews the grievance. Reviewer assigns a respondent who is not directly involved in the issues being grieved to investigate the issue being grieved.

NOTE: The interview at Step I is mandatory unless the Step I Respondent is not assigned to the facility at which the prisoner is confined, or the grievant refuses to participate in the interview, or the prisoner is no longer housed at MRF. The purpose of the interview is to enable the grievant an opportunity to completely explain his complaint and to assist the Step I Respondent in gathering information regarding the issue. If the grievant is not interviewed, the reason for this will be included as part of the Step I response.

If the grievant indicates during the interview that the issue has been resolved and that he does not wish to pursue an appeal to Step II, the Step I Respondent will have the prisoner so indicate by signing the appropriate space on the grievance form. All three copies of the grievance form will then be returned to the First Step Grievance Coordinator.

Step 1 Grievance
Respondent

11. If the investigation into the grievance will require an extension of the fifteen (15) business days response time limit, notifies the Grievance Coordinator. The Grievance Coordinator will then complete Grievance Investigation Delay Letter and sends copies of same to the grievant and the Step I Respondent.
12. Prepares a response to the grievance in draft form and forwards completed draft to his/her supervisor for review.

Step 1 Reviewer
Supervisor

13. Reviews the grievance response to assure that it appropriately addresses the issue raised in the grievance and accurately reflects Departmental policy and procedure.

- Step 1 Reviewer Supervisor 14. If the response is appropriate, have respondent place response to the grievance in appropriate space on grievance form and return to reviewer for signature after interview with prisoner is completed.
15. If the response is deficient, discusses the deficiency with the Step I Respondent and returns the draft for revision. If the revision of the response necessitates an extension of the fifteen (15) business day time limit, notifies the Coordinator who will complete a Grievance Investigation Delay Letter, CAJ-979, and sends copies to the grievant and the First Step Respondent.
- First Step Grievance Coordinator 16. Reviews the Step I response to assure that the answer addresses the issue raised in the grievance and accurately reflects Departmental policy and procedure. Ensures the grievant has been interviewed by the Step I Respondent. If the grievant has not been interviewed, an acceptable reason for not interviewing the prisoner must be given in the response. Ensures the Step I Respondent's Supervisor has reviewed the response and signature is in appropriate space.
17. If the response is not satisfactory, discusses the deficiency with the Step I Respondent's Supervisor. Policy questions which cannot be resolved shall be referred to the Warden.
18. If the Step I response has not been submitted by the assigned due date, contacts the Step I Respondent's Supervisor regarding the delinquency of the response.
- NOTE: Staff members who consistently fail to respond to grievances in a timely manner will be referred to the Warden for appropriate remedial action.**
19. If the Step I response is appropriate, logs the date the grievance was returned to prisoner on the Grievance Coordinator Log Sheet, CAJ-977, destroy green copy and returns the white and canary copies of the grievance form to the grievant. Retains the pink copy of the grievance form.
- Grievant 20. Reviews the Step I response. If he accepts the response, the grievance is considered resolved.
- STEP II**
- Grievant 21. If grievant receives no response within the fifteen (15) business day time limit or a response after a granted extension period or if he is not satisfied with the Step I response to the grievance, requests Prisoner/Parolee Grievance Appeal form, CSJ-247B, from the First Step Grievance Coordinator in writing at the facility where the original grievance was filed at within five (5) business days.
- First Step Grievance Coordinator 22. Completes the appropriate portion of the appeal form and forwards same to the Grievant when requested under the conditions listed in Step #21.
- Grievant 23. Completes the Grievance Appeal form and sends the white, green, canary, and pink copies together with the white copy of the Step I grievance form, if the grievance was responded to at Step I to the Step II Respondent within five (5) business days after the grievant receives the appeal form from the First Step Grievance Coordinator.

Grievant Retains the goldenrod copy of the Grievance Appeal form. If the Step I grievance has not been responded to within the time period and grievant wants Second Step consideration, forwards the goldenrod copy of the original grievance within five (5) business days after receiving the CSJ-247B.

NOTE: The Step II respondent will typically be the Warden. However, to maximize the problem solving potential of the grievance process, grievances appealed to Step II alleging inadequate health care will be responded to by the Medical Director. Grievances regarding Michigan State Industries (MSI) matters will be responded to by the MSI Deputy Director or the MSI Manager.

Step 2 Respondent 24. Upon receipt of the Grievance Appeal Form, CSJ-247B, completes Grievance Appeal Receipt-Step II CAJ-978 or the computer generated form, if using the computerized database, indicating:

- A. The Grievant's name and number.
- B. The date of receipt of the appeal.
- C. The date the Step II response is due.
- D. The Step II response is to be provided within fifteen (15) business days after the receipt of the Grievance Appeal Form by the Step II Grievance Coordinator.

25. Returns the receipt to the grievant.

26. Carefully reviews the grievance, the Step I response and the reason for appeal. If additional information is necessary in order to respond to the grievance, obtains the additional information.

27. If the gathering of additional information will necessitate an extension of the fifteen (15) business day time limit, notifies the Grievance Coordinator of the need for an extension. The Grievance Coordinator will complete a Grievance Investigation Delay Letter, and forward a copy to the grievant. Indicate "Extension" on top of the CSJ-247B.

28. When the information is complete, prepares a response to the grievance in the appropriate portion of the appeal form.

Step 2 Respondent 29. Returns the white, green and canary copies of the Grievance Appeal form together with the grievance form to the grievant. This is to be done within the fifteen (15) business day time limit or within the extended time limit requested in step #27. Retains the pink copy of the appeal form.

Grievant 30. Reviews the Step II response to the grievance. If grievant accepts the Step II response, the grievance is considered resolved.

STEP III

NOTE: Grievances submitted to Step III are to be sent to the Office of Prisoner Affairs.

Grievant 31. If the grievance has not been responded to at Step II within the fifteen (15) business day time limit or within the extension date, submits the canary copy of the grievance form together with the goldenrod copy of the Grievance Appeal form, noting the failure by the Step II Respondent to respond to the grievance, to the Prisoner Affairs Section. This is to be done within ten (10) business days following the expiration of the time limit, including extension.

OR

If grievant is dissatisfied with the Step II response, submits the white copy of the original grievance form and the completed white copy of the Grievance Appeal form to the Prisoner Affairs Section within ten (10) business days following receipt of the Step II response.

OR

If the grievance alleges racial or ethnic discrimination, staff brutality, or corruption, the prisoner may file the grievance directly to the Inspector of the facility.

Director or Designee 32. Reviews all grievances filed at Step III. If a grievance alleging racial or ethnic discrimination, staff brutality or corruption has been filed directly at Step III, the Step III Respondent may respond directly to the grievance, request an investigation into the issue raised in the grievance or return the grievance to the prisoner for filing at Step I.

33. If more information is necessary in order to respond to the grievance, obtains the additional information.

34. Prepares a response on the Grievance Appeal form. Returns the original grievance form and the completed Grievance Appeal form to the Grievant.

NOTE: Although the Step III response is not required to be prepared within a specified time limit, these responses will be prepared as quickly as possible.

MODIFIED ACCESS STATUS

First Step Grievance Coordinator 35. Monitors prisoner use to ensure that the Grievance process is not abused.

36. If this monitoring reveals that a prisoner is deliberately abusing the grievance process by filing excessive frivolous, duplicative, non-meritorious grievances which contain language proscribed in PD-03.02.130, or using the grievance procedure to complain about non-grievable issues, submits to the Warden a recommendation that the prisoner be placed on Modified Access Status.

Warden 37. Reviews the recommendation to place the prisoner on Modified Access Status. Rejects the recommendation and notifies the First Step Grievance Coordinator of the decision.

OR

Accepts the recommendation, places the prisoner on Modified Access Status for period of 90 days and notifies the First Step Grievance Coordinator.

First Step Grievance 38. Notifies the grievant and the Manager for Prisoner Affairs in writing of the

Coordinator

approval placing the prisoner on Modified Access Status.

39. During the 90 day period that a prisoner is placed on Modified Access Status, reviews the requests for grievance forms by the prisoner.
40. Prior to issuing a grievance form to the prisoner, determines that the issue is grievable, that the issue has not been grieved previously, that the issue is not frivolous or obviously without merit, and that the grievance contains no language proscribed in PD-03.02.130. If these conditions are met, issues a grievance form to the prisoner enabling him to file a grievance regarding the issue.
41. A Monthly Grievance Report, CAJ-994, summarizing the data from both the Step I and Step II Grievance Coordinators will be sent to the Office of Prisoner Affairs by the 10th of each month. The Warden's Administrative Assistant will be responsible to ensure the report is submitted as directed.

KR:dr 7/13/12

Approved:

Kenneth A. Romanowski, Warden

Date