

MICHIGAN DEPARTMENT OF CORRECTIONS <b>NCF - Newberry Correctional Facility</b> <b>OPERATING PROCEDURE</b>	EFFECTIVE DATE	NUMBER
	11/20/2010	03.02.130
SUBJECT PRISONER GRIEVANCES	SUPERSEDES OP-NCF-03.02.130 (02/15/08)	
	AUTHORITY PD 03.02.130	
	ACA Standards 4-4016; 4-4180; 4-4284; 4-4344	
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**OBJECTIVE:**

To provide prisoners with an effective method of seeking redress for alleged violations of policy, procedure, or unsatisfactory conditions of confinement.

**FORMS USED:**

- CAJ-976 First Step Grievance Receipt
- CAJ-977 First Step Grievance Coordinator Log Sheet
- CAJ-978 Grievance Appeal Receipt
- CSJ-247A Prisoner/Parolee Grievance Form
- CSJ-247B Prisoner/Parolee Grievance Appeal Form

**INFORMATION:**

Policy Directive 03.02.130, "Prisoner/Parolee Grievances," establishes a dispute resolution mechanism available to prisoners and parolees. In order to function effectively, the grievance process must be used responsibly, and appropriate steps must be followed within established time limits.

If a grievant requests to pursue a grievance which has not been responded to by staff within the time limits as set forth in PD 03.02.130 and this operating procedure, the Grievance Coordinator must forward the grievance to the next step of the grievance process within ten business days after the response deadline expires, including approved extensions.

**PROCEDURE:**

**WHO**

**DOES WHAT**

**STEP I GRIEVANCE PROCEDURE**

- |                              |   |
|------------------------------|---|
| Prisoner                     | 1. Attempts to resolve the issue with the staff member involved within two business days after becoming aware of a grievable issue.   |
| Grieved Staff                | 2. Attempts to resolve the issue.   |
| Prisoner                     | 3. If the issue is not resolved within five business days, completes a CSJ-247A, Prisoner/Parolee Grievance Form.   |
| Step I Grievance Coordinator | 4. Submits the white, green, canary, and pink copies of CSJ-247A to the Step I Grievance Coordinator. Attaches supporting documentation. Retains goldenrod.<br><br>5. Determines if grievance is appropriately completed, and if not, returns to the prisoner for any required corrections. |

**NOTE:** If the grievance meets the criteria stated in Paragraph G of PD 03.02.130, it may be rejected. If the grievance contains non-grievable issues as defined in Paragraph F of PD 03.02.130, returns the grievance with an explanation. If the grievance does not relate to the grievant's present facility, returns the grievance and instructs the grievant to send to the appropriate

location.

6. Assigns the grievance identifier and enters on Step I grievance form as follows:
  - a. Facility-Year-Month-Grievance Number-Category Code. (Example: XXXX-YY-MM 9999-X). The numbers should be sequential beginning with January 1.
  - b. Records appropriate information on CAJ-977, First Step Grievance Coordinator Log Sheet.
7. Completes CAJ-976, First Step Grievance Receipt and returns to grievant.
8. Assigns staff person to investigate and respond to the grievance.
9. Retains green copy of CSJ-247A for follow-up. Forwards white, canary and pink copies to the Step I respondent.

**NOTE:** If the grievance is of an emergent nature, requests Step I response within two business days. Forwards a copy of the grievance to the warden.

Warden

10. Checks with the appropriate staff to determine the credibility of the grievance, e.g., Physical Plant, Health Care Services, etc. Ensures staff immediately respond to the grievance if emergent in nature.

Step I Respondent

11. Reviews the grievance, investigates the issue grieved, and interviews the grievant, except where interview is not required as provided in PD 03.02.130.
12. Presents a proposed resolution to his/her supervisor if the grievant agrees to a proposed resolution, and:
  - a. Provides a written resolution on the grievance form.
  - b. Has the grievant sign the form.
  - c. Obtains his/her supervisor's signature.
  - d. Provides all three copies of the grievances form to the Step I Coordinator.
13. Reviews the proposed grievance response with his/her supervisor to ensure the response appropriately addresses the issue raised in the grievance and accurately reflects Department policy and procedure.
14. Documents the results of the investigation and the interview with the grievant on the CAJ-247A if respondent's proposed resolution is not acceptable to the grievant.
15. Writes response on the CSJ-247A and:
  - a. Signs the response.
  - b. Obtains the signature of his/her supervisor.
  - c. Forwards the response to the Step I Grievance Coordinator.
16. Requests an extension of time from the Step I Grievance Coordinator if during the investigation of the grievance it is determined additional time past the 15 business day response time limit is needed.

Step I Grievance  
Coordinator

17. Notifies the grievant in writing if an extension is granted. The notice should include the time of extension (not to exceed to 15 days) and a brief explanation.
18. Writes "EXTENSION" in large letters at the top of the CSJ-247A to alert for special handling to conform to the 90-day limit, and proceeds with steps 16-19.
19. Receives the Step I response from the respondent and ensures the response is appropriate. If not appropriate, returns to the respondent for necessary changes.
20. Records the grievance on the CAJ-977 as appropriate (a computer database containing this information is an acceptable alternative).
21. Returns the completed response and the white and pink copies of the CSJ-247A to the grievant, and retains the canary copy.
22. Discards the previously retained green copy of the CSJ-247A.

**STEP II GRIEVANCE PROCEDURE**

Grievant

23. Requests a CSJ-247B, Grievance Appeal, within five business days from the Step I Grievance Coordinator at the location where the original grievance was filed 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 the Step I response.

Step I Grievance  
Coordinator

24. Completes appropriate portion of the CSJ-247B, including the grievance identifier, and sends the form to the grievant.

**NOTE:** If the grievant has requested a Step II appeal, but the request is untimely, a CSJ-247B must be given with a notation in the Step II form that the appeal was untimely, with instructions to forward his/her grievance to Step III.

Grievant

25. Completes CSJ-247B and sends the white, green, canary, and pink copies to the Step II Grievance Coordinator within five business days after receipt, along with supporting documentation and the white copy of the CSJ-247A.

**NOTE:** If this is an appeal of a grievance that has not been responded to at Step I, attaches goldenrod copy of the CSJ-247A and sends to the Step II Grievance Coordinator.

Step II Grievance  
Coordinator

26. Retains the goldenrod copy of CSJ-247B for his records.
27. Upon receipt of the CSJ-247B, date stamps the form and enters into the CAJ-977/Database. Rejects grievances consistent with PD 03.02.130 and returns to the grievant with explanation for the rejection.
28. Completes CAJ-978, Grievance Appeal Receipt and forwards to grievant.
29. Sends white, canary, and green copies of the CA-978 to the Step II respondent. Retains pink copy of the CAJ-978 for file and as a follow-up copy.
30. Notifies the grievant in writing if it is necessary to gather additional information and an extension of time is needed. The written notice will include the length of the time extension (not to exceed fifteen days) and a brief explanation.
31. Writes "EXTENSION" in large letters at the top of the CSJ-247B to alert special handling to conform to the 90 day time limit.

Step II Respondent 32. Reviews the original grievance, the Step I response, and reason for appeal. Obtains additional information as necessary to complete the response.

**NOTE:** If a prisoner property grievance, follow instructions for processing in DOC OP 03.02.130A, State Administrative Board Prisoner Property Reimbursement.

33. Prepares response to the appeal in the appropriate section of the CSJ-247B, or if the response is prepared on a separate sheet, indicates "See attached response" and signs the Step II appeal response.

34. Returns all three copies of the appeal form and the original grievance form to the Step II Grievance Coordinator.

Step II Grievance Coordinator

35. Reviews the Step II appeal response, and

- a. Records the grievance in the database.
- b. Returns a copy of the response along with the copy of the Step II appeal form and the white copy of the Step I grievance form to the grievant.
- c. Keeps the canary copy of the Step II appeal form with the response.

Grievant 36. Reviews the Step II appeal response. If acceptable to the grievant, the grievance is considered resolved.

**NOTE:** If the grievance has not been responded to at Step II within the 15 business day time frame or within the extension date, submits the pink copy of the CSJ-247A and the goldenrod copy of the Step II appeal within ten business days. The grievant should note the failure of the Step II respondent to provide a response.

37. Submits the white copy of the CAJ-247A and the completed white copy of the CSJ-247B if Step II response is received and not acceptable to the grievant, stating the reason for appeal to the Grievance & Appeals Section within 10 business days following receipt of the Step II response.

**NOTE:** All documents submitted with the grievance shall be attached to the Step III grievance. Supporting documents will not be returned to the prisoner.

**STEP III GRIEVANCE PROCEDURE**

Director/Designee 38. Reviews all grievances filed at Step III.

39. Determines if grievances filed directly to Step III are appropriate per PD 03.02.130.

- a. If appropriately filed, ensures the relevant information is recorded into the database for 30-day follow-up.

OR

- b. If not appropriately filed at Step III, returns to the grievant with instructions to file either at Step I or advises the grievant that the issue is not grievable.

- 40. Obtains additional information as necessary for investigation and Director's response.
- 41. Prepares a response, signs and makes three copies of the response and grievance form, retaining the original grievance.
- 42. Distributes two copies of the grievance response as follows:
  - a. Grievant
  - b. Step II Respondent
- Warden 43. Reviews Step III response for information and for action, as appropriate.

**MODIFIED ACCESS STATUS**

- Step I Grievance Coordinator 44. Obtains supervisor's approval, then submits a recommendation to the warden to place the grievant on "Modified Access Status" if monitoring reveals that the grievant is deliberately abusing the grievance process as set forth in PD 03.02.130.
  - Warden 45. Reviews and rejects or approves the recommendation to place the grievant on Modified Access Status for a period of 90 days and notifies the Step I Grievance Coordinator.
  - Step I Grievance Coordinator 46. Notifies the grievant and the Manager of the Grievance & Appeals Section in writing if the recommendation is approved.
  - 47. Meets with the grievant and explains Modified Access Status, ensuring that he understands that valid grievances may still be filed. However, all requests for grievance forms must be approved by the Step I Grievance Coordinator. Also, explains to the grievant that the Modified Access Status will be in effect for 90 days, regardless of transfer to another facility or field office location.
- NOTE:** If the prisoner continues to file grievances which are frivolous, vague, duplicative, raise non-grievable issues, or contain prohibited language as set forth in PD 03.02.130, the warden may extend the prisoner's Modified Access Status for not more than an additional 30 days for each violation.
- 48. Reviews requests for grievance forms by the grievant during the Modified Access Status. If appropriate, provides forms to the grievant as set forth in Steps 5-9. If a form is provided, it should be initialed by the Grievance Coordinator.