

MICHIGAN DEPARTMENT OF CORRECTIONS		EFFECTIVE DATE 12/19/2003	NUMBER 03.02.130
<b>OPERATING PROCEDURE</b>		SUPERSEDES 03.02.130 (01/01/01)	
SUBJECT PRISONER/PAROLEE GRIEVANCES		AUTHORITY PD 03.02.130	
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**OBJECTIVE:**

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

**FORMS USED:**

- CSJ-247A Prisoner/Parolee Grievance Form
- CSJ-247B Prisoner/Parolee Grievance Appeal Form
- CAJ-976 First Step Grievance Receipt
- CAJ-977 First Step Grievance Coordinator Log Sheet  
(A computer program may be used in lieu of this log sheet.)
- CAJ-978 Grievance Appeal Receipt

**INFORMATION:**

- A. 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.
- B. In CFA, Grievances shall not be rejected or denied solely because the prisoner has not included with his/her grievance exhibits or other documents related to the grievance. If the grievance references documents and those documents are not in the prisoner's file or otherwise available to the grievance coordinator or respondent except through the prisoner, the documents shall be reviewed with the prisoner as part of the grievance investigation process. If the the grievance coordinator or respondent determines that a copy is needed for the grievance investigation, the copy shall be made at Department expense.

**PROCEDURE:**

WHO

DOES WHAT

STEP I GRIEVANCE PROCEDURE

- |               |  |
|---------------|--|
| Grievant      | 1. Attempts to resolve the issue with the staff member involved within two business days after becoming aware of a grievable issue unless prevented by circumstances beyond his/her control.   |
| Grieved Staff | 2. Attempts to resolve the issue with the grievant.  |
| Grievant      | 3. If the issue is not resolved within five business days completes a Prisoner/Parolee Grievance (CSJ-247A) form. The forms may be completed by hand or typewriter, however handwriting must be legible.   |
|               | 4. Submits the white, green, canary and pink copies of CSJ-247A along with necessary supporting documentation to the Step I grievance coordinator for facility in which s/he is housed, or appropriate the field office, for processing; retains goldenrod copy for him/herself. Prisoners in a CFA institution may use an interdepartmental mail run, if available, to send a grievance to another facility. If an interdepartmental mail run is not available, and the prisoner does not have sufficient funds to mail the grievance, postage shall be loaned as set |

forth in [PD 05.03.118](#) "Prisoner Mail".

NOTE: Grievances should not be rejected or denied solely because they do not include what is considered to be "necessary exhibit".

Step I Grievance  
Coordinator

5. Determines if grievance is appropriately completed and is legible and, if not, returns to the prisoner for correction prior to assigning a grievance identifier.
6. If the grievance relates to another facility or office, returns the grievance to the grievant and instructs the grievant to send the grievance to the appropriate location.

NOTE: Issues regarding damaged or lost property are to be handled by the receiving facility.

7. Assigns grievance identifier and grievance category code as follows:  
Facility ID Code-Year-Month-Grievance Number-Category Code.  
(Example: XXX-YY-MM-99999-XXX).  
The numbers should be sequential beginning with January 1.  
Enters code on Step I grievance form and logs the appropriate information on First Step Grievance Coordinator Log Sheet (CAJ-977) or on the computerized grievance tracking system.

Step I Grievance  
Coordinator's  
Supervisor

8. In CFA, if the grievance is rejected because it presents a non-grievable issue, reviews the reason for the rejection to ensure compliance with policy, signs the grievance and returns it to the Grievance Coordinator.

Grievance  
Coordinator

9. In CFA, signs the rejected grievance and returns it to the prisoner.
10. If grievance is not rejected, sends completed First Step Grievance Receipt (CAJ-976) form to grievant.
11. Assigns staff person to investigate and respond to the grievance.
12. Retains green copy of CSJ-247A for follow-up. Forwards white, canary, and pink copies of CSJ-247A to the Step I respondent.

Step I Respondent

13. Reviews the grievance, investigates the issue grieved and interviews the grievant as appropriate.
14. Writes response on the grievance form.

NOTE: If additional space is required indicate "See attached response".

15. If the prisoner agrees with the response and the grievance is resolved has the grievant sign the form.

Step I Respondent

16. Reviews the proposed grievance response with his/her supervisor to ensure the response appropriately addresses the issue raised in the grievance and accurately cites and reflects Department policy and procedure and obtains supervisor's signature.
17. Provides all three copies of the grievance form to the Step I grievance coordinator.

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|------------------------------|-----|---|
| Step I Respondent            | 18. | If it is determined by the supervisor or Step I grievance coordinator that the response is deficient, investigates further and rewrites the response.   |
| Step I Grievance Coordinator | 19. | If during the investigation of the grievance it is determined additional time past the 15 business day response time limit is needed, requests an extension of time from the grievance coordinator. |
|                              | 20. | Notifies prisoner immediately in writing if an extension has been approved; an extension shall not exceed 15 business days.   |
|                              | 21. | Receives the Step I response from the respondent and ensures the response is appropriate. If not appropriate, returns to the respondent for necessary changes.                                      |
|                              | 22. | Logs the grievance in on the CAJ-977 or enters the information on the computerized grievance tracking system as appropriate.  |
|                              | 23. | Returns the completed response and the white and pink copies of the grievance form to the grievant.   |
|                              | 24. | Retains the canary copy of the grievance form.  |
|                              | 25. | Discards the previously-retained green copy of the grievance form.  |

**STEP II GRIEVANCE PROCEDURE**

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|-------------------------------|-----|---|
| Grievant                      | 26. | If a grievant is dissatisfied with the response received at Step I or does not receive a timely response, s/he may request a Prisoner/Parolee Grievance Appeal form ( <a href="#">CSJ-247B</a> ) from the Step I Grievance Coordinator within five business days after receiving the Step I response or, if no response was received, within five business days after the date the response was due, including any extensions. The grievant must send the completed form, <a href="#">CSJ-247B</a> , to the Step II Grievance Coordinator designated for the facility, field office or other office being grieved within five business days after receiving the <a href="#">CSJ-247B</a> from the Step I Grievance Coordinator. 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. |
| Step I Grievance Coordinator  | 27. | Completes appropriate portion of the appeal form, including the grievance identifier, and forwards the Step II appeal form to the grievant.   |
| Grievant                      | 28. | Completes the appeal form and sends the white, green, canary and pink copies of the appeal form to the appropriate Step II grievance coordinator within five business days after receipt of the appeal form along with supporting documentation, and the white copy of the Step I grievance form.   |
|                               |     | NOTE: If Step I response was not received sends the goldenrod copy (copy must be legible) of the Step I grievance to the Step II grievance coordinator.   |
| Step II Grievance Coordinator | 29. | Upon receipt of the Step II appeal, date stamps the appeal and enters into computerized grievance tracking system   |
|                               | 30. | If grievance appeal is rejected returns the grievance to the grievant with explanation.   |
|                               | 31. | Completes Grievance Appeal Receipt form (CAJ-978) and forwards to grievant.   |

Step II Grievance  
Coordinator

32. Retains pink copy of the appeal for file and as a follow-up copy.
33. Sends white, canary and green copies to the Step II respondent.
34. If it is necessary to gather additional information and an extension of the time is needed, notifies the grievant in writing of the extension and of the revised due date. Responds to the Step II appeal based on the best information available within the required time frame.

Step II Respondent

35. Reviews the Step II appeal, the Step I response and reason for appeal. Obtains additional information as necessary to complete the response.

NOTE: If the issue involves lost/ damaged property, follow instructions for processing in [OP 03.02.130A](#), "State Administrative Board Prisoner Property Reimbursement."

36. Approved extensions shall be noted in the grievance response.
37. Prepares response to the appeal in the appropriate section of the appeal form or if the response is prepared on a separate sheet, indicates "See attached response" and signs both the [CSJ-247B](#) form and the attached response sheet.
38. Returns all three copies of the appeal form, three copies of any attached responses and the original grievance form to the Step II grievance coordinator.

Step II Grievance  
Coordinator

39. Reviews the Step II appeal response, and:
  - a. Logs the grievance in the computerized grievance tracking system where available;
  - b. Returns a copy of the response along with the white 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 response.

Grievant

40. Reviews the Step II appeal response. If acceptable to the grievant, the grievance is considered resolved.
41. If the grievance has not been responded to at Step II within the 15 business day time frame or within the extension date, if an extension was approved, submits the pink copy of the Step I grievance form and the goldenrod copy of the [CSJ-247B](#) form stating the reason for appeal to Prisoner Affairs Section within ten business days. The grievant should note the failure of the Step II respondent to provide a response.
42. If Step II response is received and not acceptable to the grievant, submits the white copy of the CAJ-247A form and the completed white copy of the [CSJ-247B](#) form stating the reason for appeal to Prisoner Affairs Section within ten business days following receipt of the Step II response.

NOTE: All documents submitted with the grievance shall be attached to the [CSJ-247B](#) (Step III grievance). Supporting documents will not be returned to the prisoner.

STEP III GRIEVANCE PROCEDURE

Manager of Prisoner  
Affairs Section  
or Designee

43. Reviews all Step III appeals and direct grievances.

NOTE: Grievances filed by a prisoner at the Huron Valley Center (HVC) relating to the prisoner's treatment and living conditions (e.g. quality of the food, room temperatures, not receiving hygiene items, complaints regarding staff, visitor restrictions that are incorrectly imposed) shall be responded to by the Department of Community Health (DCH), using the patient grievance process developed by DCH. Grievances answered at the Step III level by the Director of the Bureau of Forensic Mental Health Services shall be forwarded to the Prisoner Affairs Section, OAIAL, for record keeping purposes.

44. Determines if grievances filed to Step III are appropriate per [PD 03.02.130](#).
- a. If appropriately filed, ensures the relevant information is logged into the computerized grievance tracking system.
  - b. Forwards grievances regarding medical care or treatment filed against health care staff, including contractual staff, to the Administrator of the Bureau of Health Care Services (BHCS) or designee.
- or
- c. If not appropriately filed at Step III, returns to the grievant with instructions.
45. Obtains and reviews information necessary for investigation and prepares an appropriate response.

Manager of  
Prisoner Affairs  
Section

46. Ensures each Step III grievance response is complete and appropriate and, if it is, signs the response. If incomplete, ensures additional investigation and/or response is completed as appropriate.

Manager of Prisoner  
Affairs Section  
or Designee

47. Retains original grievance and copy of response. Distributes copy of the grievance response to the Grievant, Step II respondent and others as deemed appropriate.

Warden or FOA Area  
Manager or Designee

48. Reviews Step III response for information and for action as appropriate.

#### MODIFIED ACCESS STATUS

Step I Grievance  
Coordinator FOA

49. If monitoring reveals that the grievant is abusing the grievance process as set forth in [PD 03.02.130](#), submits a recommendation to the area manager to place the grievant on "Modified Access Status."

Step I Grievance  
Coordinator CFA

50. If monitoring reveals that the grievant is abusing the grievance process as set forth in [PD 03.02.130](#) submits a recommendation to the warden, with the approval of his/her supervisor. The recommendation shall include a list of the grievances forming the basis for the recommendation and the reason for the recommendation. Both the grievance coordinator and supervisor shall sign the

recommendation.

Warden or FOA Area  
Manager

51. Reviews the recommendation to place the grievant on Modified Access Status.
52. Either rejects or approves the recommendation to place the grievant on Modified Access Status for a period not to exceed 90 calendar days and notifies the Step I grievance coordinator.
53. If the recommendation is approved, ensures the grievant and the Manager of Prisoner Affairs are notified in writing of the approval.

Step I Grievance  
Coordinator

54. Meets with the grievant and explains Modified Access Status, ensuring s/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 the approved period, regardless of transfer to another facility or field office location.
55. If the prisoner or parolee continues to file grievances which are frivolous, vague, duplicative, non-meritorious, raise non-grievable issues, or contain prohibited language as set forth in [PD 03.02.130](#), while on modified access, the warden or FOA area manager may extend the prisoner's or parolee's modified access status for not more than an additional 30 days for each violation.
56. Review requests for grievance forms by the grievant while on Modified Access Status. If appropriate, provides forms to the grievant.

NOTE: If a form is given, the CSJ-247A should be pre-coded and initialed by the grievance coordinator.

Manager of Prisoner  
Affairs Section  
or Designee

57. May place a prisoner or parolee on modified access, or extend that status, for the reasons set forth in [PD 03.02.130](#) and shall ensure that each prisoner or parolee placed on modified access or who has that status extended is immediately notified in writing of that determination. Also shall ensure that the appropriate Warden or FOA Area Manager is immediately notified in writing of the determination.

Approved - PLC/OPH 12/19/2003