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| MICHIGAN DEPARTMENT OF CORRECTIONS SLF - St. Louis Correctional Facility OPERATING PROCEDURE | EFFECTIVE DATE | NUMBER |
| | 02/25/2013 | 03.02.130 |
| SUBJECT PRISONER GRIEVANCES | SUPERSEDES OP-SLF-03.02.130 dated 10/18/10 | |
| | AUTHORITY PD-03.02.130 - Prisoner/Parolee Grievances | |
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OBJECTIVE:

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

FORMS USED:

CAH-978, Grievance Appeal Receipt - Step II
CAJ-976, First Step Grievance Receipt
[CSJ-247A](#), Prisoner/Parolee Grievance Form
[CSJ-247B](#), Prisoner/Parolee Grievance Appeal Form
Staff Statement (Attachment A)
Step I Grievance Response (Attachment B)
Step II Grievance Response (Attachment C)

INFORMATION:

- A. The grievance procedure must be utilized responsibly and fairly, by both prisoners and staff. Complaints filed by prisoners regarding grievable issues as defined in [PD-03.02.130](#), Prisoner/Parolee Grievances, serve to exhaust a prisoner's administrative remedies only when filed as a grievance through all three (3) steps of the grievance process in compliance with [PD-03.02.130](#), Prisoner/Parolee Grievances and this Operating Procedure. This includes, but is not limited to, complaints of conduct in violation with [PD-03.03.140](#), Prohibited Sexual Conduct Involving Prisoners.
- B. Investigations of grievances filed regarding conduct in violation of [PD-03.03.140](#), Prohibited Sexual conduct Involving Prisoners, will be conducted in accordance with that Policy Directive to the extent inconsistent with [PD-03.02.130](#), Prisoner/Parolee Grievances.
- C. Grievances may be submitted regarding alleged violations of policy or procedure or unsatisfactory conditions of confinement which directly affect the Grievant. Grievances may also be filed in accordance with MDOC [OP-03.02.130-A](#), State Administrative Board Prisoner Property Reimbursement, if the Grievant is seeking reimbursement for property lost or destroyed while in the Department's sole possession.
- D. Two (2) or more prisoners may not jointly file a single grievance regarding an issue of mutual impact or submit identical individual grievances regarding a given issue as an organized protest. Such grievances will be rejected by the Step I Grievance Coordinator. Grievances will also be rejected as outlined in [PD-03.02.130](#), Prisoner/Parolee Grievances. The rejected grievance will be reviewed and signed by the Step I Grievance Coordinator's Supervisor. A new grievance is not to be filed regarding a rejected grievance, a Grievant whose grievance is rejected may appeal the rejection to the next step.
- E. Prisoners are required to use the grievance procedure in a responsible manner. Grievances 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 by the Step I Grievance Coordinator.
- F. Grievances will not be rejected or denied solely because the prisoner did not include with his grievance exhibits or other documents related to the grievance and funds will not be loaned to the prisoner to pay for photocopying such documents. If the grievance references documents and those documents are not in the prisoner's files or otherwise available, the documents will be reviewed with the prisoner as part of the grievance investigation process. If it is determined by appropriate staff that a copy of a document is needed for the investigation, the copy will be made at Department expense.

- G. Grievances are not to be placed in a prisoner's Record Office File, Counselor File, Health Care File or Central Office File, nor will any documents in these files contain reference to a grievance. Access to grievance documents is allowed pursuant to [PD-03.02.130](#), Prisoner/Parolee Grievances.
- H. A Grievant is not to be penalized in any way for filing a grievance except as provided in [PD-03.02.130](#), Prisoner/Parolee Grievances, for misusing the grievance process. Staff are to avoid any action that gives the appearance of reprisal for using the grievance process.
- I. If a Grievant intentionally files a grievance which is investigated and determined to be unfounded which, if proven true, may have caused a staff member or a prisoner to be disciplined or a staff member to receive corrective action, the Grievant may be issued a misconduct as outlined in [PD-03.02.130](#), Prisoner/Parolee Grievances.
- J. Prisoners will be provided assistance in completing a grievance, if needed, by a staff member not involved in the grievance.
- K. The Step I Grievance Coordinator will prepare and submit monthly reports to the Grievance Section in the Office of Legal Affairs. The monthly reports will include information on the subject matter of each grievance filed and, for rejected grievances, the basis for the rejection.
- L. To resolve complaints expeditiously, prior to submitting a written grievance prisoners are to attempt to resolve the issue with the staff member involved within two (2) business days after becoming aware of a grievable issue. If the issue is not resolved, the prisoner may file a Step I grievance. The Step I grievance must be filed within five (5) business days after the prisoner attempted to resolve the issue with appropriate staff.
- M. A Grievant may file a Step I grievance directly to the Inspector instead of the Step I Grievance Coordinator, if the grievance alleges conduct which falls under the jurisdiction of the Internal Affairs Division pursuant to [PD-01.01.140](#), Internal Affairs, this includes claims alleging sexual misconduct. All grievances alleging such conduct, whether filed with the Inspector or the Grievance Coordinator, will be referred to the Internal Affairs Division for review as set forth in [PD-01.01.140](#), Internal Affairs, even if the grievance would otherwise be rejected. If it is determined that the grievance is not within the jurisdiction of the Internal Affairs Division, the grievance will continue to be processed as a Step I grievance in accordance with [PD-03.02.130](#), Prisoner/Parolee Grievances.
- N. Grievances are limited to the issue being grieved, must be legible, must be specific as possible and are limited to the space provided on the Prisoner/Parolee Grievance Forms (CSJ-247A/CSJ-247B). If additional space is necessary, additional forms are not to be used. The additional information is to be submitted on paper and four (4) copies included with the grievance.
- O. Grievances and grievance appeals at all steps will be considered filed on the date sent by the Grievant. The total grievance process from the point of filing a Step I grievance to the Grievance Section in the Office of Legal Affairs providing a Step III response will generally be completed within 120 calendar days, unless an extension has been approved in writing by the Grievance Coordinator at Step I and/or Step II. An extension for a Step I or Step II response is not to exceed 15 business days, unless the grievance falls within the jurisdiction of the Internal Affairs Division. The Step I or Step II Grievance Coordinator will immediately notify the Grievant, in writing, whenever an extension has been approved in their respective area and the extension will also be noted in the grievance response.
- P. If a Grievant chooses to pursue a grievance which has not been responded to by staff within a required timeframe, including any extensions, the Grievant may forward the grievance to the next step within 10 business days after the response deadline, including any extensions.
- Q. Prisoners and staff who may be involved in the issue being grieved are not to participate in any capacity in the grievance investigation, review or response, except if necessary to provide information to the respondent.

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STEP I

- R. Within five (5) business days after attempting to resolve a grievable issue with staff, a prisoner may send a completed Prisoner/Parolee Grievance (CSJ-247A) to the Step I Grievance Coordinator. Unless a prisoner is on modified access to the grievance procedure, Housing Unit Staff will provide the prisoner a Prisoner/Parolee Grievance Form (CSJ-247A). A prisoner on modified access to the grievance procedure may obtain a Prisoner/Parolee Grievance Form (CSJ-247A) from the Step I Grievance Coordinator only.
- S. The Step I Grievance Coordinator will log and assign a unique identifying number to each Step I grievance, including those which may be rejected. A computerized grievance tracking system will be used for this purpose. The Step I Grievance Coordinator will determine if the grievance should be rejected pursuant to [PD-03.02.130](#), Prisoner/Parolee Grievances, and, if so, ensure his/her supervisor reviews the reason for the rejection to ensure it is in accordance with [PD-03.02.130](#), Prisoner/Parolee Grievances. Both the Step I Grievance Coordinator and supervisor will sign the grievance before it is returned to the Grievant. If the grievance is accepted, the Step I Grievance Coordinator will assign an appropriate respondent and identify the date by which the response is due. The respondent will generally be the supervisor of the person being grieved. The due date will be within 15 business days after receipt of the grievance, unless an extension is granted. If the issue is of an emergent nature, the Step I Grievance Coordinator may order a Step I response within two (2) business days. If a Step I grievance requires only minimal investigation or is rejected for reasons authorized by [PD-03.02.130](#), Prisoner/Parolee Grievances, the Step I Grievance Coordinator may respond. However, a grievance interview must be conducted if the Step I Grievance Coordinator responds to the merits of a grievance.
- T. The respondent will interview the Grievant unless he refuses to participate in the interview or is not housed at this facility. If the Grievant is not interviewed, the reason is to be included in the written response. The Grievant will have the opportunity to explain the grievance at the interview to enable the Step I respondent to identify and gather any additional information needed to respond to the grievance. The interview also provides the opportunity to resolve the issue.
- U. When responding to a grievance alleging loss of personal property, the respondent will indicate whether staff negligence caused or contributed to any loss. The Step I respondent does not have the authority to determine if the Grievant should seek reimbursement via the Prisoner Benefit Fund or State Administrative Board, therefore, a Prisoner/Parolee Grievance Appeal Form (CSJ-247B) must be filed if the Grievant is seeking reimbursement for property lost or destroyed while in the sole possession of the Department.
- V. Each Step I response will be reviewed by the respondent's supervisor, to ensure that it appropriately addresses the issue raised and accurately reflects policy and procedure, prior to the grievance being returned to the Step I Grievance Coordinator. The respondent is to identify in the response the specific policies, rules or procedures that are directly related to the issue or conduct being grieved. The Step I Grievance Coordinator will ensure that a thorough investigation was completed, that the response was reviewed by the appropriate supervisor and that a copy of the response is provided to the Grievant by the due date, including any extensions.

STEP II

- W. A Grievant may file a Step II grievance if he is not satisfied with the Step I response or if he did not receive a timely response. The Grievant must request a Prisoner/Parolee Grievance Appeal Form (CSJ-247B) from the Step I Grievance Coordinator and send the completed form to the Warden's Office within 10 business days after receiving the Step I response, or, if no response was received, within 10 business days after the date the response was due, including any extensions. The Litigation Coordinator will serve as the Step II Grievance Coordinator. The Warden is the respondent for Step II grievances, with the exception of those issues listed in [PD-03.02.130](#), Prisoner/Parolee Grievances. The receipt of the Prisoner/Parolee Grievance Appeal Form (CSJ-247B) will be logged in the computerized grievance tracking system and the prisoner will be notified of the receipt. The due date for the Step II response will be within 15 business days after receipt of the grievance, unless an extension is granted. The Litigation Coordinator will ensure that any additional investigation was completed as necessary for each Step II grievance and that a copy of the response is provided to the Grievant by the due date, including any extensions.

STEP III

X. A Grievant may file a Step III grievance if he is not satisfied with the Step II response or if he did not receive a timely response. The Grievant must send a completed Step III grievance, using the Prisoner/Parolee Grievance Appeal Form (CSJ-247B), to the Grievance Section of the Office of Legal Affairs within 10 business days after receiving the Step II response, or, if no response was received, within 10 business days after the date the response was due, including any extensions.

MODIFIED ACCESS

Y. Prisoners who file an excessive number of grievances which are vague, duplicative, raise non-grievable issues, contain prohibited language or is found guilty of misconduct for filing an unfounded grievance, may have their access to the grievance procedure limited by the Warden for an initial period of not more than 90 calendar days. If a prisoner on modified access continues to file such grievances, the Warden may extend the prisoner's modified access status for not more than an additional 30 calendar days for each violation. A recommendation to place a prisoner on modified access will be submitted only by the Grievance Coordinator and will include a list of the grievances forming the basis for the recommendation and the reason for the recommendation. Additional information regarding modified access is outlined in [PD-03.02.130](#), Prisoner/Parolee Grievances.

Z. While on modified access, a prisoner can obtain grievance forms only through the Step I Grievance Coordinator. A grievance form will be provided if the Step I Grievance Coordinator determines that the issue is grievable and otherwise meets the criteria outlined in [PD-03.02.130](#), Prisoner/Parolee Grievances. The Step I Grievance Coordinator will maintain a record of requests received for grievance forms and whether the request was approved or denied, and, if denied, the reason for the denial. If a prisoner on modified access attempts to file a grievance using a form not provided by the Step I Grievance Coordinator, the grievance may be rejected.

PROCEDURE:

| <u>WHO</u> | <u>DOES WHAT</u> |
|------------------------------|--|
| Grievant | 1. Attempts to resolve the issue within two (2) business days after becoming aware of the issue, by discussing it with staff member most directly involved. If the Grievant is unable to speak to staff, the kite system should be used. |
| Staff | 2. Discusses the issue with the Grievant and attempts to resolve. |
| Grievant | 3. Completes a Prisoner/Parolee Grievance Form (CSJ-247A), within five (5) business days, after attempted resolution. |
| | 4. Ensures the Prisoner/Parolee Grievance Form (CSJ-247A) is legible and is specific as possible to the one (1) issue being grieved, limiting the information to the space on the form or providing four (4) copies of any additional information. |
| | 5. Submits the white, green, canary and pink copies of the completed Prisoner/Parolee Grievance Form (CSJ-247A) to the Step I Grievance Coordinator and retains goldenrod copy of the form. |
| Step I Grievance Coordinator | 6. Reviews the Prisoner/Parolee Grievance Form (CSJ-247A) to determine if it contains a grievable issue and is appropriately completed. |
| | 7. Enters the appropriate information on the grievance database. |
| | 8. Assigns the grievance a number and category code, including those which may be rejected. |

- Step I Grievance Coordinaor
 - 9. Rejects, obtains supervisor's signature and returns the Prisoner/Parolee Grievance Form (CSJ-247A) to the Grievant, including an explanation why the grievance will not be processed.
 - OR**
 - 10. Completes a First Step Grievance Receipt (CAJ-976) and forwards to the Grievant.
 - 11. Forwards white, green, canary and pink copies of the Prisoner/Parolee Grievance Form (CSJ-247A) to the appropriate respondent.
- Step I Respondent
 - 12. Investigates issue being grieved.
 - 13. Interviews the Grievant, unless the Grievant refuses to participate in the interview or is no longer housed at the facility.
- Grievant
 - 14. Signs the Prisoner/Parolee Grievance Form (CSJ-247A), if the issue is resolved.
- Step I Respondent
 - 15. Notifies the Step I Grievance Coordinator and reviewing supervisor, in writing, that the grievance investigation will require an extension, including the reason for the extension.
- Step I Grievance Coordinator
 - 16. Approves or denies the extension request.
 - 17. Notifies the Grievant immediately, in writing, that an extension has been approved.

NOTE: It must be noted in the Step I Response if an extension was approved.
- Step I Respondent
 - 18. Obtains applicable staff statements on the Staff Statement (Attachment A).
 - 19. Prepares the Step I Grievance Response (Attachment B).
 - 20. Signs the Prisoner/Parolee Grievance Form (CSJ-247A) and the Step I Grievance Response.
 - 21. Forwards Prisoner/Parolee Grievance Form (CSJ-247A) and Step I Grievance Response to the appropriate reviewing supervisor.
- Reviewing Supervisor
 - 22. Reviews the Step I Grievance Response, ensuring the response appropriately addresses the issue and accurately reflects policy and procedure.
 - 23. Signs Prisoner/Parolee Grievance Form (CSJ-247A) and Step I Grievance Response as the reviewer and forwards all copies to the Step I Grievance Coordinator, ensuring it is forwarded in the allotted time frame.
 - OR**
 - 24. Discusses any unacceptable response with the Step I respondent and returns grievance to the Step I respondent for revision/corrections.
- Step I Grievance Coordinator
 - 25. Reviews Prisoner/Parolee Grievance Form (CSJ-247A) and Step I Grievance Response to ensure all steps were properly followed.
 - 26. Discusses any deficiencies with the reviewing supervisor.
 - 27. Enters appropriate response information on grievance database.

- Step I Grievance Coordinator
 - 28. Forwards white, canary and pink copies of the Prisoner/Parolee Grievance Form (CSJ-247A) and three (3) copies of Step I Grievance Response to the Grievant.
 - 29. Retains green copy of the Prisoner/Parolee Grievance Form (CSJ-247A) and copy of Step I Grievance Response.
- Grievant
 - 30. Requests, from the Step I Grievance Coordinator, a Prisoner/Parolee Grievance Appeal Form (CSJ-247B), indicating the grievance identifier.
- Step I Grievance Coordinator
 - 31. Forwards a Prisoner/Parolee Grievance Appeal Form (CSJ-247B) to the Grievant, indicating that the appeal was submitted untimely, instructing the Grievant to forward grievance to Step III.
 - OR**
 - 32. Completes appropriate portions of Prisoner/Parolee Grievance Appeal Form (CSJ-247B) and forwards to the Grievant.
- Grievant
 - 33. Submits the Prisoner/Parolee Grievance Appeal Form (CSJ-247B), a copy of the Prisoner/Parolee Grievance Form (CSJ-247A) and a copy of the Step I Response to the Warden's Office, on or before the due date indicated.

NOTE: The Prisoner/Parolee Grievance Appeal Form (CSJ-247B) is to be sent to the Warden's Office unless the form indicates differently, (i.e., a health care issue will indicate the health care address).

 - 34. Retains goldenrod copy of Prisoner/Parolee Grievance Appeal Form (CSJ-247B).
- Litigation Coordinator
 - 35. Logs date of receipt by Grievance Coordinator at Step II on the Prisoner/Parolee Grievance Appeal Form (CSJ-247B) and in the grievance database.
 - 36. Completes Grievance Appeal Receipt - Step II (CAH-978) and forwards a copy to the Grievant.
 - 37. Reviews grievance and reason for appeal to Step II.
 - 38. Notifies the Grievant immediately, in writing, that an extension has been approved, when appropriate.
 - 39. Interviews Grievant only if it is determined that additional information is needed.
 - 40. Prepares Step II Grievance Response (Attachment C) for Warden's review and signature.
 - 41. Logs date received by Step II Respondent on the Prisoner/Parolee Grievance Appeal Form (CSJ-247B).

NOTE: It must be noted in the Step II Response if an extension was approved.
- Warden
 - 42. Reviews and discusses with Litigation Coordinator, requesting revisions/changes, if necessary.
 - OR**
 - 43. Reviews and signs Prisoner/Parolee Grievance Appeal Form (CSJ-247B) and Step II Grievance Response.
- Litigation Coordinator
 - 44. Logs completed Step II Appeal in grievance database.

- Litigation Coordinator 45. Forwards copy of Prisoner/Parolee Grievance Appeal Form (CSJ-247B) and Step II Response, including any supporting documentation, to Step I Grievance Coordinator to retain with the Step I information.
- 46. Forwards Prisoner/Parolee Grievance Appeal Form (CSJ-247B) and Step II Response to the Grievant within the required time frame.
- 47. Logs date returned to Grievant on Prisoner/Parolee Grievance Appeal Form (CSJ-247B).
- Grievant 48. Submits white copy of the Prisoner/Parolee Grievance Appeal Form (CSJ-247B) and Prisoner/Parolee Grievance Form (CSJ-247A) to Grievance Section of the Office of Legal Affairs, within 10 business days after receiving the Step II Response, if dissatisfied with the response received at Step II.
- Litigation Coordinator 49. Logs Step III Response in grievance database and forwards to Step I Grievance Coordinator to maintain with Step I and II grievance packet.

MODIFIED ACCESS

- Step I Grievance Coordinator 50. Submits a recommendation to the Warden to place a prisoner on modified access, ensuring the recommendation includes a list of the grievances forming the basis for the recommendation and the reason for the recommendation.
 - Warden 51. Approves or disapproves recommendation, notifying Step I Grievance Coordinator of decision.
 - Step I Grievance Coordinator 52. Notifies, in writing immediately upon the approval from the Warden, the prisoner and the Grievance Section of the Office of Legal Affairs that the prisoner has been placed on modified access status for a period of 90 calendar days and that this status is in effect regardless of a transfer to another facility.
- NOTE:** The Warden's Secretary will ensure that the Regional Prison Administrator's Office is notified, in writing, when a prisoner is placed on modified access or when a modified access status is extended.
- 53. Reviews all requests from a prisoner on modified access for a Prisoner/Parolee Grievance Form (CSJ-247A) and approves or denies the request.
 - 54. Maintains a record of requests received from prisoners on modified access for Prisoner/Parolee Grievance Form (CSJ-247A) and whether the request was approved or denied.
- NOTE:** If a prisoner on modified access status attempts to file a grievance using a form not provided by the Step I Grievance Coordinator, the prisoner will be notified that the grievance will not be processed. In addition, the Warden also may extend the prisoner's modified access status for not more than an additional 30-days for each violation.
- 55. Ensures required monthly reports are completed and submitted.

ATTACHMENT A

| | |
|--|---------------------------------|
| STAFF STATEMENT | Page of |
| | |
| Grievant's Name (Last, First) | Prisoner Number |
| | |
| Grievance Identification Number | |
| <p>Paragraph 1 - List efforts to resolve the complaint taken by staff.</p> | |
| <p>Paragraph 2 - List specific quotes from policy or procedure demonstrating the staff member's compliance.</p> | |
| <p>Paragraph 3 - Make reference to any attached document to demonstrate the staff member's action(s) were in compliance with specific policy or procedure language.</p> | |
| | |
| Staff Member's Name | Staff Member's Signature |
| Date | |

ATTACHMENT B

MICHIGAN DEPARTMENT OF CORRECTIONS

"Expecting Excellence Every Day"

MEMORANDUM

DATE:

TO: Grievance Coordinator

FROM:

SUBJECT: Step I Grievance Response
Grievance #
RE: Prisoner Name, Prisoner Number, Prisoner Lock

The Grievant was interviewed by **REVIEWER'S NAME** on **MONTH, DAY, YEAR** at **TIME OF DAY**.

The Grievant alleges **CLEARLY STATE THE ISSUE AFTER CONFERRING WITH THE GRIEVANT**. The Grievant seeks **CLEARLY STATE WHAT THE GRIEVANT IS SEEKING AS A RESOLUTION TO THE ISSUE** as relief.

Investigation of the Grievant's issue reveals **CLEARLY ADDRESS EACH POINT OF THE ISSUE AND CITE POLICY/PROCEDURE WHERE APPLICABLE**.

Based on the above findings **STATE RECOMMENDATIONS/CONCLUSION**.

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| Respondent's Name, Position (Print) | Respondent's Signature | Date |
|--|-------------------------------|-------------|

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|--|-----------------------------|-------------|
| Reviewer's Name, Position (Print) | Reviewer's Signature | Date |
|--|-----------------------------|-------------|

ATTACHMENT C

MICHIGAN DEPARTMENT OF CORRECTIONS

"Expecting Excellence Every Day"

MEMORANDUM

DATE:

TO: Prisoner's Name, Number

FROM: Warden
St. Louis Correctional Facility

SUBJECT: **Step II Grievance Response**
Grievance #
RE: Prisoner Name, Prisoner Number, Prisoner Lock

I have reviewed your grievance, the Step I Response and your Step II Reason for Appeal.

The Grievant alleges on **MONTH, DAY, YEAR, IDENTIFY AND CLEARLY STATE THE ISSUE.**

The Step I Response indicates **CLEARLY RESTATE/PARAPHRASE THE STEP I RESPONSE.**

Investigation reveals **CLEARLY STATE WHAT OCCURRED AND IDENTIFY APPLICABLE POLICY/PROCEDURE.**

Based on the above findings I consider this grievance **RESOLVED/DENIED.**

| | | |
|--|-------------------------------|-------------|
| Respondent's Name, Position (Print) | Respondent's Signature | Date |
|--|-------------------------------|-------------|