

MICHIGAN DEPARTMENT OF CORRECTIONS WHV - Women's Huron Valley Correctional Facility OPERATING PROCEDURE	EFFECTIVE DATE	NUMBER
	05/01/2009	03.02.130
SUBJECT PRISONER GRIEVANCE PROCEDURE	SUPERSEDES	
	NEW	
	AUTHORITY	
	PD 03.02.130	
	ACA Standards	
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OBJECTIVE:

Provide prisoners with an effective method of seeking redress for alleged violation of policy and procedure and conditions of confinement. To guard prisoners against any type of gender-based misconduct between staff and prisoner retaliation ensuring proper responses of sexual harassment, sexual misconduct allegations and by staff.

FORMS USED:

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

INFORMATION:

An effective grievance procedure must:

- Operate fairly;
- Be perceived by both staff and prisoners as being fair, and as a benefit to both;
- Be viewed as a tool for problem solving

- A. PD-03.02.130 – Prisoner/Parolee Grievances and OP-03.02.130, Prisoner/Parolee Grievances, establish policy and procedure regarding prisoner grievances. Every effort will be made to effectively address, and where possible, resolve grievances at the earliest possible step in a timely fashion. OP-03.03.140 – Prohibited Sexual Conduct Involving Prisoners outlines staff responsibilities for ensuring facility compliance that involve prisoners being free from sexual violence and harassment from other prisoners and staff.

Any grievance which is not responded to by staff within time limits prescribed, or within any written extension period, may be appealed by the grievant to the next step of the grievance procedure within 10 days from the date of staff response, including extension. Any unanswered grievance not appealed within this time limit is considered terminated by the prisoner.

In preparing grievance and appeals of grievance responses, prisoners shall avoid the use of profanity, threats of physical harm, and language which impugns the character of a staff member or which demeans the race, ethnicity, physical appearance, sex, religion or national origin of a staff member. Grievances containing such language will not be processed by the First Step Grievance Coordinator nor responded to at any step of the grievance process unless it is a part of the grieved behavior, and essential to that description.

- B. The Grievance Coordinator shall not reject any grievance that describes staff Gender Based Misconduct or Staff Sexual Misconduct. Category 17 Grievances shall be processed immediately upon receipt and forwarded directly to the Deputy Warden. The Deputy Warden will review and forward to the Warden for assignment to the Inspector or a trained Category 17 Investigator. **REFER TO OP 03.02.130A**

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NON-GRIEVABLE ISSUES:

Two 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 shall be rejected by the grievance coordinator. Grievances that raise the following non-grievable issues also shall be rejected:

1. Decisions made in Hearings conducted by Hearings Officers of the State Office of Administrative Hearings and Rules and decisions made in Minor Misconduct Hearings.
2. The content of Administrative Rules or Department Policy Directives, Operating Procedures, Facility Posted Rules and Director's Office Memorandums (DOM's).
3. Decisions made by the Parole Board to deny, grant, rescind, amend or revoke parole.

FIRST STEP GRIEVANCE COORDINATOR – GENERAL GRIEVANCES

The responsibilities of the First Step Grievance Coordinator shall include:

1. Carefully reviewing each grievance filed at Step I and assigning a staff member to interview the prisoner who has filed the grievance and to prepare a response to it. (A grievance may not be assigned to the subordinate or employee of the same employee being grieved).
2. Places the date grievance was received in the upper left hand corner on all carbonless pages of the grievance.
3. Forwards all grievances coded as Category 17 to the Deputy Warden immediately up receipt.
4. Rejecting and returning grievances to the prisoner which are duplicative, vague, illegible or contains multiple issues, grievances which prisoner does not indicate she tried to resolve verbally and/or grievance filed untimely or which this facility lacks jurisdiction to resolve.
5. Ensuring that grievance responses are prepared, reviewed, and returned to him/her within the prescribed time limits.
6. Reviewing the employee response to each grievance at Step I in order to ensure that it appropriately addresses the issue raised in the grievance and accurately quotes Departmental policy and procedure.
7. Preparing statistical and submitting monthly reports to Prisoner Affairs Section.
8. Processing extension requests.
9. Logging and submitting Step II Grievances to the Administrative Assistant.
10. Processing Step II responses returned from Prisoner Affairs Section.
11. Maintaining a log of all grievances received and the date of receipt. The Grievance Log must identify:
 - A. Name
 - B. Number
 - C. Institution
 - D. Housing Unit
 - E. Grievance #
 - F. Employee grieved (Name)
 - G. Type of grievance i.e. general, C-17, etc.
 - H. Date assigned

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- I. Date returned/completed
 - J. Grievance Coordinator Log shall consist of a Computerized Grievance Tracking System
12. The completed grievance form document must include:
- A. Name
 - B. Number
 - C. Institution
 - D. Housing Unit/Room Number
 - E. Date incident occurred
 - F. Current date
 - G. Grievant issue must be clearly stated. To facilitate response, a prisoner shall place only one issue on each form. If a prisoner includes more than one staff member, the prisoner will file one grievance form per staff member involved.

Grievances that contain additional pages providing four (4) copies of each page and/or contain additional grievance forms shall be processed.

Modified Access Status

If a prisoner is deliberately abusing the process by filing frivolous, duplicative, non-meritorious grievances, using the grievance procedure to complain about non-grievable issues, or filing grievances containing language prescribed in this procedure, the First Step grievance Coordinator will submit a recommendation to the Warden that the prisoner be placed on "modified access" status.

If the Warden concurs with the recommendation, the prisoner will be placed on the "modified access" status for a period of up to 90 days. The Warden will notify the prisoner and the Office of Prisoner Affairs in writing of this determination. During the term of "modification access" status, the prisoner will be able to obtain grievance forms only through the First Step Grievance Coordinator. Prior to issuing a grievance form to a prisoner who has been placed on "modified access" status, the First Step Grievance Coordinator will determine that the issue the prisoner wishes to grieve is grievable, has not been grieved previously, and is not frivolous or obviously without merit. If these conditions are met, the First Step Grievance Coordinator will issue a coded grievance form to the prisoners, enabling him to file a grievance regarding the issue. Prisoners on Modified Access will not be restricted from filing grievances defined in this procedure as Category 17 grievances.

Monthly Reports

Prepares a report to be submitted to the Deputy Warden on the first of the month. The report shall contain information regarding the previous month's Step I grievance activity, including:

- A. Total number of Step I grievances received.
- B. Number of grievances filed in each category.
- C. Number of grievances resolved, denied, partially resolved and rejected.
- D. Total number of Step II grievances received.
- E. Average number of business days in which staff responded to Step I grievances.

Weekly Reporting

Listing of all overdue grievances shall be submitted to the Deputy Warden weekly with a copy to each over due respondents supervisor.

PROCEDURE:

<u>WHO</u>	<u>DOES WHAT</u>
Grievant	1. Attempts verbal resolution of the matter with the staff member(s) involved within two (2) business days of becoming aware of the grievable issue which directly

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affects him, unless prevented by circumstances beyond his control.

2. Files a written complaint on the appropriate grievance for CSJ-247A. If the prisoner does not receive a response to his concerns or is not satisfied by the informal response, the written grievance shall be filed within five (5) business days of the rejection of the oral decision (or seven (7) days of the incident).

Blank grievance forms will be provided to a prisoner upon request from Housing Unit Officers.

NOTE: Prisoners placed on “modified access” must receive their grievance forms from the First Step Grievance Coordinator ONLY. Prisoners on “modified access” shall not be prohibited from filing Category 17 grievance.

3. Submits the white, canary, green and pink copies of the completed grievance form to the First Step Grievance Coordinator. Retains the goldenrod copy for her records.

If the grievance involves allegations of racial or ethnic discrimination, brutality or staff corruption, the prisoner may, at his discretion, address his grievance directly to the Director’s Office. If the Director or his designee determines the grievance to be too vague or the information provided by prisoner fails to justify the charges, the grievance will be returned to the prisoner for processing Step I.

A grievant in a CFA institution may file a Step I grievance directly with the Inspector of the institution at which the prisoner is housed instead of with the 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 staff sexual misconduct. All grievances alleging such conduct, whether filed with the Inspector or a grievance coordinator, shall be referred to the Internal Affairs Division for review as set forth in PD 01.01.140 “Internal Affairs” even if they would otherwise be rejected; however, duplicative grievances may be rejected.

Grievance
Coordinator

4. Completes a receipt for each grievance received, indicating:
 - A. Name
 - B. Number
 - C. Date received
 - D. Assigned Grievance Identifier
 - E. Prepare cover sheet indicating date, assigned respondent, prisoner name, number, lock, grievance identified and due date.
 - F. Returns the receipt to the prisoner
5. Determines which staff member will respond to the grievance, logs necessary information regarding the grievance, and forwards the white, pink and canary copies of the grievance form with cover sheet to the appropriate staff member. Retains the green copy of the grievance for record keeping purposes. (Respondent may not be a staff members subordinate).
6. Assigns a due date to Respondent which will be within 15 business days after receipt, unless an extension is granted.

Designated Step I
Staff Respondent

7. Investigates the information presented in the grievance. Interviews prisoner regarding the grievance. The prisoner will be interviewed unless she is unavailable for interview due to release on court order or she has transferred to

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another prison. In any instance if the prisoner is not interviewed, it is mandatory that the reason the prisoner was not interviewed be included in the grievance response.

8. Writes a response to the grievance on form CSJ-247A or additional page using approved format and forwards it to his/her supervisor for review and approval. All grievance responses must be reviewed by the immediate supervisor. When responding to grievances alleging property damage or loss, the first respondent should indicate whether there was negligence in the damage to or loss of the property. There will be no recommendation for reimbursement or any discussion of a dollar amount at this level. Answers at the first step level will be complete and accurate and will provide relevant information. Policy, Procedure and Rules must be quoted whenever possible.
9. Maintains a copy of the completed grievance.
10. Reviews the grievance response to ensure that the response meets criteria.
 - A. Addresses the issues raised by the grievant
 - B. Accurately reflects Departmental policy and institutional procedure
 - C. Is answered professionally and completely

Step I Respondent's
Immediate Supervisor

If the response does not meet the above-listed criteria he/she should discuss the problem area(s) with the Step I respondent. The grievance should be returned to the staff member for revision until such time as the grievance response meets the above criteria. Attention should be paid to the due date for response. When the response is appropriate, the immediate supervisor will sign and forward the grievance form to the First Step Grievance Coordinator.

Grievance
Coordinator

11. Reviews the grievance response to ensure that it:
 - A. Addresses the issues raised by the grievant
 - B. Accurately reflects Departmental policy and institutional procedure
 - C. Is written professionally
 - D. Has been reviewed and signed by the respondent's immediate supervisor
12. Discuss the problem area(s) with the responding staff member's immediate supervisor if it is determined that the response does not meet the above listed criteria. If the response is determined appropriate by the First Step Grievance Coordinator, he/she will log the grievance and return the white and pink copies of the grievance form to the prisoner. The canary copy is kept by the First Step Grievance coordinator for record keeping.

Grievant

13. Accepts the first step response and the grievance is considered resolved.

If the prisoner rejects the first step grievance, she requests an appeal form within ten (10) days from the date that the grievance response is returned CSJ-247B from the First Step Grievance Coordinator.

Step II
Grievance
Coordinator

14. Receives a request for a Step II grievance and checks to see that:
 - A. The request is made within ten (10) days of Step I response;
 - B. The response was not accepted by the prisoner

When the First Step Grievance Coordinator determines that an appeal is valid, records the necessary information and issues a Grievance Appeal Form to the prisoner. Recorded on the Grievance Appeal Form will be the:

- A. Grievance log number
- B. Grievance issue
- C. Appeal due date. The prisoner has (10) days from the date that the Grievance Appeal Form is issued in which to file his appeal at Step II. If the grievance has not been appealed within that time, then the grievance is terminated. The Grievance Appeal Form will then be forwarded to the prisoner.
- D. Retains green copy

15. Completes a receipt for the Step II grievance indicating:

- A. Name
- B. Number
- C. Date Received
- D. Date Step II response is due to prisoner. The Step II grievance response is due 15 business days after receipt of the grievance and the Grievance Appeal Form by the Step II Respondent.

Returns the receipt to the prisoner.

Grievant

16. Requests Grievance Appeal Form. Completes the form, including the following information.

- A. Name
- B. Number
- C. Institution
- D. Housing Unit/Room Number
- E. Date of incident
- F. Today's
- G. Reason for appeal. This section should include specific information regarding disagreement with Step I answer. Statement should be brief, but concise.

Forwards the Grievance Appeal Form with the white, green, pink and canary copies of the original CSJ-247A to the Grievance Coordinator. All grievances alleging inadequate medical care are forwarded to the Medical Director for response.

Step II Grievance
Coordinator

17. Determines if additional information is needed. Is so, refers the grievance to the appropriate person for investigation.

Step II
Respondent

18. Prepares a response on the Step II Grievance Appeal Form CSJ-247B or on additional page following approved format. Provides response to the Warden for review and approval.

Grievance
Coordinator

19. Receives signed response and provides prisoner with a copy of Step II response.

Grievant

20. Accepts the Step II response or completes the Step III – Reason for Appeal Section of the Grievance Appeal Form, and forwards the grievance and appeal to the Director's Office for further response.

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PROCEDURE REVIEW:

The Warden will ensure that this operating procedure is reviewed at least annually and updated as necessary.

APPROVED: MW/LE 06/09/09