

Minnesota Department of Corrections

Policy: 303.100 **Title:** Grievance Procedure
Issue Date: 3/18/14
Effective Date: 4/1/14

AUTHORITY: [Minn. Stat. §243.56](#)
Prison Rape Elimination Act (PREA), 28 C.F.R. §115 (2012)

PURPOSE: To provide a process for conflict resolution for offenders.

APPLICABILITY: Minnesota Department of Corrections (DOC); all department facilities and policy and legal services unit

POLICY:

- A. The Offender Grievance form (attached) is a means for incarcerated offenders to address a concern via the formal grievance process. Offenders must attempt to resolve any concerns informally via the kite system prior to pursuing the formal grievance process. Offenders must follow the chain of command and contact only one staff at a time. An offender may submit a grievance in good faith without fear of retaliation. Offenders may use the grievance process to attempt to resolve alleged instances of sexual harassment; however, an offender is not required to use the grievance process to attempt to resolve an alleged incident of sexual abuse with staff.
- B. Facilities may develop instructions to implement this policy.
- C. This policy does not apply to any other policy/division directive that has its own separate review/appeal procedure, including such examples as:
 - 1. Policy 106.020, "Settlement of Claims"
 - 2. Policy 202.100, "Classification System"
 - 3. Division Directive 204.010, "Offender Assignment and Compensation Plan"
 - 4. Policy 303.010, "Discipline" (except the procedure outlined in Offender Discipline Regulation #510, "Mandated Treatment Failure/Refusal")
 - 5. Division Directive 303.015, "Informal Sanctions"
 - 6. Division Directive 302.020, "Mail" (Procedure K "appeal of unallowable offender mail and O-mail" and Procedure N "centralized review of subscribed magazines and periodicals")
 - 7. Division Directive 302.021, "Offender Messaging (O-Mail)"
 - 7. Division Directive 302.100, "Visiting"
 - 8. Division Directive 500.308, "Chemical Dependency Assessment and Programming"
 - 9. Division Directive 203.250, "Offenders With Disabilities"
 - 10. Division Directive 204.060, "Challenge Incarceration Program Phase I"
 - 11. Division Directive 301.085, "Administrative Segregation"

DEFINITIONS:

Informal resolution- written communication with staff to informally resolve an issue via the kite form.

Offender grievance - a method by which incarcerated offenders may submit a formal concern regarding an issue, which cannot be addressed under a different complaint, claim, administrative, or legal procedure. An offender grievance must be limited to matters currently affecting the offender filing the grievance.

Offender grievance appeal – offenders not satisfied with the warden/designee's response may submit an appeal. Once the assistant or deputy commissioner or the Commissioner of Corrections has responded to a grievance appeal, there are no further appeals. Offender Grievance Appeal form (attached) is also available in the living units.

Offender Kite form (or kites; attached) - a form offenders use to communicate with staff (e.g., ask questions, communicate concerns, request a special visit, request for program information, request for information to transfer, etc.). A kite form can be used to request appointments, information, programming, or to informally resolve an issue.

PROCEDURES:

A. Grievance:

1. *Initiating a formal grievance:* if the offender does not believe his/her issue has been resolved informally through kites with staff, he/she may submit an Offender Grievance form to the facility grievance coordinator, provided that he/she has more than 40 working days left until release. An offender who intends to file a grievance must obtain and file his/her grievance form within 45 calendar days of occurrence of the issue being grieved.
 - a) The offender must:
 - (1) Complete an Offender Grievance form and state clearly and legibly the grievance identifying a single complaint and the resolution he/she is seeking.
 - (2) Not exceed the limit of using the form and one additional 8½ x 11 inch page to state the complaint. Supporting exhibits with the complaint are not limited.
 - (3) Attach all kite(s) used in the chain of command to which staff have responded that shows an attempt at informal resolution.
 - b) The offender may obtain assistance from another offender, facility staff, family members, or attorneys in preparing a grievance. However, no person may submit a grievance on the offender's behalf.
2. *Processing formal grievances:* the facility grievance coordinator:
 - a) Returns a formal grievance that involve matters that are not personal to the offender, contain multiple issues, are unclear, requesting discipline/dismissal of staff, or do not indicate the offender attempted to informally resolve the issue. If a grievance alleges an incident of sexual abuse, the grievance coordinator must copy the grievance and supporting

exhibits, forward the original grievance materials to the office of special investigations (OSI), and notify the offender that the grievance was forwarded to OSI for follow-up. The grievance coordinator must document this action in a confidential incident report, which includes a copy of the grievance and supporting exhibits.

- b) Logs the grievance into the database system, unless returned to the offender for reasons stated in Procedure A.1.a) above.
 - c) Sends the offender written notice of the date the grievance was logged into the grievance database along with supporting evidence.
 - d) Determines the appropriate staff and methods of investigating the grievance. Grievances that indicate medical or behavioral health issues may be directly referred to the health services unit or behavioral health unit respectively.
 - e) Submits the investigation results to the warden/designee, who does one of the following upon receiving the results from the facility grievance coordinator:
 - (1) Dismisses the grievance;
 - (2) Affirms the grievance; or
 - (3) Affirms the grievance with modifications.
 - f) Provides written notification to the offender of the warden/designee's decision within 20 working days from the date the grievance was logged into the grievance database. The warden/designee may make a, one time only, 20 working day extension provided the offender is notified of the extension within the first 20 working days.
 - g) If the offender does not receive a decision within 20 working days of the date the grievance was logged into the database or 40 working days if the offender received notice of an extension, the offender may consider the grievance dismissed and the offender may appeal the grievance immediately.
3. *Exception to filing at facility:* if the offender has received threats to his/her physical safety, well-being, or can establish that he/she would be in danger if the complaint would be known at the facility:
- a) He/She may submit the complaint directly to the central office grievance appeal coordinator.
 - b) The offender may mark "special mail" on the sealed envelope and address it to the grievance appeal coordinator.

- c) The central office grievance appeal coordinator consults with department staff to determine if the complaint will be processed in central office, returned to the facility, or to the offender to resubmit as a grievance for processing through the formal grievance procedure.
- d) The assistant or deputy commissioner responds to offender complaints directly submitted to the central office grievance appeal coordinator when it is determined that the offender's safety or well-being would be placed in danger if the complaint became known at the facility.
- e) All decisions made on grievances processed by central office are final. There is no second level of appeal.

B. Appeal:

- 1. *Initiating a grievance appeal:* if the offender is not satisfied with the warden/designee's response, the offender may submit an Grievance Appeal form (attached) to the central office grievance appeal coordinator within 15 working days of the date the warden/designee signed the response.
 - a) The offender must submit the appeal form and one copy of the facility grievance and response. The appeal must not exceed the form and one additional 8½ x 11 inch page to state the complaint.
 - b) Supporting exhibits are returned to the offender.
- 2. *Processing grievance appeals:* the central office grievance appeal coordinator:
 - a) Logs the grievance appeal into the correctional operations management system (COMS).
 - b) Sends the offender written notice of the date the grievance appeal was logged into the grievance database along with supporting exhibits.
 - c) Returns Grievance Appeal forms that involve matters that combine multiple grievances into one appeal, are unclear, or have not gone through the formal grievance process.
 - d) Determines the appropriate method of investigating the grievance and submits the investigation results with recommendation to the appropriate assistant or deputy commissioner.
 - e) Processes the decision of the assistant or deputy commissioner, who responds to the appeal within 20 working days from the date the appeal was logged into the grievance database. The assistant or deputy commissioner may make a, one time only, 20 working

day extensions provided the offender is notified of the extension within the first 20 working days.

- f) If the offender does not receive a decision within 20 working days of the date the grievance appeal was logged into the database or 40 working days if the offender received notice of an extension, the offender may consider the grievance appeal dismissed and the offender may report the matter to the Commissioner of Corrections for a resolution.
- g) Once a grievance appeal has been resolved by the assistant or deputy commissioner or the commissioner, there are no further appeals.

- C. Accommodations: reasonable accommodations are made for offenders who are disabled in a manner that interferes with communication, or are unable to speak or read the English language.

INTERNAL CONTROLS:

- A. Grievances are logged and retained in the COMS system.
- B. Original copies of the grievances and all follow-up materials are retained by the facility grievance coordinator according to the retention schedule.
- C. Grievance appeals are retained by the central office grievance appeal coordinator according to the Litigation, Rule Making, and Grievance Appeals Retention Schedule.

REVIEW: Annually

REFERENCES: ACA Standards 4-4016, 4-4284, 1-ABC-1A-15, 1-ABC-3D-08, 2-CO-1A-18, 3-3022
[Policy 106.020, "Settlement of Claims"](#)
[Policy 202.100, "Classification System"](#)
[Division Directive 204.010, "Offender Assignment and Compensation Plan"](#)
[Policy 303.010, "Discipline"](#)
[Division Directive 303.015, "Informal Sanctions"](#)
[Division Directive 302.020, "Mail"](#)
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[Division Directive 500.308, "Chemical Dependency Assessment and Programming"](#)
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[Division Directive 204.060, "Challenge Incarceration Program Phase I"](#)
[Division Directive 301.085, "Administrative Segregation"](#)

SUPERSESSION: Policy 303.100, “Offender/Staff Communication Grievance Procedure,” 8/20/13.

All facility policies, memos, or other communications whether verbal, written, or transmitted by electronic means regarding this topic.

ATTACHMENTS: [Offender Grievance](#) (303.100B)
[Grievance Appeal](#) (303.100C)
[Offender Kite form](#) (303.101A)
[Litigation, Rule Making, and Grievance Appeals Retention Schedule](#) (106.060A)

/s/

Deputy Commissioner, Community Services

Deputy Commissioner, Facility Services

Instructions

[303.100RW, “Offender/Staff Communication”](#)
[303.100TOGO, Grievance Procedure”](#)