

MISSISSIPPI DEPARTMENT OF CORRECTIONS		S.O.P. 20-08-01
GRIEVANCE PROCEDURES - OFFENDER	DIVISION: AGENCYWIDE	
	LOCATION: AGENCYWIDE	
ACA STANDARDS: 4-ACRS-6B-03; 3-4271	EFFECTIVE DATE 07-01-03	
	PAGE 1 of 8	

1 **APPLICABILITY:**

2
3 This procedure applies to all employees of the Mississippi Department of Corrections and to all
4 offenders committed to the custody of the Mississippi Department of Corrections.

5
6 **POLICY STATEMENT:**

7
8 It is the policy of the Mississippi Department of Corrections (MDOC) to maintain a written offender
9 grievance procedure.

10
11 **DEFINITIONS:**

12
13 Administrative Remedy Program (ARP) - A program by which an offender may request
14 administrative remedy for situations arising from policies, conditions, or events within the MDOC
15 that affect them personally.

16
17 Legal Claims Adjudicator - Second-level supervisor of the Administrative Remedy Program who
18 screens administrative remedy requests statewide and adjudicates claims with the approval of the
19 appropriate Superintendent/Deputy Commissioner.

20
21 Days – Calendar days.

22
23 **PROCEDURES:**

24
25 **ARP procedural forms are composed of duplicate and triplicate replications that are used by**
26 **all parties to document the various steps of the appeals process. Due to the formatting**
27 **multiplicity of these forms, they are generated for ARP by a professional printer and therefore**
28 **cannot be accessed on MISNET.**

29
30 **Initial Complaint**

- 31
32 • The initial complaint of an ARP and ARP appeals will be handled as legal mail by the Inmate
33 Legal Assistance Program (ILAP) office.
34
35 • Requests for mailing ARP's and ARP appeals will be submitted on the ILAP request form
36 indicating what is to be mailed and the deadline date.
37
38 • The form will be placed in the ILAP box prior to 0700 hours on the assigned pick-up day.

MISSISSIPPI DEPARTMENT OF CORRECTIONS		S.O.P. 20-08-01
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	LOCATION: AGENCYWIDE	
ACA STANDARDS: 4-ACRS-6B-03; 3-4271	EFFECTIVE DATE 07-01-03	
	PAGE 2 of 8	

39 Complaint Protocol

40

- 41 • Offenders will commence the grievance process by writing a letter to the Superintendent/Deputy
42 Commissioner in care of the Legal Claims Adjudicator within thirty (30) days of an alleged
43 incident.
- 44
- 45 • Offenders will briefly set out the basis for their claims, and the specific relief sought.
- 46
- 47 • Every letter will clearly indicate that “This is a request for administrative remedy”.
- 48
- 49 • Offenders will present as many facts as possible to answer all questions concerning the incident
50 (who, what, when, where and how).
- 51
- 52 • Offenders will make a copy for their own records.
- 53
- 54 • The institution will not be responsible for furnishing offenders with copies of complaint letters.
- 55
- 56 • The original letter will become part of the process, and will not be returned to the offender.

57

58 Rejection Justifications

59

60 The Legal Claims Adjudicator will screen all requests prior to a Step One assignment. Requests will
61 be rejected for one of the following reasons, and noted on Form *ARP-1*:

62

- 63 • This matter is not subject to appeal since the relief requested is beyond the power of the
64 Mississippi Department of Corrections to grant.
- 65
- 66 • The complaint concerns an action not yet taken or a decision, which has not yet been made.
- 67
- 68 • There has been a time lapse of more than thirty (30) days between the event and the initial
69 request.
- 70
- 71 • The offender has requested a remedy for more than one incident.
- 72
- 73 • The request does not contain the required language “This is a request for administrative remedy.”

74

75 ARP: Response to Requests

76

77 Notice of ARP’s acceptance or rejection of an offender’s request will be provided an offender via
78 *Relief Form*, Form *ARP-1*.

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ACA STANDARDS: 4-ACRS-6B-03; 3-4271		EFFECTIVE DATE 07-01-03
		PAGE 3 of 8

79 If a request is rejected for technical reasons or matter of form, an offender will be allotted five (5)
80 days from the rejection date to file a corrected grievance.

81

82 The printed forms used in this process will contain specific instructions for offender participants.

83

84 Offenders will be responsible for reading and following instructions in their totality.

85 Offenders will use form *ARP-1* to continue additional process steps. Sufficient space will be allowed
86 on the form for offenders to justify their reasons for requesting review at another level.

87

88 Once offenders complaints have been accepted by ARP, offenders will be required to use a manila
89 envelope that is furnished with the Step One response to continue in the procedure.

90

91 Offenders may tuck, tape or staple envelope flaps for closure.

92

93 Offenders will not, however, glue envelope flaps.

94

95 Step One: Legal Claims Adjudicator

96

97 • The First Step respondent will respond to the offender within fifteen (15) days from the date the
98 request is referred to the first level respondent by the Legal Claims Adjudicator.

99

100 • If the First Step Respondent has not responded to the grievance on or before the fifteen (15) day
101 due date, the Legal Claims Adjudicator will process the grievance on to Step Two.

102

103 • The offender will be provided official notice that such a grievance automatically went on to Step
104 Two.

105

106 Step Two: Superintendent/Designee's Review

107

108 • Offenders who are dissatisfied with the first step response may request relief from the
109 Superintendent or designee.

110

111 • This second step request must be received in the Legal Claims Adjudicator's office within five
112 (5) days from an offender's receipt of the first step response.

113

114 • The Legal Claims Adjudicator will ensure that offenders receive a written response from the
115 Superintendent or designee within twenty-five (25) days of receipt of the request for Second Step
116 review.

MISSISSIPPI DEPARTMENT OF CORRECTIONS		S.O.P. 20-08-01
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	LOCATION: AGENCYWIDE	
ACA STANDARDS: 4-ACRS-6B-03; 3-4271	EFFECTIVE DATE 07-01-03	
	PAGE 4 of 8	

117 Step Three: Commissioner's Review

118

119 • Offenders dissatisfied with the Second Step review may appeal to the Commissioner of
120 Corrections via the ARP Administrator.

121

122 • Offenders will attach all appropriate documents and responses from Step One and Two reviewers
123 and mail the package directly to: Administrative Remedy Program Administrator, MDOC, 723
124 North President Street, Jackson, Mississippi 39202.

125

126 • Packages must be postmarked within five (5) days of the date of the second step response.

127

128 • The Commissioner or designee will make final decisions on all offender complaints.

129

130 • Offenders will be notified by mail postmarked within forty (40) days of receipt of appeals by the
131 Commissioner.

132

133 • A copy of each appeal and the Commissioner or designee's response will be sent to the
134 Adjudicator for filing.

135

136 Emergency Review

137

138 • Emergency grievances will be defined as matters whose normal ARP disposition in accordance
139 with the regularly prescribed time limits would:

140

141 ° (a) subject the offender to substantial risk of personal injury

142

143 ° (b) cause serious and irreparable harm to the offender

144

145 ° (c) remove the attainability of the requested action

146

147 • Offenders who feel their grievances meet emergency criteria, will forward their requests to the
148 Legal Adjudicator

149

150 • The Legal Adjudicator will determine the appropriate grievance level the requests will be routed
151 to as per the substantive actions required.

152

153 • Emergency requests will be handled as expeditiously as possible, and subsequently reviewed by
154 the Commissioner or designee.

155

156 • If an emergency grievance submission is ruled at any level to be a non-emergency, the request

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	PAGE 5 of 8	

157 will be returned to the offender with factual justifications for its rejection.

158

159 • The response will include notification that the matter may be resubmitted as a regular grievance
160 appeal to Level 3.

161

162 • Offender abuse of the emergency review process will be treated as a frivolous and/or malicious
163 request.

164

165 Emergency Medical Request

166

167 Any offender may request medical attention by declaring a medical emergency to the Legal
168 Adjudicator.

169

170 Sensitive Issues

171

172 • If an offender believes that they will be adversely affected by filing a complaint of a sensitive
173 nature at their facility, that offender may file their complaint directly to the Third Step Level
174 (Commissioner) in care of the Administrator.

175

176 • The Offender will be required to provide a written explanation as to why they are reluctant to file
177 a complaint at their facility.

178

179 • If an Administrator determines that an offender's complaint merits sensitivity status, the
180 complaint will be accepted and responded to by the administrator.

181

182 • Conversely, when an Administrator determines that an offender's complaint does not merit
183 sensitivity status, he will provide the offender with a written justification thereby denying the
184 offender's claim.

185

186 • Upon denial of a complaint's sensitivity status, the Administrator will send a copy of the
187 response memo to the Superintendent/CCD in care of the Legal Adjudicator.

188

189 • The offender will have five (5) days from the date the rejection memo is received by the
190 Adjudicator to submit their request through normal ARP channels.

191

192 ARP Timelines

193

194 Unless an extension has been granted, no more than ninety (90) days will elapse from initiation to
195 completion of the ARP process.

196

197 When an offender fails to receive the required written ARP grievance level response before the

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	PAGE 6 of 8	

- 198 expiration of time, the offender will be entitled to automatically advance to the next grievance level.
199
200 At any stage in the ARP process, an offender may submit a written request for a filing extension of
201 up to five (5) days.
202
203 Offenders must include valid reasons for requesting additional filing time.
204
205 The Adjudicator will receive extension requests for Steps One and Two after assessing the validity
206 of the offenders reasons for delay.
207
208 The Administrator will receive extension requests for Step Three after assessing the validity
209 of the offenders reasons for delay.
210
211 Offenders will be notified in writing of extensions.
212
213 Under no circumstance will an offender's cumulative extensions exceed twenty-five (25) days.
214
215 Procedural Abuse/Overuse
216
217 • When an offender submits multiple requests, the first request will be accepted for processing.
218
219 • Additional requests will be logged and set aside for handling at the Adjudicator's discretion.
220
221 • ARP will log a maximum of ten (10) requests.
222
223 • Offender requests that exceed this number will be returned to the offender without filing.
224
225 • The Superintendent/designee will determine whether a letter of instruction to the offender is in
226 order denoting abuse and/or overuse of the system.
227
228 • When such a letter is generated, a copy will also be forwarded to the Adjudicator's office.
229
230 • In the event that a request is unclear and/or the volume of attached material is excessive, the
231 surplus material may be returned to the offender with a request for clarity and/or additional
232 summarization on a separate page.
233
234 • In the event that an offender refuses to cooperate with ARP's inquiry into his complaint, the
235 request will become subject to rejection and returned to the offender with a lack of cooperation
236 duly noted on *ARP-1* form.

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		PAGE 7 of 8

237 Records

238

- 239 • Administrative Remedy Program records are confidential.

240

- 241 • Employees who are participating in a request disposition may have access to records essential
242 to the resolution of a request.

243

- 244 • All reports, investigations, and documentation other than the offender's original letter and Forms
245 ARP-1 through 4 will be prepared by MDOC in anticipation of litigation.

246

- 247 • Said documents will become a part of the applicable attorneys' litigation portfolio and will
248 therefore be confidential and not subject to discovery.

249

- 250 • A log will be maintained by the Legal Claims Adjudicator and will document the nature of each
251 request, all relevant dates, and dispositions set forth in the first and second grievance steps.

252

- 253 • Individual requests and dispositions, and all responses and pertinent documents will be kept on
254 file at the Adjudicator's office for at least five (5) years following the final disposition of the
255 request.

256

- 257 • No copies of grievances or adverse references to any grievance will be placed in an offender's
258 unit or central, master file.

259

260 Transferred Offenders

261

262 When an offender has filed a request at one facility and is transferred prior to completion of ARP
263 review, or if he files a request after the transfer on an action taken by his former facility, the previous
264 facility will process the second grievance step.

265

266 The Superintendent, CCD or designee of the offender's new facility will assist in the offender's ARP
267 communication needs between facilities.

268

269 Discharged Offenders

270

- 271 • When an offender is discharged before completion of an ARP grievance review and the involved
272 issues continue to affect the offender after discharge, or if an offender files a grievance after
273 discharge, the involved unit will complete the ARP process.

274

- 275 • After completion of the ARP process, the unit will provide a final ARP determination to the
276 discharged offender at his last known address.

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ACA STANDARDS: 4-ACRS-6B-03; 3-4271	EFFECTIVE DATE 07-01-03	
	PAGE 8 of 8	

277 • All other requests will be considered null and void upon offender discharge, and MDOC will
 278 discontinue the ARP process.

279

280 **REPORTS REQUIRED:**

281

282 Community Corrections: ARP Grievance Notification form

283 ARP 1 Offender's Relief Request form

284 ARP 2 First Step Response form

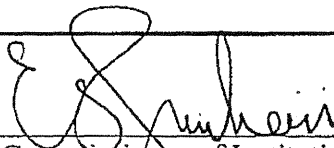
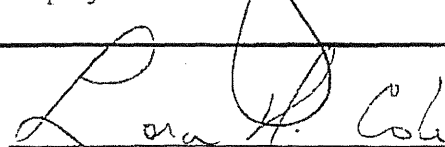
285 ARP 3 Second Step Response form

286 ARP 4 Third Step Response form

287 Monthly Report

288 Annual Report

289 As required by this procedure and through the chain of command

Reviewed and Approved for Issuance	 Deputy Commissioner of Institutions	6/4/03 Date
	 Deputy Commissioner of Community Corrections	6-4-03 Date