

1.3.E.2 Administrative Remedy for Inmates

I Policy Index:



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II Policy:

The Department of Corrections (DOC) encourages informal resolutions of inmate appeals and complaints. When attempts at informal resolution are not successful, a process affording inmates a formal review of appeals and complaints is available.

III Definitions:

Informal Resolution:

Verbal or written contact between an inmate and appropriate staff to whom the complaint relates in which the problem is settled by agreement of both parties. The inmate's Unit Staff has the primary responsibility for the informal resolution of issues or problems.

Complaint:

A formal complaint, informal complaint, or appeal by an inmate. Nothing in this policy is intended to prevent emergency contact between inmates and appropriate staff, either verbally or in writing, to deal with issues of an emergency nature.

Formal Complaint:

A written objection by an inmate regarding an issue dealing with the operation of an adult DOC facility, which is officially responded to by the Warden of the facility.

Administrative Remedy Coordinator:

A designated DOC staff member assigned by each Warden to act as a central receiving agent investigation coordinator, and record keeper.

Sexual Behavior Issue:

An offender sentenced to the DOC who has never been convicted/adjudicated of a sex offense by any court but has a history of sexually abusive or violent behavior (including sexually abusive or violent behavior while incarcerated), or the factual basis of a crime for which they were charged or convicted/adjudicated involves sexual violence or sexual abuse may be assessed as having a need for treatment in the STOP program. An acquittal on a sex offense by itself cannot be the basis for assessing someone as needing treatment. A "sex offense" is any crime listed under SDCL § 22-24B-1 and any crime defined by law as a sex offense or similar such language in the jurisdiction where the crime was committed.

DOC Staff:

For the purposes of this policy, a staff member is any person employed by the DOC, full or part time, including an individual under contract assigned to the DOC, an employee of another State agency assigned to the DOC, authorized volunteers and student interns.

IV Procedures:

1. Utilizing the Administrative Remedy Procedure:

- A. Every inmate, regardless of his/her risk level or housing status may utilize the administrative remedy procedure, except as limited by this policy.
 - 1. An inmate housed at any DOC facility, contractual agency or on community service assignment may use the administrative remedy process.
 - 2. An offender participating in the Community Transition Program (CTP) may use the administrative remedy procedure (See DOC policy 1.5.G.2 [Community Transition Program](#)).
 - 3. An inmate who has discharged his/her sentence or who is under supervised release (parole or suspended sentence) may not use the administrative remedy process.
- B. An inmate who uses the administrative remedy procedure in accordance with the procedures contained within this policy to seek remedy for a complaint or appeal shall not be retaliated against by staff.
- C. An inmate who abuses the administrative remedy procedure may be disqualified from further use of specific parts or all of the administrative remedy procedure (See section on [Abuse of Administrative Remedy Procedure](#)).
- D. An inmate who does not follow the proper procedure for requesting administrative remedy will have his/her request returned to him/her with a brief explanation of why it was not processed (See [Attachment 5-Notice of Rejection for Request of Administrative Remedy](#)).
- E. Inmates are responsible for making copies of any documents submitted as part of the request for Administrative Remedy. Paperwork and/or documents other than the [Administrative Remedy Response](#) form will not be returned to the inmate.
- F. DOC employees who are the subject of an inmate's request for administrative remedy will not be assigned to investigate or formally respond to that particular complaint or appeal. DOC staff who are the subject of a complaint or appeal can be interviewed and are allowed to give his/her version of the incident/facts.
- G. Time frames established in this policy will be followed unless reasonable cause can be documented for an extension.
- H. An inmate may not submit a [Request for Administrative Remedy](#) on behalf of another inmate or submit a [Request for Administrative Remedy](#) regarding an issue, complaint or appeal that has no direct affect on the inmate submitting the request.
 - 1. Inmates requesting administrative remedy on behalf of an inmate who may be the victim of an incident of sexual abuse or sexual harassment shall be referred to the Sexual Abuse/ Harassment Complaint Procedure.

2. Emergency Complaints, Issues:

- A. Inmates who believe their complaint or issue is an emergency should contact their unit staff directly, either by submitting a written request (kite) or by verbally informing staff of the complaint or issue as soon as possible.
- B. Unit staff will determine if the inmate's complaint or issue requires urgent attention.
 - 1. If unit staff determines the complaint/issue is not emergent in nature, the inmate will be directed to submit a request for administrative remedy in accordance with the procedures outlined in this policy.
 - 2. If unit staff determines the complaint/issue requires prompt attention, they will address the complaint/issue with the inmate or refer the matter to the appropriate DOC staff person(s).
- C. Emergency issues/complaints typically involve situations or events that may present a substantial risk of physical injury or other serious irreparable harm to the inmate or others.
 - 1. Examples include, but are not limited to:
 - a. Inmates with emergent medical issues which staff determine may require immediate attention.
 - b. Inmates requesting protective custody or who have a sexual abuse/sexual harassment complaint.
 - c. Issues or concerns involving the safety and/or security of the institution, its staff or inmates.
 - d. Death or serious illness or injury involving an inmate's immediate family (requests involving a telephone call to family, furlough, bedside visit, etc.).

3. Appeals That Can Be Addressed Through Administrative Remedy:

- A. Classification decisions (See DOC policies 1.4.B.2 [Male Inmate Classification](#) and 1.4.B.14 [Female Inmate Classification](#)). An inmate has thirty (30) days to initiate the administrative remedy procedure upon receiving notice of the classification decision.
- B. Disciplinary decisions (See DOC policy 1.3.C.2 [Inmate Discipline System](#) and SDCL §§ [24-15A-5](#) and [24-2-17](#)).
 - 1. An inmate has thirty (30) days to initiate the administrative remedy procedure upon receiving notice of the Unit Disciplinary Committee (UDC) or disciplinary hearing officer's (DHO) finding and/or any sanction.
 - 2. An inmate who accepts the sanction(s) may not appeal the finding or sanction(s) through an administrative remedy.
- C. Decisions regarding restoration of forfeited or withheld good conduct time (See DOC policies 1.3.C.6 [Restoration of Good Conduct Time Forfeited Pursuant to § 24-2-12](#) and 1.4.B.5 [Withholding Good Time Pursuant to SDCL 24-2-18](#)). An inmate has thirty (30) days to initiate the administrative remedy procedure upon receiving notice denying the restoration of forfeited or withheld good conduct time.

- D. An inmate has thirty (30) days to initiate the administrative remedy procedure upon being notified of the finding of the Sexual Behavior Issue hearing.

4. Complaints or Appeals That Can be Addressed Through Administrative Remedy:

- A. An inmate has thirty (30) days to initiate the administrative remedy procedure from the date of the incident or problem-giving rise to the complaint or appeal. The following complaints and/or appeals may be addressed through an administrative remedy:
1. The application of any administrative directive, policy, unit rule or procedure.
 2. The lack of an administrative directive, policy, unit rule or procedure.
 3. Any unprofessional behavior or action directed toward an inmate by personnel of the DOC or other State agency or contract employees assigned to a DOC facility.
 4. Any oversight or error affecting an inmate.
 5. Medical decisions or complaints regarding the provision or delivery of medical services (See DOH policy P-A-11 [Grievance Mechanism for Health Complaints](#)).

5. Informal Resolution (Step One):

- A. If an inmate has an issue, complaint or appeal, he/she must first attempt to resolve it by filing an [Informal Resolution Request](#).
1. If the issue or complaint pertains to the sexual abuse or sexual harrassment of an inmate, the inmate bringing forth the issue or complaint will be directed to the Sexual Abuse/Harassment complaint procedure.
- B. Because legitimate issues, complaints or appeals may at times be resolved informally, inmates are required to first attempt to informally resolve the issue, complaint or appeal with unit staff.
1. The inmate will complete his/her section of the [Informal Resolution Request](#) form and submit this to a unit staff member; typically the unit coordinator.
 2. The inmate will be notified of the date the [Informal Resolution Request](#) is received by staff.
 3. Including the day the [Informal Resolution Request](#) form is received, designated unit staff have ten (10) days to provide a response to the inmate.
 - a. Inmates will receive two (2) copies of the [Informal Resolution Request](#), which shall include the response from unit staff.
- C. Any informal resolution of an inmate's complaint involving monetary compensation/settlement for damaged or missing or lost inmate property must be approved by the administrative remedy coordinator with concurrence from the Office of Risk Management.
- D. If the inmate is not satisfied with staff's response to the [Informal Resolution Request](#), he/she may obtain a [Request for Administrative Remedy](#) form from his/her unit staff (See [Attachment 2](#)).

6. Formal Resolution (Step Two):

- A. An inmate has ten (10) days, starting on the day the response to the [Informal Resolution Request](#) is provided to him/her, to complete and file the [Request for Administrative Remedy](#) form (See [Attachment 2](#)) with unit staff.
 1. Failure by the inmate to file a [Request for Administrative Remedy](#) in the prescribed time frame will be grounds for unit staff or the administrative remedy coordinator to dismiss any [Request for Administrative Remedy](#) received past the ten (10) days.
- B. Upon receipt of the request, unit staff will promptly forward the inmate's [Request for Administrative Remedy](#) to the administrative remedy coordinator, who will enter the request in COMS and provide the inmate a copy of the request documenting the date the request was received.
- C. Only formal complaints or appeals received on the [Request for Administrative Remedy](#) form will be considered.
 1. The formal complaint or appeal statement should be simple and to the point.
 2. The statement must be written in the specific area/space provided on the form.
 3. Additional paper may be used, if necessary.
 4. A copy of staff's response to the inmate's [Informal Resolution Request](#) must accompany the [Request for Administrative Remedy](#) at the time the inmate submits the request.
- D. Including the day the [Request for Administrative Remedy](#) form is received by the administrative remedy coordinator, staff have 30-days to provide the inmate with an [Administrative Remedy Response](#) (See [Attachment 3](#)). If an extension of the thirty (30) day period is warranted, the administrative remedy coordinator shall notify the inmate of the extension and the reason for the extension and document this in COMS.
 1. Inmates will receive two (2) copies of the [Administrative Remedy Response for Inmates](#) (which shall include the response from the Warden).

7. Appeals to the Secretary of Corrections:

- A. The [Administrative Remedy Response for Inmates](#) may only be appealed to the Secretary of Corrections if the inmate's complaint or appeal concerns one of the following:
 1. Disciplinary action involving a major violation. Refers to a finding the inmate violated a major category Offense in Custody as listed in the DOC [Inmate Living Guide](#).
 2. A classification action identified as appealable to the Secretary of Corrections, as stated in DOC policies 1.4.B.2 [Male Inmate Classification](#), 1.4.B.14 [Female Inmate Classification](#) 1.3.D.4 [Administrative Segregation](#) and 1.4.B.9 [Sexual Behavior Issues Review](#).
 3. A decision regarding the restoration of forfeited or withheld good conduct time (See DOC policies 1.3.C.6 [Restoration of Good Conduct Time Forfeited Pursuant to § 24-2-12](#) and 1.4.B.5 [Withholding Good Time Pursuant to SDCL 24-2-18](#)).
 4. A decision affecting an inmate's sentence discharge date (See SDCL § [24-15A-6](#)).

Note: This does not include decisions affecting an inmate's parole eligibility date, which must be appealed through the Board of Pardons and Paroles.

- B. An inmate must file an [Appeal to Secretary of Corrections of Warden's Response](#) (See [Attachment 4](#)) within ten (10) days of receiving the Warden's response.
 - 1. Extensions may be granted by the Secretary of Corrections or his/her designee for good cause.
 - 2. A copy of the response received by the inmate to their [Informal Resolution Request](#) and the [Administrative Remedy Response for Inmates](#) must be attached to the appeal.
- C. The Secretary of Corrections will provide a response to the inmate within thirty (30) days of receipt of the [Appeal to the Secretary of Corrections of Warden's Response](#). If the Secretary of Corrections requires an extension to consider the appeal, a letter will be sent to the inmate informing him/her of the extension and documentation included in COMS.

8. Abuse of the Administrative Remedy Procedure:

- A. [Informal Resolution Request](#) forms (See [Attachment 1](#)), [Request for Administrative Remedy](#) forms (See [Attachment 2](#)) and [Appeal to Secretary of Corrections of Warden's Response](#) forms (See [Attachment 4](#)) submitted by the inmate containing profanity, threats or abusive language as determined by unit staff or the administrative remedy coordinator, will be rejected and will not be formally responded to at any step of the administrative remedy procedure. This will be documented in COMS.
 - 1. An inmate is subject to disciplinary action if his/her submitted form(s) contain profanity, threats or abusive language (See DOC policy 1.3.C.2 [Inmate Discipline System](#)).
 - 2. If any form is returned to an inmate because it contains profanity, threats or abusive language, the inmate may remove the profanity, threats or abusive language and re-submit the form, provided he/she follows the timelines stated in this policy.
- B. If an inmate submits forms regarding a particular issue, complaint, or appeal previously responded to by staff via an [Administrative Remedy Response](#), those forms will be rejected and returned to the inmate unanswered (i.e. an inmate submits multiple [Request for Administrative Remedy](#) regarding the same disciplinary action).
- C. [Requests for Administrative Remedy](#) that have been rejected may not be appealed to the Secretary of Corrections. Only those [Requests for Administrative Remedy](#) that have received a formal [Administrative Remedy Response](#) from the Warden (or his/her designee) may be appealed to the Secretary.
- D. An inmate's access to the administrative remedy procedure may be restricted at the facility level if a decision is made by the administrative remedy coordinator, in consultation with the Warden, that an inmate is abusing the administrative remedy procedure.
- E. If it is determined by the administrative remedy coordinator and the Warden that the inmate is abusing the procedure, the administrative remedy coordinator will provide the inmate with a [Notice of Rejection of Request for Administrative Remedy](#) (See [Attachment 5](#)). This will be documented in COMS.
- F. The Secretary of Corrections may restrict an inmate's right to appeal issues to the Secretary

if he/she determines the inmate is abusing the administrative remedy process.

9. Solutions Available Through Administrative Remedy:

- A. The administrative remedy for a disciplinary appeal can include, but is not limited to, any of the following remedies:
 - 1. An order that the inmate receive a new hearing.
 - 2. A reduction of a sanction(s) imposed by the UDC or Disciplinary Hearing Officer.
 - 3. A reduction of the disciplinary decision from a high to low Offense in Custody.
 - 4. Reversal of the decision of the UDC or Disciplinary Hearing Officer.
- B. The administrative remedy for a classification appeal can include, but is not limited to, any of the following:
 - 1. An order that the inmate receives a new hearing.
 - 2. Modification of the decision of the classification board/Classification and Transfer Manager.
- C. The administrative remedy for an appeal regarding restoration of forfeited good time can include, but is not limited to, any of the following:
 - 1. An order that the inmate receives a hearing or has a new hearing.
 - 2. Modification of the decision of the classification board or the Warden.
- D. The administrative remedy for a formal complaint or appeal can include, but is not limited to, any of the following:
 - 1. Modification of institution operational memorandums or DOC policy.
 - 2. Restitution or restoration of lost, damaged or forfeited personal property.
 - 3. Restoration of revoked or suspended privileges.
 - 4. Assurance deprivation will not reoccur.
 - 5. Review of an inmate's medical record.
- E. Any personnel action involving a staff member that was the result of an inmate's complaint/request for administrative remedy shall be considered confidential.

10. Administrative Remedy Coordinator:

- A. The administrative remedy coordinator is a DOC staff member acting as a central receiving agent for the institution. Duties include, but are not limited to:
 - 1. Distribution of the [Request for Administrative Remedy](#) form.

2. Ensuring adherence to established time frames, including acknowledgement of receipt of an inmate's [Request for Administrative Remedy](#) and delivery of two (2) copies of the response by the Warden to the inmate.
 3. Collection of data and submission of reports regarding [Requests for Administrative Remedy](#) received by the Warden, as required.
 4. Completion of the [Notice of Rejection of Request for Administrative Remedy](#) with consultation from the Warden (See [Attachment 5](#)).
- B. Any formal complaint or appeal form(s) not completed or completed incorrectly will be returned to the inmate unanswered with a written statement as to why it was not processed. Assistance from unit staff will be available for inmates who have difficulty completing the form(s) independently and/or correctly.
- C. Formal complaints or appeals may be forwarded to the department head or DOC staff person who oversees the issue contained in the complaint or appeal or to DOC staff who is knowledgeable about the issue stated in the complaint or appeal.
1. This person may investigate the issue surrounding the complaint or appeal and will prepare a response, which will be forwarded to the administrative remedy coordinator.
 2. The administrative remedy coordinator will review the draft response for accuracy and completeness and forward the draft to the Warden or his/her designee if the Warden is the subject of the complaint or appeal, for final approval.
- D. The Classification and Transfer Manager will have an opportunity to review all appeals and draft responses involving a classification action/decision approved by the Classification and Transfer Manager.

11. Supplemental Instructions:

- A. The Warden may issue necessary supplemental instructions to staff or inmates to ensure compliance with the terms of this policy.

V Related Directives:

SDCL §§ [24-15A-5](#) and [24-15A-6](#)

DOC policy 1.3.C.2 – [Inmate Discipline System](#)

DOC policy 1.3.C.6 – [Restoration of Good Conduct Time Forfeited Pursuant to § 24-2-12](#)

DOC policy 1.3.D.4 – [Administrative Segregation](#)

DOC policy 1.4.B.2 – [Male Inmate Classification](#)

DOC Policy 1.4.B.5 --[Withholding Good Time Pursuant to SDCL 24-2-18](#)

DOC policy 1.4.B.14 – [Female Inmate Classification](#)

DOC policy 1.4.B.9 – [Sexual Behavior Issues Review](#)

DOC policy 1.5.G.2 – [Community Transition Program](#)

DOH policy P-A-11 -- [Grievance Mechanism for Health Complaints](#)
[Inmate Living Guide](#)

VI Revision Log:

April 2003: Revised Related Policy Numbers throughout policy.

July 2004: Clarified that inmates housed at a contractual facility or at a community service site may use the administrative remedy procedure. Added reference to policy 1.5.A.6. Changed

reference from classification manual to inmate classification policy. **Added** personnel whom inmates can use the administrative remedy procedure to complain about. **Added** language to allow inmates, in some circumstances, to resubmit forms rejected because of abuse. **Added** language that the Warden will be consulted prior to an inmate being barred from the administrative remedy process.

August 2005: **Added** reference to policy 1.4.B.9 and added USOR as an item to be addressed through administrative remedy. **Added** reference to policy 1.5.G.2 and gave community transition program offenders the same administrative remedy rights as an inmate. **Changed** “will” to “may” on Wardens issuing supplemental instructions.

August 2006: **Added** language that specific Administrative Segregation and USOR decisions are appealable to the Secretary of Corrections. **Added** a definition for working day. **Noted** the time limit for an inmate to appeal his/her designation as an unconvicted sex offender. **Clarified** the Secretary of Corrections will respond to appeals within thirty calendar days.

October 2006: **Revised** the response time for a formal resolution (step two). **Added** decisions affecting an inmate’s sentence discharge date to the list of issues appealable to the SOC. **Added** reference to SDCL 24-15A-6.

August 2007: **Added** a provision for the Secretary of Corrections to limit appeals to the SOC if it is determined an inmate is abusing the A.R. process. **Added** language that an inmate who admitted to committing a Prohibited Act cannot appeal that finding through an Administrative Remedy. **Noted** that an inmate must follow other guidelines of this policy, in addition to the timelines, when resubmitting an Administrative Remedy form. **Added** a decision of the hearing panel may also be appealed as a classification action.

July 2008: **Revised** policy and attachments in accordance with DOC policy 1.1.A.2. **Added** “DOC policy” when referencing policies in Related Directives section. **Added** Attachment 5 and referenced attachment in ss (C of Abuse of the Administrative Remedy Procedure) and ss (A6 of Administrative Remedy Coordinator). **Revised** title of Attachment 3 and 4 to be consistent with policy, attachment and WAN.

June 2009: **Revised** title of DOC policy 1.3.C.6 to be consistent with title of policy saved on the M drive. **Added** reference to accepting a sanction, **added** reference that the sanction can not be appealed through the AR process and **added** SDCL 24-15A-5 all within ss (B2), **revised** wording within ss (E) and **added** ss (F) which was previously part of ss (E) all within Issues That Can Be Addressed Through Administrative Remedy. **Revised** wording within ss (C of Informal Resolution (Step One). **Replaced** “written response” with title of Attachment 3 in ss (E of Formal Resolution (Step Two)). **Replaced** “Warden’s Response” with “Administrative Remedy Response for Inmates” within ss (A of Appeals to the Secretary of Corrections). **Added** ss (C1 of Abuse of the Administrative Remedy Procedure). **Deleted** “hearing panel” within ss (B2 of Solutions Available Through Administrative Remedy). **Added** SDCL 24-15A-5 to section V. **Revised** Attachment 3 to indicate that this is a sample form and the actual form is used on institutional letterhead. **Revised** title of Attachment 4 throughout policy and within attachment.

July 2010: **Revised** formatting of Section 1. **Revised** title of DOC policy 1.4.B.2 and **added** 1.4.B.14 to policy.

July 2011: **Deleted** 1. “Only one (1) formal complaint per issue per inmates will be allowed.” **Deleted** 2. “An inmate may address only one (1) issue per formal complaint” and **Replaced** with (See Attachment 5-Notice of Rejection for Request of Administrative Remedy)” in Section 1. D. **Deleted** “A person who is the subject of a complaint against staff will not participate in investigating or resolving that administrative remedy.” and **Replaced** with “No DOC employee directly involved or named in an inmate’s request for administrative remedy may participate in any portion of the resolution process pertaining to that particular complaint.” and **Deleted** “This person” and **Replaced** with “DOC staff involved in the complaint” all in Section 1 E. **Created** new Section 2. “Emergency Complaints, Issues” and **Renumbered** sections throughout the policy. **Added** “by the Secretary of Corrections, or his/her designee” to Section 6. B. 1.

April 2012: **Deleted** definition of “Working Day” **Added** definition of “Unconvicted Sex Offender” and “DOC staff” to Definitions. **Deleted** “outside of a DOC facility” and **Replaced** with “(parole or suspended sentence)” in Section 1 A. 3. **Deleted** “directly involved or named in an” and **Replaced** with “who is the

subject of the” and **Deleted** “participate in any portion of the resolution process pertaining” and **Replaced** with “be assigned to investigate or formally respond” in Section 1. E. **Added** G. to Section 1. **Added** “by SOMP staff that an inmate is” and **Added** “unless her/she waived/forfeited their right to be present at the hearing” to Section 3 D. **Changed** E. to Section 4. and **Deleted** “are subject to the administrative remedy process” and **Replaced** with “That can be addressed through administrative remedy” in Section 3. **Changed** F. (old section 3) to A. in new Section 4. **Added** 5. “Medical decisions or complaints regarding the provision or delivery of medical services.” to Section 4. A. **Renumbered** sections that follow. **Added** “issues” and **Deleted** “can” and **Replaced** with “may at times” and **Deleted** “through other means much quicker in most instances than through the formal administrative remedy procedure” and **Replaced** with “inmates are required to” and **Deleted** “informal resolutions between the inmate and staff are mandatory” and **Replaced** with “to informally resolve the issue, compliant or appeal with designated staff” in Section 5 B. **Deleted** “verbally” and **Replaced** with “informally” in Section 5 B. 1. **Deleted** five (5) working days” and **Replaced** with ten (10) days” in Section 5 B. 3. and Section 6 A. **Deleted** “working” and “calendar” days throughout policy. **Added** “missing/lost” to Section 5 C. **Deleted** “believes” and **Replaced** with “is not satisfied with the informal resolution to” and **Deleted** “has not been properly resolved” in Section 5 D. **Added** “unit staff or the administrative remedy coordinator to” in Section 6 A. 2. **Added** “or designee’s” to Section 7 B. **Added** “as determined by unit staff or the administrative remedy coordinator” to Section 8 A. **Added** “complaint or appeal” **Deleted** “issue” and **Added** “by a Administrative Remedy Response” in Section 8 B. **Added** “Requests for Administrative Remedy that have been rejected may not be appealed to the Secretary of Corrections. Only those Requests for Administrative Remedy that have received a formal Administrative Remedy Response from the Warden (or his/her designee) may be appealed to the Secretary” in Section 8. and **Renumbered** previous C. to D. etc. **Added** “Classification and Transfer Manager” to Section 9 B. 2. **Deleted** “recommendation for change to” in Section 9 D. 1. **Added** “lost, damaged or forfeited” to Section 9 D. 2. **Added** 5. “Review of an inmate’s medical record. **Deleted** “taken” and **Replaced** with “applied to a DOC staff member” in Section 9 E. **Added** “or his/her designee if the Warden is the subject of the complaint or appeal” in Section 10 C. 2. **Added** D. “The Classification and Transfer Manager will have an opportunity to review all formal complaints or appeals involving a classification action/decision approved by the Classification and Transfer Manager.” in Section 10.

January 2013: **Added** E. to Section 1 and **Renumbered** subsections that follow. **Added** “or are a victim of sexual abuse/harassment” to Section 2 C. 1. b. **Deleted** 1. “The inmate will attach the original Informal Resolution Request for AT form prior to submitting to unit staff” in Section 6 A. **Deleted** C. “The AR coordinator will complete the “RECEIPT” section of the Request for AR form and assign it a reference number” in Section 6. **Deleted** “a category 4 or 5 Prohibited Act” and **Deleted** “including loss of good conduct time for the infraction” in Section 7 A. 1 **Deleted** 3. “Maintenance of files” and **Deleted** 4. “Preparation and submission of explanatory handouts of the AR procedure to staff and, in some cases, to inmates” in Section 10 A.

June 2013: **Deleted** definition of “Unconvicted Sex Offender” **Added** definition of “Sexual Behavior Issue”. **Deleted** “in the same manner as any inmate” in Section 1 A. 2. **Added** 1. to Section 1 H. **Deleted** “admits to committing an offense in custody” in Section 3 B. 2. **Deleted** “Designation by SOMP staff that an inmate is an unconvicted sex offender” and **Deleted** “unless the inmate waived/forfeited his/her right to be present at the hearing” and **Deleted** “Review (USOR) panel’s decision” and **Deleted** “receiving notice they have been designated an unconvicted sex offender” and **Replaced** with “being notified of the finding of the Sexual Behavior Issue hearing” in Section 3 D. **Added** 1. to Section 5 A. **Added** “by filing an Informal Resolution Request” and **Deleted** “designated staff” and **Replaced** with “unit staff” in Section 5 B. **Deleted** “in adult institutions” in Section 5 B. 1. **Added** 2. to Section 5 B. and renumbered previous 2 to 3. **Added** a. to Section 5 B. 3. **Added** “Upon receipt” and **Added** “who will enter the request into COMS and provide the inmate with a copy indicating the date the request was received” in Section 6 B. **Added** 5. to Section 6 C. **Added** “at the time the inmate submits the request” in Section 6 C. 5. **Added** “and document this in COMS” in Section 6 D. **Deleted** “4. If an inmate uses additional paper when completing any administrative remedy form, it is up to the inmate to make copies of the additional pages for his/her own records” in Section 6 C. **Deleted** “designee’s” in Section 7 B. **Deleted** “written” and **Added** “and documented in COMS” in Section 7 C. **Added** “This will be documented in COMS” in Section 8 A. **Deleted** “lost” and **Replaced** with “suspended/revoked” in

Section 9 D. 3. **Deleted** “and may not be documented in the administrative remedy response to the inmate” in Section 9 E. **Deleted** “will” and **Replaced** with “may” in Section 10 C.

Denny Kaemingk (original signature on file)

Denny Kaemingk, Secretary of Corrections

09/19/2013

Date

Attachment 1: Informal Resolution Request

The *Informal Resolution Request* form is available to inmates as a carbon copy form.

South Dakota Department of Corrections Policy Distribution: Public		Attachment: Informal Resolution Request Please refer to DOC policy 1.3.E.2 Administrative Remedy for Inmates	
INFORMAL RESOLUTION REQUEST			
Inmate Name:		Inmate Number:	
	Last Name	First Name	
Date:		Unit:	
State your problem/complaint. Be specific, giving dates, times and places:			
What action are you requesting:			
For Staff Use:			
Date Received:		Received By:	
What steps did you take to resolve the problem?			
What was the result of your attempt?			
Date Returned to Inmate:		By:	
Original: To Inmate after Staff Response. To be used if appealed. 1 st Copy: To Inmate after Staff Response. 2 nd Copy: To Unit File after Staff Response. 3 rd Copy: To Inmate after receiving In.			
Revised: 7/30/2008		Page 1 of 1	

Attachment 3: Administrative Remedy Response For Inmates

The *Administrative Remedy Response for Inmates* is available in COMS as an IWP.

South Dakota Department of Corrections Policy Distribution: Public	Attachment: Administrative Remedy Response For Inmates Please refer to DOC policy 1.3.E.2 Administrative Remedy for Inmates
ADMINISTRATIVE REMEDY RESPONSE FOR INMATES	
Reference #	Reference Code:
Inmate Last Name	First ID #
Date	Unit
Warden's Signature:	
ORIGINAL CC - CC - CC - CC -	To inmate Administrative Remedy File Unit File Central Records if Disciplinary or Classification Investigator
Revised: 7/23/2009	Page 1 of 1

Attachment 4: Appeal to Secretary of Corrections of Warden's Response

The *Appeal to Secretary of Corrections of Warden's Response* form is available to inmates as a carbon copy.

South Dakota Department of Corrections Policy Distribution: Public		Attachment: Appeal to Secretary of Corrections of Warden's Response Please refer to DOC policy 1.3.E.2 Administrative Remedy for Inmates	
APPEAL TO SECRETARY OF CORRECTIONS OF WARDEN'S RESPONSE			
<i>Appeal to Secretary of Corrections of Warden's Response to Administrative Remedy concerning Major Disciplinary Action, Classification Action or Restoration of Forfeited Good Conduct Time</i>			
Reference #			
Inmate Last Name	First	ID #	
Date	Unit		
INSTRUCTIONS:			
Attach a copy of your original Request for Administrative Remedy and the Administrative Remedy Response to the top (white) copy of this form and mail to the Secretary of Corrections. Keep the bottom (yellow) copy for your records. If the Administrative Remedy concerns major disciplinary action, a copy of the Disciplinary Report and a copy of the Disciplinary Hearing Officer's Findings and Disposition must accompany the appeal.			
State your objections to the Warden's Response			
Inmate's Signature:			
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Attachment 5: Notice of Rejection of Request for Administrative Remedy

The *Notice of Rejection of Request for Administrative Remedy* form is available in COMS as an IWP

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South Dakota Department of Corrections Policy Distribution:	Attachment: Notice of Rejection of Request for Admin. Remedy Click here to open DOC policy 1.3.E.2 Administrative Remedy for Inmates
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NOTICE OF REJECTION OF REQUEST FOR ADMINISTRATIVE REMEDY

Name: _____ ID#: _____ Date: _____

Your request for Administrative Remedy has been rejected for the following reason(s):

- You may only address one issue in a Request For Administrative Remedy.
- The form you submitted contains profanity, threats or abusive language.
- You submitted multiple forms referencing a single issue or this issue has been previously addressed.
- You exceeded the allotted time period for requesting an Administrative Remedy.
- You did not complete the form or did not fill the form out correctly.
- You were not a party to the incident or problem.
- This is a group complaint.
- You did not attach the original *Informal Resolution Request* form.
- You did not follow prescribed policy and procedures contained in DOC Policy 1.3.E.2 *Administrative Remedy for Inmates*.
- You may only fill in the top half of the *Request For Administrative Remedy* form. (If the space is insufficient, use additional paper)
- Your complaint relates to actions or decisions that are outside the jurisdiction of the DOC or the scope of DOC Policy 1.3.E.2 *Administrative Remedy for Inmates*.
- You admitted to committing a Prohibited Act and pursuant to DOC Policy 1.3.E.2 *Administrative Remedy for Inmates*, you may not appeal that finding through an Administrative Remedy.
- A decision has been made that you have a history of abusing the Administrative Remedy process.
- You failed to state a claim or request an action.
- Other:

BY: _____
Administrative Remedy Coordinator or designee

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