



STATE OF WEST VIRGINIA

DEPARTMENT OF MILITARY AFFAIRS AND PUBLIC SAFETY

DIVISION OF CORRECTIONS



EARL RAY TOMBLIN
GOVERNOR

JIM RUBENSTEIN
COMMISSIONER

JOSEPH C. THORNTON
SECRETARY

Office of the Commissioner
Building 84
1409 Greenbrier Street
Charleston, WV 25311-1068
Telephone 304.558.2036
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February 28, 2014

Anelisa Benavides
Prison Information Project
University of Michigan Law School
Via e-mail: prison.info.project@umich.edu

Re: Request Related to Prisoner Grievances and Prisoner Correspondence

Dear Ms. Benavides:

Pursuant to W. Va. Code § 29B-1-3(1) you have the general right to inspect an agency's documents. You may inspect the agency's Policy Directives, grievances, and inmate handbooks and manuals, and other requested records at this office during normal business hours from 8:00 a.m. to 5:00 p.m., Monday through Friday. Prior to making your inspection, I ask you to contact this office to make arrangements for your inspection. Please be advised that some of the records you have requested may not be available because they do not exist in the format requested. In lieu of inspection, please contact this office to advise you of the cost of producing such documents and provide you with a copy of said documents. Please note that payment must be received before your request can be processed.

As a courtesy the documents available pursuant to your request are being sent as attachments to prison.info.project@umich.edu. Responses to your specific requests are as follows:

1. Prisoner handbook and manuals, including orientation handbooks and manuals system-wide and institution-specific, referenced in item number 1 of your request, have been provided.
2. The current inmate grievance policy, Policy Directive 335.00, which is the only item this agency has that relates to item number 2, has been provided
3. The DOC began keeping statistical data of inmate grievance filed beginning in 2009; this includes the number of grievances filed, the number resolved, and the number appealed to the commissioner's level. This data has been provided.

Records of inmate grievance appealed to the commissioner's level since 2012, which contains the subject matter of each grievance, has been provided; however names have been redacted for privacy reasons. Unfortunately our record keeping does not date back to 2003 and as such does not exist and cannot be provided in the manner requested.

Item number 3 also the requests, "[g]rievance outcomes resolutions each year, by subject matter category and year." The DOC does not keep a record of this information.

As to your request for turnaround time of grievance, the DOC does not keep a record of this information. Please see time frames given in Policy Directive 335.00.

4. The current policy for prisoner mail and correspondence, including regular and legal mail, prisoner receipt of newspaper, magazines, newsletters, and books, has been provided. Please see Policy Directive 503.00 and 503.03.

To the extent you consider any part of this response as a denial, I consider my responsibility to respond to your initial request at an end, and you may institute an action for declaratory and/or injunctive relief in the Circuit Court of the County in which you assert the records are kept subject to all jurisdictional and procedural prerequisites, which are not waived.

Sincerely,

Jim Rubenstein,
Commissioner

JR:crg/lm
Attachments