

CODE OF RHODE ISLAND RULES
06. DEPARTMENT OF CORRECTIONS
070. INMATE LIFE
002. PROCEDURE FOR THE FILING AND DISPOSITION OF INMATE GRIEVANCES
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06 070 002. Procedure for the Filing and Disposition of Inmate Grievances

RHODE ISLAND DEPARTMENT OF CORRECTIONS

ADMINISTRATIVE POLICY STATEMENT

NUMBER: 1.20.01

EFFECTIVE DATE: 1-7-80

AREA: Inmate Grievances

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SUBJECT: Procedure for the Filing and Disposition of Inmate Grievances

DIRECTOR

ASSISTANT DIRECTOR

1. Authority: Policy and Procedure Directive, "Policy and Procedure Directives," 1.00.01 dated January 1, 1980.
2. Purpose: The purpose of this policy statement is to provide guidelines for the resolution of inmate complaints, inquiries, problems, and grievances related to the policies and procedures of the Adult Correctional Institutions either written or unwritten.
3. Policy: It is the Policy of the Rhode Island Department of Corrections that legitimate inmate grievances that cannot be solved on an informal basis be considered through a multi-level Inmate Grievance Procedure.
4. Responsibility: The operation of the Grievance Procedure will be the primary responsibility of the Assistant Director for Adult Services, however, it shall be shared by all Associate Directors and the Deputy Assistant Director for Adult Services. (hereinafter Warden.)
5. Grievance Procedure: When an inmate makes a request for the resolution of a grievance, it must be accomplished utilizing the following levels and the following designated forms:

LEVEL #1: To the Associate Director of the Institution - Request for the Resolution of Grievance Form #1.

LEVEL #2: To the Warden of the Adult Correctional Institutions - Request for Resolution of Grievance Form #1.

LEVEL #3: To the Assistant Director of Adult Services - Request for Resolution of Grievance Form #2.

LEVEL #4: To the Director of the Department of Corrections - Request for Resolution of Grievance Form #2.

It is imperative that all the levels be utilized, each one in turn, from the Associate Director of the Institution (Level #1) through the Director of the Department of Corrections (Level #4), until the grievance is either resolved at any level or denied through all levels. A grievance will be returned to any inmate who attempts to omit any level, or attempts to jump any level, so as to have his/her grievance acted upon at the next higher level.

A. REQUEST FOR RESOLUTION OF GRIEVANCE FORMS 1 & 2:

These forms are essentially the same with the exception that Form #1 is used when directing a request for the resolution of a grievance to the Associate Director of the Institution (Step #1) or the Warden of the Adult Correctional Institutions. If the grievance is denied or not resolved at these two levels and the inmate wishes to appeal further, Form #2 will be used and directed to the Assistant Director (Step #3) or the Director of the Department of Corrections (Step #4). The headings of the form will be completed with the exception of the space after the word NUMBER. This will be completed by the person to whom the appeal is directed. The inmate will indicate in the space provided to whom the Request for Resolution of Grievance is to go and then enter his/her last name, first name, middle initial, Department of Corrections identification number, if known, and the institution where he/she resides. The grievance will be briefly stated in Part A. NOTE: If Part A does not offer enough space to adequately state the grievance, an additional sheet of paper may be attached in quadruplicate. The date submitted will be entered and the inmate will sign the grievance.

B. LEVEL ONE: INSTITUTIONAL.

1. Aggrieved inmate will obtain Request for Resolution of Grievance Form #1 from the superior officer in charge of his/her particular living location.
2. Grievance will be entered in designated space. Grievance should be entered precisely and should not contain remarks impertinent to problem. Grievance must be legible on all copies.
3. Grievance must be dated in appropriate space accurately. Superior officer must verify date before processing.
4. Grievant must sign the grievance form. Form is self-carbonizing and signature must be legible on all copies.
5. Superior officer accepting the grievance must sign and date in the margins of the form. Signature and date must be legible on all copies.
6. Grievant will retain one copy of grievance form for his/her personal record (goldenrod copy, last copy).
7. Superior officer will forward three remaining copies of Grievance Form to the Institutional Grievance Coordinator (designated by Facility Associate Director), (white, canary yellow, and pink copies). If Institutional Coordinator is not on duty, grievance forms will be forwarded directly to the Facilities' Associate Director's Office. The Associate Director will assign a number to the grievance and will have it entered into the monthly log.
8. The Institutional Grievance Coordinator will conduct an investigation of the grievance and make a recommendation to the Facility Associate Director. The initial investigation by the Grievance Coordinator can be conducted with or without a personal interview of the grievant. NOTE: See Investigators Report, below.
9. From the date on which the grievance was filed with the superior officer in charge of the grievant's particular living quarters, the Facility Associate Director will have ten working days in which to respond in writing to the grievant. The response will be typed and be complete and concise, and entered in the appropriate space on the Request for Resolution of

Grievance Form #1 (Part B). The pink copy will be returned to the inmate. The white copy will be retained in the office of the Associate Director. The yellow copy will be forwarded for filing in the Inmate's Record File along with a copy of the Investigation Form.

10. Upon receipt of the decision from the Associate Director, the grievant will have three (3) working days to determine if he/she will appeal to the next level within the grievance procedure. If the grievant is satisfied with the initial response, the grievance procedure terminates at this point. The grievant will contact the Associate Director so the original Grievance Form (white copy), can be signed and dated by the grievant to denote the resolution of the grievance. The white copy will then be forwarded to the Inmate Record File along with a copy of the Investigation Form.

C. LEVEL TWO: WARDEN (DEPUTY ASSISTANT DIRECTOR)

1. If the grievance is not resolved at Level #1, to the satisfaction of the grievant, he/she will have three (3) working days to again complete the Request for Resolution of Grievance Form #1 addressed to the Warden, outlining the grievance and why he/she continues to be grieved. This form will again be obtained from the superior officer in charge of his/her living quarters. The form will be completed as outlined in Level #1.

2. The superior officer accepting the grievance must sign and date in the margin of the form. Signature and date must be legible on all copies.

3. Grievant will retain one copy of grievance form for his/her personal record. (Goldenrod copy, last copy.)

4. The superior officer will forward the grievance to the Institutional Grievance Coordinator who will personally forward to the Warden's Secretary with a copy of previous answer provided inmate at Level #1. The secretary will assign a number to the grievance and enter the grievance into the monthly log.

5. Upon receipt of the Appeal, the Warden will conduct an investigation of the grievance.

6. The Warden will answer the grievant within ten (10) working days of receipt of the appeal. The answer will be in writing and typed. The pink copy of the grievance form, with the Warden's response entered in the appropriate space will be forwarded to the inmate, through the Warden's secretary and the Institutional Associate Director. The white copy will be filed in the Warden's office. The yellow copy will be forwarded to the Inmate's Record File along with a copy of the Investigation Form.

7. Upon receipt of the decision from the Warden, the grievant will have three (3) working days to determine if he/she will appeal to the next level within the grievance procedure. If the grievant is satisfied with the decision of the Warden on the appeal, the grievance procedure terminates at this point.

8. The grievant will contact the Associate Director of the respective facility for the purpose of signing and dating the original grievance form denoting a satisfactory termination of the original grievance if the grievant is satisfied with the Warden's decision. The Associate Director will notify the Warden's secretary so this fact may be noted on the Warden's original. NOTE: See Inmate Signing at Grievance Resolution, below.

9. The original grievance form (white copy) will then be forwarded for filing in the Inmate's Record File.

D. LEVEL THREE: ASSISTANT DIRECTOR FOR ADULT SERVICES

1. If the grievance is not resolved at Level #2, the grievant will have three (3) working days to complete Request for Resolution of Grievance Form #2 addressed to the Assistant Director for Adult Services, outlining the grievance and why he/she continues to be grieved. This form will be obtained from the superior officer in charge of his/her living quarters. This form will be completed as outlined in Level #1.

2. The superior officer accepting the grievance will verify the date and sign and date in the margin of the form. Signature and date must be legible on all copies.

3. Grievant will retain one copy of grievance form for his/her personal record (goldenrod copy, last copy).
4. The superior officer will forward the grievance to the Institutional Grievance Coordinator who will personally forward to the Assistant Director's Secretary. The secretary will assign a number to the grievance and enter into the monthly log.
5. Upon receipt of the appeal of the Warden's decision, the Assistant Director will conduct an investigation. This investigation will include a personal interview with the grievant, whenever possible.
6. Based upon the previous two decisions rendered by the Associate Director and the Warden, and the Assistant Director's investigation, a decision on the appeal will be sent to the grievant. This decision must be rendered by the Assistant Director within ten (10) working days of the receipt. This decision must be in writing and typed and will be forwarded to the grievant via the pink copy of Form #2. This copy will be forwarded via the Associate Director of the institution and the Assistant Director's secretary. The white copy of the grievance will be filed in the office of the Assistant Director. The yellow copy will be forwarded for filing in the Inmate's Record File along with a copy of the Investigation Form.
7. The grievant will sign and date the original grievance form denoting a satisfactory termination of the original grievance if the grievant is satisfied with the Assistant Director's decision. The Associate Director will contact the secretaries of the Warden and the Assistant Director so that this fact may be noted on their respective originals. The original Grievance Form (white copy) will then be forwarded for filing in the Inmate's Record File.

E. LEVEL FOUR: DIRECTOR

1. If the grievant is not satisfied with the decisions made by three levels of administrative staff within the Adult Division, his/her final recourse within the Department is the Director of the Department of Corrections.
2. Upon receipt of the Assistant Director's decision, the grievant will have three (3) working days in which to complete Request for Resolution of Grievance Form #2, addressed to the Director of Corrections, outlining the grievance and why he/she continues to be grieved. This form will be obtained from the superior officer in charge of his/her living quarters. This form will be completed as outlined in Level #1.
3. A superior officer will verify the date of the appeal by co-signing the final appeal in the margin of the form. Signature and date must be legible on all copies.
4. Grievant will retain one copy of grievance form for his/her personal record (goldenrod copy, last copy).
5. The superior officer will forward the grievance to the Institutional Grievance Coordinator who will personally forward to the Director's Secretary. The Secretary will assign a number to the grievance and enter the grievance into the monthly log.
6. The Director, if necessary, will call for the Inmate's Record File which will contain the yellow copies (second copy) of all previous decisions of the Associate Director, Warden, and Assistant Director. He will conduct an investigation based on all previous decisions and information that may be gathered through the authority of his office. The Director will have twenty (20) working days in which to respond to the grievant.
7. The final departmental decision will be forwarded to the grievant via the pink slip of Form #2. This copy will be forwarded via the Associate Director of the facility. The white copy will be filed in the Office of the Director. The yellow copy will be forwarded for filing in the Inmate's Record File along with a copy of any Investigative material.
8. The grievant will be contacted by the Associate Director of the facility for the purpose of signing and dating the original grievance form denoting a satisfactory termination of the original grievance if the grievant is satisfied with the Director's decision. The Associate Director will contact the secretaries of the Warden, Assistant Director, and Director so that fact may be noted on their respective originals. NOTE: See Inmate Signing at Grievance Resolution, below.
9. The original grievance form (white copy) will then be forwarded for filing in the Inmate's Record File.

6. TERMINATION OF GRIEVANCE: (WITHDRAWAL)

A. The grievant may terminate or withdraw grievance at any level within the procedure. This is accomplished by writing the facility Associate Director and requesting termination of the grievance. This communication will also be co-signed and dated by a superior officer.

1. The Associate Director will notify the appropriate administrators, have the original (white copy) of the Grievance Form appropriately signed, and forward the white copy and any other relevant material for filing in the Inmate's Record File.

7. RIGHTS OF GRIEVANT:

The Departmental decisions related to the grievance procedure in no way precludes the right of the inmate to pursue his grievance in a judicial or other appropriate setting. If the grievance is not resolved, the inmate will so inform the Associate Director and the Associate Director will so write on the original (white copy) of the grievance, date the entry, and forward for filing in the Inmate's Record-File.

8. PARTICIPANTS:

All inmates, both sentenced and those awaiting trial are eligible to file grievances. However, grievances may only be filed by those inmates directly affected by the alleged wrongdoing. Inmates participating in the multi-level grievance procedure will not be subject to disciplinary charges for doing so. (Exception: See Abuse of Process, Page 9.)

9. ASSISTANCE:

Inmates should contact the Counseling Unit within the facility should assistance be necessary in filing a grievance.

10. INITIAL TIME LIMIT:

The grievant must file his/her grievance within three (3) days of the incident and/or actual knowledge of the origination of the problem.

11. AREAS OF INSTITUTIONAL LIFE NOT GRIEVABLE:

A. Decisions by the Discipline Board are not grievable. Those inmates dissatisfied with disciplinary board decisions should appeal said decision through the existing disciplinary appeal procedure.

1. Decisions made by qualified medical personnel related to an inmate's health are not grievable.
2. Unlawful acts committed by an inmate are not grievable by the inmate.

12. INMATE SIGNING AT GRIEVANCE RESOLUTION:

When an inmate indicates he/she is satisfied with a decision at any one of the four (4) departmental levels, he/she will sign the original grievance form in the Associate Director's office of the facility in which he/she is housed. The Associate Director will have the following typed at the top of the original grievance form: "This grievance has been resolved to my satisfaction." The inmate will then sign and date. This form will then be forwarded for filing in the Inmate's Record File.

13. THE SECOND COPY OF FORMS 1 and 2 (Yellow Copy):

These copies will always be forwarded to the Inmate's Record File.

14. INVESTIGATOR'S REPORT

The Investigator's Report Form will be completed by either the Grievance Coordinator or any other person designated by the grievance recipient. The inmate's name and departmental identification number will always be written at the top of the form. It is the responsibility of the investigator to determine the validity of the grievance in light of facts, discrepancies, disparities

in disposition, and/or other pertinent information; specifically you may review any files and memoranda; interview any witnesses or other persons who may be able to reveal pertinent and/or relative information. In cases where a specific area is referred to in the complaint always interview the employee in charge of the area and include his/her comments. The investigator will make conclusions based on findings and prepare a draft response which will be submitted to the person to whom the grievance is directed for his/her review. The time limit for the investigator's response is five (5) working days, exclusive of weekends and holidays. NOTE: If the grievance pertains to a complaint against a specific staff member, a R.I.B.C.O. Representative will be immediately notified for his/her assistance in the investigation.

If a grievance recipient at Levels 2, 3, and 4 need to see a copy of the Investigator's Report from the next lower level/levels, they will find a copy in the Inmate's Record File.

15. MONTHLY LOG:

Monthly logs for the recording of grievances will be maintained in the Offices of the Associate Directors, Warden, Assistant Director, and Director. Upon receipt of a grievance at any of the four (4) departmental levels the following information will be recorded upon the form:

NOTE: All information will be typed on the log.

1. Assigned number of the grievance.
2. Date grievance received.
3. Inmate name and departmental identification numbers.
4. Institution or security where inmate is housed.
5. Subject of grievance.

Upon return of grievance recipient's answer to the grievant, the following information will be recorded on the monthly log:

1. Disposition and date.
2. Date returned to inmate.

Monthly logs will be kept in a file, or notebook, readily available to officials at any of the four (4) levels. They will be confidential from all other persons except with permission of the official at the level concerned. (See Monthly Log Form attached.)

16. ABUSE OF PROCESS:

Punishment or disciplinary actions will not result from submitting a complaint or grievance unless the individual demonstrates a pattern of abuse of this process by submitting clearly frivolous or repetitious issues.

17. AREAS AND POLICIES NOT EFFECTED BY THE GRIEVANCE PROCESS:

A. DISCIPLINARY APPEAL PROCESS:

The appeal process for Disciplinary Infractions will remain unchanged. Appeals of Disciplinary Dispositions will only be considered by the Warden when forwarded on the A.C.I. Disciplinary Report or by personal memorandum. No discipline sanction will be grieved.

B. REQUEST FOR INTERVIEW:

The Departmental Form entitled, "Request for Interview" ACI 77 will remain in effect. This form will not represent a valid

request for an appeal of a Disciplinary Disposition or to file a grievance.

RM: 1

NUMBER _____

RHODE ISLAND DEPARTMENT OF CORRECTIONS
REQUEST FOR RESOLUTION OF GRIEVANCE

INSTRUCTIONS

Type or use ballpoint pen. If more space is needed, use attachment sheet in quadruplicate

TO: _____ Associate Director of Institution

_____ Warden

FROM: -----
Last Name, First, Middle Initial I. D. #Institution

PART A - INMATE REQUEST

Date Signature of Requestor

Date Received: _____ Signature, Grievance
Coordinator

PART B - RESPONSE

Date Received Signature - Associate Director
Warden

Date Associate Director - Warden

GRIEVANCE PROCEDURE

INVESTIGATOR'S REPORT

INSTRUCTIONS:

This form is provided to facilitate your investigation of the Grievance you have been assigned. As stated in the policy, your job is to determine the validity of the grievance in light of facts, discrepancies, disparities in dispositions and/or other pertinent information. Specifically, you will review files and memoranda, interview any witnesses or other persons who may be able to reveal relative information. In cases where a specific department is referred to in the complaint always interview the department head involved and include his/her comments. Finally, you will make conclusions based on your findings and prepare a draft response which will be submitted to the person to which the grievance is directed for his review. The time limit for response is five (5) working days, exclusive of weekends and holidays.

1. Date of Grievance: _____

2. Date of Incident: _____

3. Does the grievance pertain to a complaint against a specific staff member? _____ If so, you will notify a Union Representative immediately for his/her assistance in the investigation.

4. Witnesses and/or other parties who can provide information:

a) Name: _____

His/Her comments relative to the complaint: _____

b) Name: _____

His/Her comments relative to the complaint: _____

c) Name: _____

His/Her comments relative to the complaint: _____

[] Associate Director RHODE ISLAND DEPARTMENT OF CORRECTIONS
[] Warden
[] Assistant Director GRIEVANCE PROCEDURE
[] Director

MONTHLY LOG

/

Month Year

Number Day Rec'd. Name & I.D. Number Institution. Subject
