

TO: Luis Spencer, Commissioner
THRU: Misty Byers, ACA/Policy Coordinator
FROM: Kelly A. Ryan, Superintendent
DATE: February 28, 2014
RE: 103 CMR 491, Inmate Grievances

In accordance with 103 DOC 104, Internal Regulations, I have completed an annual, internal review of the above referenced policy/procedure and found it to be operationally and procedurally sound. MCI-Shirley shall adopt this policy for use with the following site-specific procedure. A review of the procedure led to the attached changes. For ease of review additions are in bold and deletions are in strikethrough font. Please sign below should you agree with these changes.

MASSACHUSETTS DEPARTMENT OF CORRECTION	DIVISION: MCI-SHIRLEY
TITLE: INMATE GRIEVANCES	IN ACCORDANCE WITH: 103 CMR 491

PURPOSE: To establish site-specific guidelines to aid in the implementation of 103 CMR 491, Inmate Grievance Policy.

Approved: _____
 Superintendent

Date: _____

Approved: _____
 Reviewing Authority

Date: _____

I. INFORMAL PROCESSING OF INMATE COMPLAINTS

- A. Informal complaints may be addressed by utilizing the informal complaint form available in all housing units and the inmate library.
- B. The complaint shall be filed within five (5) working days of the actual incident or within (5) working days of the inmate becoming aware of the incident.
- C. A separate form shall be used for each issue/complaint.
- D. The informal complaint coordinator shall maintain an informal resolution complaint log and all complaints shall be logged within one day of its receipt.
- E. Within one day of logging a complaint it shall be forwarded to the appropriate department for possible resolution.
- F. A response will be given to the inmate within ten (10) working days of receipt by the appropriate department and a copy forwarded to the informal complaint coordinator. The coordinator will then log the outcome into the informal complaint resolution logbook and keep the complaint on file.
- G. The superintendent or designee shall review the log periodically to identify and address potential problems.
- H. If the inmate is not satisfied with the results of the informal process, the inmate shall have ten (10) working days to file a formal grievance without being penalized.

II. FORMAL PROCESSING OF INMATE GRIEVANCES

- A. Filing
 - 1. Inmates can obtain a Grievance Form from any Unit Team member (Unit Team Captain, C.P.O., Unit Sergeant or Officer), from the Inmate Law Library or the Institutional Grievance Coordinator (IGC). The grievance may be deposited in the locked grievance mail box located in the dining hall or filed directly with the Superintendent, Deputy Superintendent, or Institution Grievance Coordinator.
 - 2. Inmates have ten (10) working days from the date of incident, or within ten (10) working days of the inmates becoming aware of the incident or situation, to file a grievance. All grievances are to be forwarded to the IGC who shall enter the grievance into IMS.
 - 3. The inmate shall receive a receipt for his grievance via a printed copy of the grievance in IMS.

4. Grievances must be legible and comply with 103 CMR 491.08 & .09(2). If a grievance is returned to the inmate for improper format, the grievance shall be returned to the inmate with a written explanation. The inmate shall have 3 additional working days from the date of receipt to re-file the grievance in the proper format.
 5. Within ten (10) working days the IGC will supply the inmate with a printed copy of the response to his grievance. If satisfied with the outcome, he will sign the Resolution Agreement. The Agreement will then be forwarded to the Superintendent for approval. If the grievance is denied, the inmate will be advised of his right to appeal.
 6. Failure to comply with time restrictions 103 CMR 491.19 unless waived may result in the grievance being denied.
 7. When inmates are in need of special assistance (i.e.: Illiterate, language barrier, etc.) they are authorized to obtain assistance from a staff member. In cases where staff assistance is not available, inmates may obtain assistance through the telephonic interpreter service.
- B. Extensions may be granted by the IGC. upon receiving written justification from the inmate. The IGC may also issue an extension, when deemed necessary.

III. FILING APPEALS

- A. Inmates may obtain Appeal Forms from any unit staff member and the inmate library. Inmates may also request forms from their IGC if no forms are available. Inmates shall have 10 days to file an appeal. All appeals shall be forwarded to the Superintendent.
1. The Superintendent may, upon written justification from the inmate, grant extensions on the appeal time frames.
 2. The Superintendent's Office shall enter the grievance appeal into IMS. The Superintendent will have 30 days to respond to the appeal. The inmate shall receive a receipt of the Grievance Appeal by the Superintendent's office.

IV. RECORD KEEPING AND DISTRIBUTION

- A. The IGC. shall be responsible for maintaining copies of all inmate grievances /appeals and for the forwarding of copies of appropriate grievances to the Department Grievance Manager.
- B. The Superintendent's office shall be responsible for entering all Grievance Appeals into IMS. All grievances shall be tracked from the date received to the final disposition (including appeals), using IMS. Complete reports shall be submitted by the IGC to the Superintendent on a quarterly and annual basis.

- C. The IGC shall be responsible for entering detailed investigative comments for each grievance filed. The IGC shall be responsible for thoroughly documenting all aspects of the complaint to include, but not be limited to the following:
1. Dates of each interview
 2. Reference of supporting documentation reviewed
 3. Reference of related incident report numbers, disciplinary report numbers, IAU intake numbers, etc.
 4. Dates information was obtained
 5. Interview results with grievant and appropriate staff;
 6. Efforts to resolve grievance / complaint;
 7. Grievance disposition.
 8. Any other information related to the investigation of the inmate's grievance
- D. The IGC shall be responsible for maintaining institutional grievances for a period of seven (7) years.

V. EMERGENCY GRIEVANCES

- A. An Emergency Grievance may be filed when an inmate believes that his issue may result in personal risk or injury.

VI. ABUSE OF THE GRIEVANCE PROCESS

- A. The Department Grievance Manager will be notified when an inmate's right to file a grievance(s) has been suspended.

VII. SETTLEMENTS

- A. The IGC shall ensure the resolution agreement, is completed and signed by the Superintendent or Department Grievance Manager, when appropriate.
- B. When monetary settlement is being offered the IGC shall ensure the resolution agreement form is completed and signed by the inmate.

VIII. GRIEVANCE WITHDRAWALS AND IGC RESOLUTIONS

Inmates wishing to withdraw a grievance or appeal shall be required to complete and sign a Grievance Withdrawal Form. This is to ensure a withdrawal is not made under duress, coercion or threat from either staff or another inmate. The IGC shall document all withdrawals and reasons for withdrawals into the investigative comments.

IX. INMATE NOTIFICATION OF POLICY

The 103 CMR 491, Inmate Grievance Policy shall be maintained in the inmate library for general reference. An inmate may request a copy of the Grievance Policy through the Institutional Librarian.