

MICHIGAN DEPARTMENT OF CORRECTIONS SMT - Parnall Correctional Facility OPERATING PROCEDURE	EFFECTIVE DATE	NUMBER
	08/17/2012	03.02.130
SUBJECT PRISONER GRIEVANCES	SUPERSEDES	
	OP-SMT-03.02.130 (6/30/2007)	
	AUTHORITY	
	PD-03.02.130, Prisoner/Parolee Grievances	
ACA Standards		
N/A		
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OBJECTIVE:

To provide prisoners with a method of redress for alleged policy/procedure violations or unsatisfactory conditions of confinement.

FORMS:

Prisoner/ Parolee Grievance Form, (CSJ-247A)
Prisoner/ Parolee Grievance Appeal Form, (CSJ-247B)

POST ORDERS:

N/A

DEFINITIONS:

N/A

REFERENCE DOCUMENTS:

N/A

ATTACHMENTS:

N/A

AUDIT:

This procedure must be audited in accordance with PD-01.05.100, "Self-Audit of Policies and Procedures."

INFORMATION:

The Warden's Departmental Analyst has responsibility for ensuring that this procedure is complete and accurate. This responsibility includes: 1) ensuring that the procedure complies with all applicable Department administrative rules, policies, DOMs and procedures; 2) reviewing the procedure at the time of annual review; 3) submitting draft revisions when the procedure needs updating; and, 4) auditing staff compliance.

The grievance procedure shall be equally available to all prisoners unless placed on modified access. Grievance forms will be available in the housing unit.

Grievances may be submitted regarding alleged violations of policy or procedure or unsatisfactory conditions of confinement which directly affect the grievant. A grievance may also be filed in accordance with OP-03.02.130A if the grievant is seeking reimbursement for property lost/destroyed while in the Department's sole possession.

A prisoner may not grieve the content of a policy or procedure. Two or more prisoners may not jointly file a single grievance regarding an issue of mutual impact or submit identical individual grievances regarding a given issue as an organized protest. Grievances that raise non-grievable issues identified in PD-03.02.130 shall be rejected.

A grievance shall be rejected by the Grievance Coordinator if it contains profanity, threats of physical harm or language which demeans the character, race, ethnicity, physical appearance, gender, religion or national origin of any person, unless it is part of the description of the grieved behavior and is essential to that description. A grievance may also be rejected for any of the following reasons:

1. It is vague, illegible, contains multiple unrelated issues or raises issues that are duplicative of those raised in another grievance filed by the grievant.
2. The grievant is on modified access pursuant to PD-03.02.130, Paragraphs JJ through NN and has filed a grievance in violation of above policy.

- 3. The grievant did not attempt to resolve the issue with the staff member involved prior to filing the grievance unless prevented by circumstances beyond his control.
- 4. The grievance is filed in an untimely manner without a valid reason for delay, e.g., transfer.

A grievance shall not be rejected solely because the grievant did not include documents related to the grievance. If the document is available to staff from other sources than the grievant, they are to obtain copies. The grievant may appeal the rejection to the next step in accordance with PD-03.02.130.

Grievances shall not be placed in Counselor or Records Office file or referenced in any document placed in these files, nor shall a prisoner be penalized for filing a grievance except in accordance to PD-03.02.130.

A grievant may be placed on modified access if he intentionally files a grievance that he knew was unfounded which, if proven true, may have caused an employee or a prisoner to be disciplined.

GRIEVANCE PROCESS

A grievant shall attempt to resolve the grievable issue with the staff member involved within two business days after becoming aware of a grievable issue. If the issue is not resolved, the grievant may file a Step I grievance.

A grievant may file a Step I grievance with the Inspector if he alleges conduct that falls under the jurisdiction of the Internal Affairs Division pursuant to PD-01.01.104.

Time limitation must be adhered to by the grievant and staff. The Grievance Coordinator may approve an extension and shall notify the grievant in writing of an extension.

If a grievant has not received a response within the allotted time including an extension, the grievant may appeal to the next step within 10 business days after the time limitation.

Staff that is a party to the grievance may not be involved in the grievance investigation process.

PROCEDURE:

WHO DOES WHAT

STEP I

- | | | |
|-------------------|----|---|
| Staff Person: | 1. | Discusses the issue with grievant and provides grievance form if necessary. |
| Grievance Coord.: | 2. | Receives Prisoner/Parolee Grievance from grievant. |
| | 3. | Assigns grievance number code which includes SMT, year, month, grievance number and category code if grievable issue. |

OR

- 3. Returns grievance to the grievant if rejected or non-grievable issue.
- 4. Assigns respondent to investigate and respond to the grievance.
- 5. Logs the grievance in the grievance tracking system.
- 6. Forwards white, canary and pink copies to the assigned respondent, retaining green copy for follow-up.
- 7. If of an emergent nature, requires Respondent to respond within two business days and notifies the Warden and the Manager of Prisoner Affairs of the issues in the grievance. The Warden will immediately check with appropriate staff to

determine the credibility of the grievance, respond to the grievance and provide a copy to the Manager of Prisoner Affairs.

- Inspector: 8. Reviews and determines if grievance meets the criteria set in PD-01.01.104 and forwards to Internal Affairs Division if it meets the criteria.
- Respondent: 9. Reviews and investigates the issue grieved and interviews the grievant except if interview is not required.
- 10. Prepares proposed response on a separate page based on the results of the investigation.
- Reviewer: 11. Determines if the response is appropriate, if not, returns to Respondent for further investigation, re-write, or requests extension.
- Respondent: 12. Offers grievant an opportunity to sign off on the grievance if proposed resolution is approved by supervisor.
- 13. Signs and forwards proposed response to the Reviewer.
- Reviewer: 14. Signs as Reviewer and forwards to Grievance Coordinator.
- Grievance Coord: 15. Grants extension when requested.
- Respondent: 16. Indicates "EXTENSION" on top of the grievance form to alert for special handling to conform to the time limit. If the grievant does not agree to an extension, responds to the grievance based on the best information available within the required time frame.
- Grievance Coord: 17. Receives the response from the Respondent.
- 18. Enters the information into the grievance tracking system.
- 19. Returns the white and pink copies of the grievance, including staff response, to the grievant.
- 20. Retains canary copy of grievance for filing.
- 21. Discards green copy of the grievance form.

STEP II

- Grievance Coord: 1. Forwards the Step II Grievance Appeal to the grievant if requested.
 - 2. Sends Notice of Rejection to the grievant, retaining a copy on file if the request is not timely.
- OR**
- 2. Upon receipt of the Grievance Appeal, date stamps and completes a Grievance Appeal Receipt.
 - 3. Logs Step II appeal into the grievance tracking system.
 - 4. Retains green copy of the appeal on file.
 - 5. Forwards white, canary and pink copies to the Respondent.

- Respondent: 6. Reviews the Step II appeal, the Step I response and reason for appeal and obtains additional information if necessary.
- 7. Requests extension from the Grievance Coordinator to gather additional information if necessary.
- Grievance Coord: 8. Notifies the grievant of the extension and of the revised due date
- Respondent: 9. Indicates "EXTENSION" on the top of the Grievance Appeal to alert for special handling to conform to the time limit.
- 10. Prepares response in the appropriate section of the Grievance Appeal or if the response is prepared on a separate sheet, indicates "See attached response" and signs.
- 11. Returns all three copies of the appeal form and the original grievance form to the Step II Grievance Coordinator.
- Grievance Coord: 12. Reviews the Step II appeal response and logs it out of the computerized grievance tracking system.
- 13. Returns the white and pink copies of the Grievance Appeal and the white copy of the Step I grievance to the grievant.
- 14. Retains the canary copy of the Grievance Appeal and discards the green copy.

STEP III

- Grievance Coord: 1. Receives and reviews Step III response from Prisoner Affairs for information and for action as appropriate.
- 2. Makes copy for file.

MODIFIED ACCESS STATUS

- Grievance Coord: 1. Submits a memorandum of recommendation to their Supervisor to place the grievant on "Modified Access Status".
- Supervisor: 2. Reviews the recommendation and forwards to Warden.
- Warden: 3. Denies or approves the recommendation and notifies the Step I Grievance Coordinator.
- Grievance Coord: 4. Meets with the grievant and explains Modified Access Status.
- 5. Forwards the Modified Access Status notification in the event that prisoner transfers.
- 6. Reviews all requests for grievance forms from a prisoner on Modified Access Status.
- 7. Provides grievance forms to prisoners on Modified Access Status if appropriate.

APPROVED BY: Debra Scutt, Warden (8/17/2012)