



POLICY STATEMENT
Commonwealth of Pennsylvania • Department of Corrections

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| Policy Subject: Inmate Grievance System | | Policy Number: DC-ADM 804 |
| Date of Issue: December 1, 2010 | Authority: Signature on File Shirley Moore Smeal | Effective Date: December 8, 2010 |

I. AUTHORITY

The Authority of the Secretary of Corrections to direct the operation of the Department of Corrections is established by Sections 201, 206, 506, and 901-B of the Administrative Code of 1929, 71 P.S. §§61, 66, 186, and 310-1, Act of April 9, 1929, P.L. 177, No. 175, as amended.

II. APPLICABILITY

This policy is applicable to all facilities operated under the jurisdiction of, or conducting business with the Department of Corrections.

III. POLICY

It is the policy of the Department that every individual committed to its custody shall have access to a formal procedure through which to seek resolution of problems or other issues of concern arising during the course of confinement. For every such issue, there shall be a forum for review and two avenues of appeal. The formal procedure shall be known as the Inmate Grievance System.¹

IV. PROCEDURES

All applicable procedures are contained in the procedures manual that accompanies this policy document.

¹ 4-4281, 4-4284, 4-4301, 4-4394, 4-ACRS-6B-03, 1-ABC-3D-08, 2-CO-3C-01

V. SUSPENSION DURING AN EMERGENCY

In an emergency or extended disruption of normal facility operation, the Secretary/designee may suspend any provision or section of this policy for a specific period.

VI. RIGHTS UNDER THIS POLICY

This policy does not create rights in any person nor should it be interpreted or applied in such a manner as to abridge the rights of any individual. This policy should be interpreted to have sufficient flexibility to be consistent with law and to permit the accomplishment of the purpose(s) of the policies of the Department of Corrections.

VII. RELEASE OF INFORMATION AND DISSEMINATION OF POLICY

A. Release of Information

1. Policy

This policy document is public information and may be released upon request.

2. Confidential Procedures (if applicable)

Confidential procedures for this document, if any, are not public information and may not be released in its entirety or in part, without the approval of the Secretary of Corrections/designee. Confidential procedures may be released to any Department of Corrections employee on an as needed basis.

B. Distribution of Policy

1. General Distribution

The Department of Corrections' policy and procedures shall be distributed to the members of the Central Office Executive Staff, all Facility Managers, and Community Corrections Regional Directors on a routine basis. Distribution of confidential procedures to other individuals and/or agencies is subject to the approval of the Secretary of Corrections/designee.

2. Distribution to Staff

It is the responsibility of those individuals receiving policies and procedures, as indicated in the "General Distribution" section above, to ensure that each employee expected or required to perform the necessary procedures/duties is issued a copy of the policy and procedures either in hard copy or via email, whichever is most appropriate.

VIII. SUPERSEDED POLICY AND CROSS REFERENCE

A. Superseded Policy

1. Department Policy

DC-ADM 804, Inmate Grievance System, Issued December 1, 2004, by Secretary Jeffrey A. Beard, Ph.D.

2. Facility Policy and Procedures

This document supersedes all facility policy and procedures on this subject.

B. Cross Reference(s)

1. Administrative Manuals

- a. DC-ADM 001, Inmate Abuse Allegation Monitoring
- b. DC-ADM 801, Inmate Discipline
- c. DC-ADM 802, Administrative Custody Procedures
- d. DC-ADM 803, Inmate Mail and Incoming Publications
- e. 3.1.1, Fiscal Administration

2. ACA Standards

- a. Administration of Correctional Agencies: 2-CO-3C-01
- b. Adult Correctional Institutions: 4-4016, 4-4281, 4-4284, 4-4301, 4-4394
- c. Adult Community Residential Services: 4-ACRS-6B-03
- d. Correctional Training Academies: None



PROCEDURES MANUAL
Commonwealth of Pennsylvania • Department of Corrections

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Release of Information:

Policy Document: This policy document is public information and may be released upon request.

Procedures Manual: The procedures manual for this policy may be released in its entirety or in part, with the prior approval of the Secretary/designee. Unless prior approval of the Secretary/designee has been obtained, this manual or parts thereof may be released to any Department employee on an as needed basis only.

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Section 1 – Grievances & Initial Review

A. Initial Grievance

1. The Department encourages an inmate to express his/her concerns to staff through respectful, constructive, written or verbal communication so that problems are resolved as soon as possible.¹
2. The Inmate Grievance System is intended to deal with a wide range of issues, procedures, or events that may be of concern to an inmate. It is not meant to address incidents of an urgent or emergency nature. When faced with an incident of an urgent or emergency nature, the inmate must contact the nearest staff member for immediate assistance.
3. When an inmate has a concern that he/she is unable to resolve, the inmate is encouraged to attempt resolution of the concern informally by use of a DC-135A, Inmate Request to Staff Member or direct conversation with the Unit Manager or Officer-in-Charge prior to submitting a **DC-804, Part 1, Official Inmate Grievance Form (Attachment 1-A)**. A staff member who receives a verbal or written concern from an inmate is expected to attempt to resolve a non-frivolous concern.
4. While an inmate should make every effort to resolve a concern informally prior to filing an official grievance, failure to attempt to informally resolve a concern will not be cause to reject an official grievance. However, if an attempt was made to resolve the concern informally, this information should be included in **Section B** of the **DC-804, Part 1**.
5. It is the responsibility of the Unit Manager or Officer-in-Charge to address any written or verbal concern submitted by an inmate in an expeditious manner. The Unit Manager or Officer-in-Charge shall review the concern, determine a resolution or take other appropriate action. It is **encouraged**, when possible, to resolve every concern quickly and informally. The Unit Manager or Officer-in-Charge shall document the result of the resolution, including each party involved in the Cumulative Adjustment Record/Inmate Cumulative Adjustment Record (ICAR).
6. An inmate must submit his/her grievance to the Facility Grievance Coordinator using the **DC-804, Part 1**. Forms shall be readily available on every housing unit. Each copy, with the exception of the inmate's copy (GOLDENROD), shall be forwarded to the Facility Grievance Coordinator who will determine whether the grievance will be accepted or rejected. If the grievance is accepted for review, the PINK copy will be returned to the inmate, acknowledging acceptance of the grievance. If the grievance is rejected, the entire grievance packet will be returned to the inmate along with any exhibits. The Facility Grievance Coordinator will retain one photocopy of the grievance.
7. A grievance **directly related to a specific inmate misconduct charge or a specific disciplinary sanction and/or the reasons for placement in administrative custody**

¹ 4-4016

Issued: 12/12/2011

Effective: 12/28/2011

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will not be addressed through the Inmate Grievance process and must be addressed through Department policy **DC-ADM 801, “Inmate Discipline”** and/or **DC-ADM 802, “Administrative Custody Procedures.”**

8. Only an inmate who has been personally affected by a Department or facility action or policy will be permitted to submit a grievance or appeal.
9. Each grievance must be presented individually. A grievance submitted by one inmate for a group of inmates is prohibited and will not be processed.
10. The inmate must sign and date the grievance or appeal with his/her commitment name and number only, without reference to the UCC, aliases, etc.
11. ***The text of the grievance must be legible, understandable, and presented in a courteous manner. The inmate must include a statement of the facts relevant to the claim. The statement of facts shall include the date, approximate time and location of the event(s) that gave rise to the grievance. The inmate shall identify individuals directly involved in the event(s).***
12. ***The statement of facts must not exceed two pages and must be handwritten or typed on writing paper (one DC-804, Part 1 and one one-sided 8 ½” x 11” page). In Section B of the DC- 804, Part 1, the inmate should include information on any attempt to resolve the matter informally. The inmate will also specifically state any claims he/she wishes to make concerning violations of Department directives, regulations, court orders, or other law. If the inmate desires compensation or other legal relief normally available from a court, the inmate shall request the specific relief sought in his/her initial grievance.***
13. Any grievance and/or appeal based on separate events must be presented separately, unless it is necessary to combine the issues to support the claim.
14. The inmate must submit a grievance for Initial Review to the Facility Grievance Coordinator within 15 working days after the event upon which the claim is based.
15. A grievance must be filed with the Facility Grievance Coordinator at the facility where the grievance event occurred.
16. Any grievance issue presented for review that has been previously addressed will not be addressed in a subsequent grievance review.
17. A grievance related to a publication denial must include a copy of the **Inmate Publication Review Committee Denial Form**.
18. No inmate shall be punished, retaliated against, or otherwise harmed for good faith use of the grievance system.

19. At any point in the grievance process, the inmate may withdraw the grievance. To withdraw a grievance, an inmate must use and sign the **Inmate Grievance Withdrawal Form (Attachment 1-B)**, identify the grievance to be withdrawn by number, the reason why the grievance was withdrawn and forward the form to the Grievance Coordinator. Once a grievance is withdrawn, the inmate cannot then proceed to appeal to either the Facility Manager or Final Review.
20. Any document(s) attached in support of a grievance or grievance appeal becomes part of the official record and will not be returned. The inmate should make copies of the supporting documents for submission to the Facility Manager or Final Review.
21. A grievance cannot be filed after parole or release from incarceration.
22. An inmate transferred to a county facility or other state must use the grievance process at that facility regarding any issue that arises at that facility.

B. Initial Review

1. The Facility Grievance Coordinator/designee shall assign a grievance tracking number to every grievance (even a rejected grievance) upon receipt and enter every grievance into the Automated Inmate Grievance Tracking System. The Facility Grievance Coordinator/designee shall enter a summary or description of the grievance subject matter, the category, and the facility's disposition of the grievance at Initial Review.
2. The Facility Grievance Coordinator may combine multiple grievances from the same inmate that relate to the same subject.
3. A time extension for filing a grievance will be made only where the inmate notifies the Facility Grievance Coordinator of the reason for the delay in filing. The Facility Grievance Coordinator will determine if the delay in filing was valid and was caused by:
 - a. a temporary transfer from the facility where the grievance should have been filed;
 - b. a permanent transfer to another facility from the facility where the grievance should have been filed;
 - c. Authorized Temporary Absence (ATA) for an extended period; or
 - d. another delay with mail delivery.
4. When the Facility Grievance Coordinator determines that the delay was caused by one of the circumstances listed in **Subsection B.3.a.-d. above**, a reasonable extension of time for filing may be permitted. The Facility Grievance Coordinator may consider a grievance submitted by an inmate released on ATA for an extended period on a case-by-case basis.

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5. If the Facility Grievance Coordinator determines that the grievance is properly submitted according to this procedures manual, the Facility Grievance Coordinator will designate a staff member to serve as the Grievance Officer for that grievance. The staff member who serves as the Grievance Officer may not be directly involved or named as the subject of the grievance. This includes Sections A. and B.
6. If the Facility Grievance Coordinator determines that the grievance is not properly submitted according to this procedures manual, it shall be rejected and returned to the inmate unprocessed with a **Grievance Rejection Form (Attachment 1-C)** enumerating the reason(s) the grievance was rejected. The grievance, if resubmitted, must be resubmitted under the same grievance number within five working days of the rejection notice date.
7. The Grievance Officer shall submit his/her proposed response to the Facility Grievance Coordinator prior to distribution to the inmate. The Grievance Officer's response shall be typed and may use the **Initial Review Response Form (Attachment 1-D)**. The response shall include a brief rationale, summarizing the conclusion and any action taken or recommended to resolve every issue as well as any relief raised in the grievance. One of the following dispositions must be included in the initial response: Uphold Inmate, Grievance Denied, or Uphold in Part/Denied in Part. If the grievance is determined to be frivolous, the Grievance Officer shall also include a statement setting forth the reason(s) the grievance has been determined to be frivolous.
8. The Facility Grievance Coordinator shall review the proposed response for consistency with policy and procedure. If further review is required, the response will be returned to the Grievance Officer. If the proposed response is approved, the Facility Grievance Coordinator shall initial the response and return it to the Grievance Officer for distribution.
9. The Grievance Officer shall provide a written response to the inmate within 15 working days from the date the grievance was entered into the Automated Inmate Grievance Tracking System. The Facility Manager/designee may authorize an extension of up to 10 additional working days if the investigation of the grievance is ongoing. If an extension is necessary, the inmate shall be advised in writing using the **Extension Form (Attachment 1-E)**.
10. A grievance dealing with allegations of abuse shall be handled in accordance with Department policy **DC-ADM 001, "Inmate Abuse Allegation Monitoring Process" and/or DC-ADM 008, "Sexual Harassment of or Sexual Contact with Inmates."** This may extend the time for responding to the grievance, but will not alter the inmate's ability to appeal upon his/her receipt of the Initial Review response. When a grievance is related to an allegation of abuse and the grievance is the first notice made by the inmate, the Grievance Coordinator will issue an Extension Notice to the inmate by checking the box "Notice of Investigation". The Initial Review Response will be completed by the assigned Grievance Officer when the results from the Office of Special Investigations and Intelligence are received.

11. An inmate filing a grievance related to a claim of missing property must provide documentation such as a **DC-153A, Personal Property Inventory Sheet, Confiscated Items Receipt**, or a **Commissary/Outside Purchase Form** for evidence or proof that property items were once in his/her possession. Failure to do so may result in the rejection/denial of the grievance.
12. A grievance issue regarding Parole should not be rejected, **except for non-policy compliant reasons**, and any such grievance should be addressed by the facility and a response issued. If necessary, Parole staff can be contacted by the facility to supply information needed for the Grievance Officer to provide a complete response. It should be noted that there may be circumstances in which facility staff cannot address a parole issue. However, the staff can provide a response to the inmate which shall include an address and/or contact person from Parole to whom he/she can direct his/her issue and/or concern.
13. Each Facility Manager/designee shall make a provision for an illiterate or non-English speaking inmate to submit a grievance, be interviewed, and have translated, any portion of the grievance policy. Timeline extension shall be granted in order to secure these services. The Facility Manager is authorized to use an existing contract and/or dial-up translation service to provide this service. In the event that a grievance is submitted from an illiterate inmate that is incoherent in nature, the Facility Grievance Coordinator shall designate a Grievance Officer to review the inmate's concern and meet with the inmate, as deemed necessary, to resolve or clarify the issue.
14. Each Facility Manager/designee shall ensure that a lock-box designated for inmate grievance and/or **DC-135A** forms is installed in all Level 5 housing units and the inmate dining halls. The lock-box on the L5 housing unit shall be placed in a location easily accessible to an inmate being escorted to an individual exercise unit. The inmate will be permitted to place the **DC-135A** and/or grievance in this lock-box. If an inmate chooses not to go to an individual exercise unit, he/she may have a staff member place the item in the lock-box.
15. The facility Grievance Coordinator, usually the Superintendent's Assistant, is responsible for the key and retrieval of the lock box contents located in all Level 5 housing units and the dining halls each work day.

C. Grievance Restriction

1. An inmate who files five frivolous grievances within a 30-day period may be placed on grievance restriction. The maximum length of the grievance restriction period is 90 days. An inmate placed on grievance restriction shall be notified via the **Grievance Restriction Form (Attachment 1-F)** and he/she may file no more than one grievance each 15 working days. The grievance restriction period begins on the date of the written notice to the inmate of the grievance restriction. The 15 working day period during which one grievance may be filed begins on the 1st working day immediately following the date of the written notice to the inmate of the grievance restriction.

2. ***A grievance that is withdrawn after an Initial Review Response has been distributed to the inmate shall be considered for grievance restriction if deemed frivolous by the Grievance Officer.***
3. The Facility Grievance Coordinator shall provide the inmate with written notice of the grievance restriction and the reason(s) for it. A copy of the notice shall be forwarded to the Deputy Secretary, the Facility Manager, and the Secretary's Office of Inmate Grievances and Appeals (SOIGA).
4. It is the inmate's responsibility to determine which issues to grieve while on grievance restriction.
5. An inmate will not be denied a **DC-804, Part 1** due to grievance restriction.
6. An inmate may appeal a grievance restriction and/or a grievance restriction extension in accordance with **Section 2** of this procedures manual.
7. If the Facility Manager/designee determines during the grievance restriction review that the inmate has not submitted five frivolous grievances, the inmate may be removed from grievance restriction. The Deputy Secretary and the SOIGA shall be notified that the restriction was lifted.
8. A prior grievance that was rejected cannot be used as one counted towards the number of five for placing an inmate on grievance restriction. A grievance must be found frivolous to be used toward the grievance restriction.
9. If an inmate files one or more frivolous grievance while on grievance restriction, the Facility Manager may request an additional 30-day period of restriction through the Deputy Secretary. A copy of the request shall be forwarded to the SOIGA for tracking purposes.
10. A grievance restriction issued at one facility will be continued if the inmate is transferred to another facility.

D. Training

Every Grievance Officer shall complete mandatory computer-based Inmate Grievance Procedures Training (CBT) pursuant to Department policy **5.1.1, "Staff Development and Training."** The Facility Grievance Coordinator shall provide a list of every Grievance Officer to the Facility Training Coordinator for tracking purposes.

Section 2 – Appeals

A. Appeal to Facility Manager

1. Inmate Responsibilities

- a. An inmate may appeal an Initial Review Response/Rejection, or grievance restriction, to the Facility Manager in writing, within 15 working days from the date of the Initial Review Response/Rejection or notice of a grievance restriction.
- b. The Initial Review Response/Rejection from the Facility Grievance Coordinator/designee must be received by the inmate before any appeal to the Facility Manager can be sought.
- c. Only an issue that was raised for Initial Review, determination of frivolousness, rejection and/or placement on grievance restriction may be appealed. An issue raised for Initial Review and determination of frivolousness must be raised for appeal at the same time.
- d. The text of an appeal must be legible, understandable, and presented in a courteous manner. The statement of facts must not exceed two pages, must contain reason(s) for the appeal, and must be handwritten or typed on writing paper (two one-sided or one double-sided 8 ½" x 11" page), or may be submitted on the **Appeal to the Facility Manager Form (Attachment 2-A)**. (The **Appeal to the Superintendent Form** may be used until the facility transitions to the revised form that appears as Attachment 2-A. The transition may be accomplished by using the existing stock of forms.)
- e. Each appeal must be clearly labeled as an appeal at the top of the document. In cases appealing an initial Review Response/Rejection, the appeal must also include the grievance number at the top of the document. The appeal must clearly identify the Initial Review Response/Rejection and the reason(s) for the appeal. If the inmate is also appealing a determination of frivolousness or a grievance restriction, he/she must clearly indicate that he/she is also appealing that determination. Only one appeal of any Initial Review Response/Rejection is permitted. Failure to comply may result in the appeal being dismissed.
- f. In a case involving personal property, publication or photograph denial, the inmate must clearly notify the Facility Manager or Facility Grievance Coordinator to retain the property, publication or photograph pending completion of the grievance process, including any appeal.
- g. Once a grievance is withdrawn, the inmate cannot then proceed to appeal to the Facility Manager or Final Review.

2. Staff Responsibilities

- a. The appeal must be addressed by the Facility Manager/designee. The Grievance Officer or an Inmate Publication Review Committee member, as applicable, may not be designated to address the appeal.
- b. The Facility Manager/designee will determine whether the appeal is in accordance with this procedures manual. If the appeal is determined to be in accordance with these procedures, the Facility Grievance Coordinator/designee will enter the date received into the Automated Inmate Grievance Tracking System.
- c. An exception to the 15 day filing requirement will be made only when the inmate notifies the Facility Manager/designee of the reason for the delay and it is determined that the delay in filing was caused by:
 - (1) a temporary transfer from the facility where the grievance should have been filed;
 - (2) a permanent transfer to another facility from the facility where the grievance should have been filed;
 - (3) Authorized Temporary Absence (ATA) for an extended period; or
 - (4) another delay with mail delivery.
- d. The Facility Manager/designee shall notify the inmate using the **Facility Manager's Appeal Response (Attachment 2-B)** of his/her decision within 15 working days of receiving the appeal. One of the following dispositions must appear on the appeal response: Uphold Response, Uphold Inmate, Dismiss, Dismiss Untimely or Uphold in Part/Deny in Part. A brief statement of the reason(s) for the decision must also be included. Alternatively, the Facility Manager/designee may remand the Initial Review response to the Grievance Officer for further investigation and/or reconsideration. The determination to remand the Initial Review response may not be appealed or made the subject of a Grievance.
- e. The Facility Grievance Coordinator/designee shall enter the date and a summary of the Facility Manager/designee's decision into the Automated Inmate Grievance Tracking System.
- f. When the Facility Manager/designee remands a grievance. **Notification of the remanded grievance will be provided to the Grievance Officer on the Remand Grievance – Notice to Grievance Officer (Attachment 2-C)**. The Grievance Officer shall respond to the inmate within **15** working days. Notification of the remanded grievance will be provided to the inmate on the **Remanded Grievance – Notice to Inmate (Attachment 2-D)**. The revised response shall be returned to the Facility Manager/designee for review prior to sending it to the inmate. The inmate may again

appeal to the Facility Manager/designee within 15 working days from the date of the revised Initial Review response.

- g. Personal property, publications and photographs related to a grievance shall not be disposed of if the inmate notifies the Facility Manager/designee or Facility Grievance Coordinator to retain the property, publication or photograph as required by **Subsection A.1.f. above**. If notification is given, the property related to the grievance shall be placed in a safe location until final disposition is made by the Secretary's Office of Inmate Grievances and Appeals (SOIGA). The inmate will have 20 working days from the date of the final SOIGA decision is received to notify the Facility Grievance Coordinator in writing with his/her signature that he/she intends to file a court action relating to the confiscated property. The subject property will be labeled to indicate that it is being held pending possible further legal action and will note the expiration date of the 20 working days. If no notice in writing signed by the inmate is given to the Facility Grievance Coordinator by the end of the 20 working days, the inmate will be told to decide whether the property is to be shipped or destroyed. When the final court proceeding is concluded, the inmate shall, within 20 working days, notify the Facility Grievance Coordinator in writing that the lawsuit is concluded and whether the property is to be shipped or destroyed. Any refusal or failure to select an option will be documented by the Property Officer and will result in the property being destroyed. If the option to have the property shipped is chosen, the property will be shipped at the inmate's expense. An inmate's failure to communicate the final court disposition to the Facility Grievance Coordinator within 20 working days may result in the property being destroyed with no notice to the inmate.
- h. An inmate filing a grievance related to a claim of missing property must provide documentation such as a **DC-153A, Personal Property Inventory Sheet, Confiscated Items Receipt** or a **Commissary/Outside Purchase Form** for evidence or proof that property items were once in his/her possession. Failure to do so may result in rejection/denial of the grievance.

B. Appeal to Final Review

1. Inmate Responsibilities

- a. The decision from the appeal to the Facility Manager must be received by the inmate before an appeal to Final Review.
- b. Any inmate who is dissatisfied with the disposition of an appeal from the Facility Manager may submit an **Inmate Appeal to Final Review (Attachment 2-E)** within 15 working days from the date of the Facility Manager/designee's decision. Only issues appealed to the Facility Manager may be appealed **to** Final Review.
- c. An exception to the 15-day filing requirement will be made only where the inmate notifies the SOIGA of the reason for the delay and it is determined that the delay in filing was caused by:

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- (1) a temporary transfer from the facility where the grievance should have been filed;
- (2) a permanent transfer to another facility from the facility where the grievance should have been filed;
- (3) ATA for an extended period; or
- (4) another delay with mail delivery.

NOTE: If it is determined that a delay was caused by a circumstance listed above, a reasonable extension of time for filing shall be permitted.

- d. An appeal to Final Review will not be permitted until the inmate has complied with all procedures established for Initial Review in accordance with **Section 1** of this procedures manual and for Appeal to the Facility Manager in accordance with **Subsection A. above**.
- e. The text of an appeal to the SOIGA must be legible, understandable and presented in a courteous manner. The statement of facts must not exceed two pages, and must be handwritten or typed on writing paper (two one-sided or one double-sided 8 ½" x 11" page), or may be submitted on the **Appeal to Final Review Form (Attachment 2-E)**. (The **Appeal to the Secretary's Office of Inmate Grievance Appeals Form** may be used until the facility transitions to the revised form that appears as **Attachment 2-E**. The transition may be accomplished by using the existing stock of forms. The appeal must contain a reason for appealing the Facility Manager/designee's decision.)
- f. Every appeal to Final Review must be addressed to the following:

Chief, Secretary's Office of Inmate Grievances and Appeals
Department of Corrections
1920 Technology Parkway
Mechanicsburg, PA 17050

Failure to properly address the appeal will delay the process.

- g. An inmate appealing a grievance to Final Review is responsible for providing the SOIGA with all required documentation relevant to the appeal. A proper appeal to Final Review must include photocopies of the Initial Grievance, Initial Review Response/Rejection, the Inmate Appeal to the Facility Manager, the Facility Manager/designee's decision and a written appeal to the SOIGA. Failure to provide the proper documentation may result in the appeal being dismissed.
- h. An indigent inmate as defined in Department policy **DC-ADM 803, "Inmate Mail and Incoming Publications,"** will be afforded copy service and legal postage up to a maximum of \$10.00 per month and all money received in the inmate's account shall be used to pay for the cost of the copies and legal postage. A non-indigent inmate will

incur copying charges in accordance with Department policy **3.1.1, “Fiscal Administration.”**

- i. An inmate appealing a grievance restriction to Final Review is responsible for providing the SOIGA with all required documentation relevant to the appeal. This appeal paperwork must include photocopies of the written notice of the restriction from the Facility Grievance Coordinator, the appeal of the restriction to the Facility Manager, the Facility Manager’s Response and an appeal to the SOIGA. The text of an appeal to the SOIGA shall be legible, understandable and presented in a courteous manner. The statement of facts must not exceed two pages and must be handwritten or typed on writing paper (two one-sided or one double-sided 8 ½” x 11” page) or written on the **Appeal to the Secretary’s Office of Inmate Grievances and Appeals Form**. Failure to provide the required documentation may result in the **appeal** being dismissed.
- j. Any documentation submitted in support of a grievance or grievance appeal will become part of the official record and will not be returned. The inmate should make copies of supporting documents, including facility documents for submission to Final Review.
- k. Once a grievance is withdrawn, the inmate cannot then proceed to appeal to final review.
- l. An inmate cannot file a new grievance disputing a previous Final Review decision or the staff member who rendered that decision.

2. Staff Responsibilities

- a. The SOIGA will ensure that:
 - (1) an appeal to Final Review is responded to within 30 working days of receipt unless otherwise extended;
 - (2) an appeal and response are properly maintained in the Automated Inmate Grievance Tracking System; and
 - (3) The Chief of SOIGA may authorize an extension of up to 10 additional working days if the investigation of the appeal is ongoing. If an extension is necessary, the inmate shall be advised in writing. This may be done using the **Final Review Extension Form (Attachment 2-F)**.
- b. Upon request, the Facility Manager will forward to the SOIGA a copy of any formal investigation related to a grievance.
- c. SOIGA will review the Initial Grievance and Response, the Appeal to the Facility Manager, the Facility Manager/designee’s response, any investigative report(s) and the appeal to Final Review.

- d. SOIGA may review/refer an appeal with the relevant bureau (health care issues with the Bureau of Health Care Services (BHCS), education issues with the Bureau of Corrections Education (BCE), etc.). This review/referral may result in an extension to the time for submitting a Final Review response to the inmate. A written notification will be sent to the inmate stating that the appeal to Final Review was referred and identifying the Bureau to which it was referred.
- e. Upon completion of the review, SOIGA will respond directly to the inmate in all cases using the **Final Appeal Decision (Attachment 2-G)**. If the inmate is released/paroled, he/she must provide a forwarding address to SOIGA. SOIGA will forward the Final Review response to the address provided or, if no address is provided, to the last address of record for the inmate.
- f. SOIGA will issue a decision with one of the following dispositions: Uphold Response, Uphold Inmate, Permit Publication, Permit Photograph, Dismiss, Dismiss Untimely, or Uphold in Part/Deny in Part. The Chief/designee, SOIGA, shall notify the inmate and the Facility Manager of the decision and rationale. If the decision consists of amending or remanding the grievance, if the inmate is placed on a grievance restriction, or if the decision is to uphold the inmate, the appropriate Deputy Secretary shall also be notified. In any instance where a determination of frivolousness is appealed, the Grievance Coordinator shall also be notified.
- g. When an appeal is remanded to the facility for further review and the investigation is completed, the Facility Manager/designee will provide a revised response to the inmate with a copy to the Chief, SOIGA within 15 working days. If the inmate is dissatisfied with the revised response, he/she may appeal to Final Review within **15** working days of the date of the revised response.
- h. The Chief, SOIGA, in consultation with the Secretary, shall take any action deemed necessary to ensure the integrity of this policy. This includes, but is not limited to:
 - (1) prohibiting the transfer of an inmate until the grievance procedure has been completed, including the appeal process; and
 - (2) lifting a previously imposed grievance restriction.
- i. The Chief, SOIGA/designee shall notify the Facility Manager in those cases where the suspension of an inmate's transfer is being considered pending the disposition of the appeal process.
- j. If an inmate who has filed a grievance is transferred prior to the appeal process being completed, the inmate may continue to pursue the grievance or appeal by notifying the Facility Manager of the facility where the grievance was originally filed. Adjustments shall be made to the various time limitations in order to allow for review.

C. Appeal of Publication or Photographs Denials

1. An inmate may appeal the denial of a publication or photograph in accordance with **Subsections A. and B. above.**
2. In order to grieve the Incoming Publication Review Committee's (IPRC) disapproval of a publication or photograph, the inmate must:
 - a. address his/her publication/**photograph** appeal to the Facility Manager on a **DC-804, Part 1** no more than 15 days from the date of the IPRC Memo disapproving the publication/photograph; and
 - b. include a photocopy of the IPRC memo disapproving the publication/photograph.
3. Publication/Photograph Appeal at the Initial Level/Staff Responsibilities
 - a. When an inmate files a grievance to appeal a publication/photograph disapproval, the Facility Grievance Coordinator shall assign a tracking number to the publication/photograph appeal.
 - b. The Facility Manager/designee shall:
 - (1) review the publication/photograph appeal in addition to the IPRC disapproval memo and shall respond to the inmate's appeal. The Facility Manager may use the **Initial Review Response Form (see Section 1, Attachment 1-D)**; and
 - (2) include the grievance tracking number and the name of the publication/photograph (or other description) in his/her response to the inmate.
4. Publication/Photograph Appeals at Final Review/Inmate Responsibilities

An inmate appealing a publication/photograph disapproval to Final Review is responsible for providing SOIGA with all required documentation relevant to the appeal. A proper publication/photograph appeal to Final Review must include the appeal to Final Review, any photocopies of the initial appeal to the Facility Manager, the IPRC memo disapproving the publication(s), and the Facility Manager's decision. Failure to provide the proper documentation may result in the final appeal being dismissed.

D. State Intermediate Punishment (SIP) Appeals

1. A SIP participant may appeal an expulsion from the SIP program by filing a grievance to the Deputy Secretary for Specialized Facilities and Programs. The grievance must be filed with the Facility Grievance Coordinator of the facility housing the inmate within 10 days of the date of the expulsion. The Facility Grievance Coordinator will assign a number and forward the grievance to the Deputy Secretary for review and response in accordance with **37 Pa. Code §97.116.**

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2. The grievance must be legible and the statement of facts may not exceed two pages.
3. A participant is responsible for including all required documentation with the grievance. Failure to provide relevant documentation may result in the grievance being dismissed.
4. A participant who is indigent as defined in Department policy **DC-ADM 803**, will be afforded copy service and legal postage up to a maximum of \$10.00 per month and all money received in the inmate's account shall be used to pay for the cost of the copies and legal postage. A non-indigent inmate will incur copying charges in accordance with Department policy **3.1.1**.
5. Any documentation submitted in support of a grievance will not be returned. The participant should make a copy of any supporting documentation for submission with the grievance.
6. The Deputy Secretary may decide the grievance based upon the documentation presented as well as other information contained within the Department's files and may interview the inmate and any involved staff member or contractor employee by means of videoconferencing if the Deputy Secretary in his/her sole discretion, believes an interview will assist him/her in understanding and evaluating the grievance.
7. In reviewing a grievance, the Deputy Secretary shall determine whether the participant violated the conditions of his/her Drug Offender Treatment Program (DOTP) or was meaningfully participating in the DOTP. The Deputy Secretary may uphold or reverse the expulsion or take any other action that could have been taken by the Chief of the Department's Bureau of Treatment Services (BTS), Treatment Division, with respect to the alleged conduct at issue.

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Automated Inmate Grievance Tracking System – A computerized system maintained by the Secretary's Office of Inmate Grievances and Appeals designed to store and retrieve data and trends pertaining to the Inmate Grievance System.

Appeal to Facility Manager – The second step of the formal Initial Grievance process during which the Facility Manager/designee reviews the decision of the Grievance Officer.

Chief, Secretary's Office of Inmate Grievances and Appeals – A management level employee assigned to the Secretary's Office of Inmate Grievance and Appeals by the Secretary to oversee the inmate grievance and appeal process, train field staff, and respond to appeals.

Department – The Pennsylvania Department of Corrections

Facility Grievance Coordinator - The Corrections Superintendent's Assistant (CSA)/**Designee** in a facility, or a Community Corrections Regional Director/**Designee**, who is responsible for the overall administration of the Inmate Grievance System in that facility/region. This includes determining whether the grievance was filed in compliance with the policy, as well as the data collection, tracking, and statistical reporting.

Facility Manager – The Superintendent of a State Correctional Facility, State Regional Correctional Facility, or Motivational Boot Camp, Director of a Community Corrections Center or the Director of the Training Academy.

Final Review – The third step of the formal Initial Grievance process during which the Secretary's Office of Inmate Grievance Appeals reviews the decision of the Facility Manager/designee.

Frivolous Grievance – A grievance is frivolous when the allegations or the relief sought lack any arguable basis in law, fact and/or policy.

Grievance – A formal written complaint by an inmate related to a problem encountered during the course of his/her confinement.

Grievance Rejection Form – The form used to return a grievance to an inmate when the grievance is not in compliance with Department policy **DC-ADM 804, "Inmate Grievance System."**

Grievance Officer – An appropriate Department Head or management level staff person designated by the Facility Grievance Coordinator to provide initial review of an inmate grievance arising from his/her specific area of responsibility (a Unit Manager would be assigned to provide initial review of a grievance regarding a housing unit).

Grievance Restriction – A limitation on the number and frequency of grievances an inmate may file.

Initial Grievance Process – The procedure used to review inmate grievances other than those arising from the denial of a publication or photograph by the Inmate Publication Review Committee or an expulsion from the State Intermediate Punishment Program.

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Initial Review – The first step of the Initial Grievance process during which a Grievance Officer reviews an inmate grievance.

Publication/Photograph Denial Appeal – The procedure used to review the denial of a publication or photograph by the Inmate Publication Review Committee.

Retaliation – An act of vengeance or threat of action against an inmate or staff in response to an inmate complaint of a problem. Examples include, but are not limited to, unnecessary discipline, intimidation, unnecessary changes in work or program assignments, unjustified transfers or placements, unjustified transfers or placements, unjustified denials of privileges and services.

Secretary – The Secretary of the Department of Corrections.

Secretary's Office of Inmate Grievances and Appeals (SOIGA) – The office responsible for review and disposition of all appeals to Final Review arising under this policy.

Working Days – For the purposes of this policy, working days are Monday through Friday, excluding state holidays.