

Directive 320.01 Offender Grievance

**STATE OF VERMONT
AGENCY OF HUMAN SERVICES
DEPARTMENT OF CORRECTIONS**

Directive: 320.01

Subject: Offender Grievance
Effective Date: September 1, 2000 **Review and Re-Issue Date:**
Supersedes: 953 2/26/82 **APA Rule Number:**

Recommended for approval by:		Authorized By:	
_____ Signature	_____ Date	_____ Signature	_____ Date

1. Authority:

This directive is promulgated by authority of Title 28 V.S.A., Chapter 11, Section 854 and Department of Corrections Policy 320, Offender Grievance Process.

2. Purpose:

This directive prescribes the formal channel for the expression, review and resolution of offender grievances.

3. Applicability/Accessibility

This procedural directive applies to all offenders committed to the Commissioner of Corrections and all staff and volunteers. Anyone may have a copy of this directive.

4. Directive

DIRECTIVE

I. The work site manager shall establish procedures to review the grievances of inmates. The work site manager will use appendix "A" at a minimum and can revise according to local need.

A. The review of grievances shall be by a person or persons other than the person or persons directly responsible for the conditions or actions giving rise to the grievance.

B. All inmates shall be allowed to communicate grievances directly to the commissioner, and an inmate's rights to file grievances shall not be restricted. Inmates are required to exhaust local administrative remedies unless the grievance is against the work site manager.

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- C. All inmates shall be informed of the grievance procedure.
- II. A grievance database will be maintained at the central office level for the recording, tracking and reporting of offender grievances.
- III. It shall be the responsibility of each work site manager to ensure that each employee and offender has been informed that a grievance policy and directive exist and the procedure for using them shall be available to all inmates.

IV. Offender Correspondence:

At times offenders write to a variety of staff members within the Central Office and external to the Department with a complaint. In order to organize a systematic response, and avoid duplication of work and responses, the Department of Corrections Central - Office employees will follow the following system:

- A. The Central Office addressee will read all correspondence from offenders.
- B. The addressee will determine if the complaint requires immediate action due to the nature of the complaint. E.g. a good time issue where it concerns a release occurring prior to time for processing, or an immediate danger is presented if the situation warrants immediate attention, the issue will be brought to the work site manager or the operating director.
- C. If the complaint does not call for immediate attention, a form letter "attachment A" will be sent to the offender by the recipient of the letter with the appropriate section checked, which will provide direction to the offender on the proper grievance filing method.

V. Offenders under the care and custody of the Vermont Department of Corrections, and assigned to the Out Of State unit, will submit grievances as follows:

- A. All grievances regarding the OOS facility issues will be submitted utilizing, that facility's grievance procedure.
- B. All grievances regarding Vermont Department of Corrections issues will be submitted to the offender's caseworker in Vermont using letter format. Grievances that fall in this category include, but are not limited to classification and good time.

VI. If, after any phase in the grievance process, the grievance has not been responded to within the prescribed time frames, the offender may assume the grievance has been denied and may proceed to the next step in the grievance process.

VII. Training:

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A. The work site manager responsible for the work site will present this directive to all staff.

VIII. Receipt for Grievance:

A. Grievance forms 1, 2 and 3 shall be 3-part NCR papers. The offender will retain the bottom copy of the grievance 1 and 3 forms. The two top copies will be sent on for processing.

5. Training Method

5.1.

6. Quality Assurance Processes

6.1.

7. Financial Impact:

8. References

Title 28 V.S.A, Chapter 11; and Section 854

Department of Corrections Policy 320, Offender Grievance Process.

9. Responsible Director and Draft Participants

This directive was written by Jay W. Simons, Security and Supervision, 241-2271 with technical consultation from Barre Davis, Information Technology Manager, 241-2293.

Procedure 320.01.01 Offender Grievance Procedure

**STATE OF VERMONT
AGENCY OF HUMAN SERVICES
DEPARTMENT OF CORRECTIONS**

Procedure: 320.01.01

Subject: Offender Grievance Procedure
Effective Date: September 1, 2000 **Review and Re-Issue Date:**
Supersedes: NEW **APA Rule Number:**

Recommended for approval by:		Authorized By:	
_____	_____	_____	_____
Signature	Date	Signature	Date

- 1. Authority:**
Authority of Vermont Department of Corrections Directive 320.0 I, Offender Grievance, requires this procedure.
- 2. Purpose:**
This procedure prescribes the formal process for the expression, review and resolution of offender grievances.
- 3. Applicability/Accessibility**
This procedure applies to all offenders committed to the Commissioner of Corrections and all staff and volunteers. Anyone may have a copy of this procedure.

4. PROCEDURE

- I. Staff at all levels will make every effort to resolve issues before they escalate to grievances. However, if the offender desires to formally grieve an issue, staff will provide the offender with grievance form #1.
- II. Once the grievance is filled out, the staff person(s) designated by the work site manager will accept the grievance and write the time, date and his/her signature on the "receipt line" at the bottom of the form. The bottom copy of the grievance form shall be given to the offender as a receipt. The other two copies will be forwarded to the work site manager.
- III. The work site manager will insure that a record of grievances is maintained in the computer as per DOC Procedure 320.01.02.

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- IV. The work site manager will assign a staff member not involved with the grievance to investigate the issue. If, in the manager's opinion, the offender has an issue that impacts the offender's health or there is an immediate danger, the manager will have the grievance investigated immediately.

- V. The investigator will investigate the offender's grievance and forward a copy of grievance form #1, (the grievance) and grievance form #2 (the investigation report) to the work site manager, within 15 workdays from the date grievance was assigned. The investigation report will include a recommendation to the work site manager.
 - A. The work site manager will make a decision regarding the grievance and send it back to the offender within three workdays.

 - B. In cases where the grievance is filed against the work site manager, the grievance will be forwarded to the manager's supervisor, who will investigate it.

- VI. Grievances Submitted to the Commissioner of Corrections.
 - A. If the offender has received the response from the work site manager and is not satisfied with it, he/she may grieve the issue to the Commissioner of Corrections. There shall be no restrictions on an offender's ability to grieve to the Commissioner.
 - 1. The offender will request a grievance form #3. The grievance form #3 will be filled out by the offender and sent to the Commissioner of Corrections.

 - 2. The grievance forms #1 and #2 must be included with the grievance #3.

 - B. The grievance information will be entered into the grievance database.

 - C. The Commissioner, or his/her designee, may order an investigation to clarify or augment information about the grievance.
 - 1. The Commissioner will assign the grievance to the department head responsible for the area grieved for investigation; i.e. the Director of Clinical Services assigns grievances regarding medical issues and the Director of Corrections Education for education problems.)

 - 2. The staff member assigned will investigate the grievance and make a recommendation to the Commissioner.

 - D. The Commissioner will respond in writing, in a reasonable time, to the offender, communicating the decision regarding the grievance. The grievance to the Commissioner is the final step in the grievance process. If the offender is still not satisfied with the response by the Commissioner, he/she may consider

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the administrative remedy to be exhausted. The Commissioner's response will be entered into the grievance database.

4. Training Method

4.1.

5. Quality Assurance Processes

5.1.

6. Financial Impact:

7. References

Title 28 V.S.A., Chapter 11, section 854

Department of Corrections Policy 320, Offender Grievance Process.

Department of Corrections Directive 320.01, Offender Grievance.

8. Responsible Director and Draft Participants

This Procedure was written by Jay W. Simons, Security and Supervision, 241-227.1 with technical consultation from Barre Davis, Information Technology Manager, 241-2293.

Procedure 320.01.02 Offender Grievance Database Procedure

C. The database entry will include the category, and include a brief synopsis and work site manager's decision. The following are the categories the grievances will fall under.

5. Training Method

5.1.

6. Quality Assurance Processes

6.1.

7. Financial Impact:

8. References

Title 28 V.S.A., Chapter 11, section 854 .

Department of Corrections Policy 320, Offender Grievance Process.

Department of Corrections Directive 320.01, Offender Grievance.

9. Responsible Director and Draft Participants

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