

# Department of Corrections

## Division of Adult Institutions



## Institution Complaint Examiner Handbook

POC-44 (3/2006)

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## REFERENCES:

[Administrative Directive 11.6 – Procedure to Handle Staff Misconduct Complaints](#)  
[Bureau of Health Services Policies and Procedures](#)  
[DOC 302, Wis. Adm. Code – Assessment and Evaluation, Classification and Computation](#)  
[DOC 303, Wis. Adm. Code – Discipline](#)  
[DOC 306, Wis. Adm. Code – Security](#)  
[DOC 308, Wis. Adm. Code – Administrative Confinement](#)  
[DOC 309, Wis. Adm. Code – Resources for Inmates](#)  
[DOC 310, Wis. Adm. Code – Complaint Procedures](#)  
[DOC 313, Wis. Adm. Code – Prison Industries](#)  
[DOC 316, Wis. Adm. Code – Medical, Dental, and Nursing Co-payment Charge](#)  
[DOC 310 Internal Management Procedure #1](#)  
[DOC 310 Internal Management Procedure #2](#)  
[DOC Due Process Hearing Manual](#)  
[ICRS Coding Categories and Definitions](#)  
[ICTS Manual](#)  
[Executive Directive 16A - Staff Sexual Misconduct](#)  
[Executive Directive 35 - Confidentiality of Health Care Information Relating to Offenders](#)

**Note: In the electronic version of this manual, all reference materials can be accessed by holding the Ctrl key and clicking on the direct link.**

## PURPOSE:

This manual is to be used as a guide and training tool to assist current and new Institution Complaint Examiners (ICEs) in the performance of their duties. It will define some of the terms used in the Inmate Complaint Review System (ICRS) and will describe forms commonly used in the process. It will discuss the role of the ICE and some of the resources available to perform his or her duties.

It will take you step by step through the process from the collection of complaints through the final recommendation/decision.

The ICRS is the administrative process promulgated under ch. DOC 310, Wis. Adm. Code. It is the primary venue for inmates to use in resolving their issues or concerns prior to commencing litigation. Before an inmate may commence a civil action or special proceedings against the department and/or its staff, the inmate must exhaust all administrative remedies that the Department of Corrections has promulgated by rule under ch. DOC 310, Wis. Adm. Code.

In addition, and perhaps more importantly, the ICRS also serves several other purposes. It is a type of "pressure valve" that allows inmates to release tensions in a legitimate and peaceful manner without endangering themselves or others. A sort of "punching bag" if you will, that is often utilized in lieu of acting out in other ways. It is much better to get "beat up on paper" than to be physically assaulted. The complaint system also serves as an indicator of institution climate. For instance, if several complaints are filed regarding food service, medical care or some other subject, that is a clear indication that there may be a legitimate problem in a particular area. Such information relayed through the ICRS affords staff the opportunity to timely address and resolve issues that could otherwise escalate into a confrontation or even a riot. Persons working in the ICRS should be mindful of such trends and indicators and use the information provided by the inmates themselves in the furtherance of effective management of the inmate population. We all share the common goal of safe, secure and humane institutions.

## DEFINITIONS

<b><i>Administrative Remedy</i></b>	A formal internal process that inmates must follow that is officially published by the department.
<b><i>Appeals</i></b>	A procedure for the review of an agency decision at a higher level within the agency or in a court
<b><i>aRA</i></b>	Appropriate Reviewing Authority is the warden, bureau director, administrator or designee who is authorized to review and decide an inmate complaint.
<b><i>Calendar Days</i></b>	All days including Saturdays, Sundays and State Legal Holidays
<b><i>CCE</i></b>	The Corrections Complaint Examiner is the employee of the department, who is assigned to a subunit that is not within the division of adult institutions, and who is designated by the secretary to review complaints appealed to the secretary and conduct further investigation when necessary.
<b><i>DAI</i></b>	Division of Adult Institutions
<b><i>DOC</i></b>	Department of Corrections

<b>Evidence</b>	As defined by The American Heritage® Dictionary of the English Language, Fourth Edition. A. <b>Noun.</b> 1. Evidence is a thing or things helpful in forming a conclusion or judgment 2. something indicative; an outward sign 3. <u>Law</u> . The documentary or oral statements and the material objects admissible as testimony in a court of law. B. <b>Transient verb - ev·i·denced, ev·i·denc·ing, ev·i·denc·es</b> 1. To indicate clearly; exemplify or prove. To support by testimony; attest.
<b>HCRs</b>	Health Care Records
<b>HIPAA</b>	Health Insurance Portability and Accountability Act
<b>HS P/P</b>	Health Services Policy and Procedure
<b>ICE</b>	Institution Complaint Examiner means the person or persons at each adult correctional institution assigned by the warden to investigate complaints filed by inmates.
<b>ICRS</b>	Inmate Complaint Review System means the process by which complaints filed by inmates are investigated and resolved.
<b>ICTS</b>	Inmate Complaint Tracking System. The computer-based system used to maintain and track inmate complaints.
<b>OOS</b>	Office of the Secretary
<b>RDA</b>	Record Retention Disposition Authorization
<b>Reviewing Authority for Badger State Industries and Farms Complaints</b>	Director of the Bureau of Correctional Enterprises/ Designee
<b>Reviewing Authority for Complaints Alleging Breach of Confidentiality of Health Information</b>	DOC Privacy Officer
<b>Reviewing Authority for Health Care Complaints (except those regarding Psychologists)</b>	Bureau of Health Services Director/Designee
<b>Standard Responses</b>	Those responses contained in ICTS that address common issues.
<b>Working Days</b>	All days except Saturdays, Sundays and State Legal Holidays

**FORMS:**

<a href="#"><u>DOC-400</u></a>	Offender Complaint
<b>DOC-401</b>	ICE Report
<b>DOC-402</b>	ICE Rejection
<b>DOC-403</b>	RA Report
<b>DOC-404</b>	CCE Report
<a href="#"><u>DOC-405</u></a>	Request for Corrections Complaint Examiner Review
<b>DOC-405A</b>	CCE Acknowledgement of Receipt
<b>DOC-408</b>	OOS Report
<b>DOC-410</b>	ICE Receipt
<b>DOC-2058</b>	Complaint Return Letter
<a href="#"><u>DOC-2182</u></a>	Request for Review of Rejected Complaint
<b>DOC-2193</b>	RA Appeal Receipt
<b>DOC-2194</b>	RA Appeal Report
<b>DOC-2195</b>	CCE Rejection

This handbook should be read in conjunction with Ch. DOC 310, Wis. Adm. Code.

The ICE has many roles in the institution. Duties include, but are not limited to:

- interpreting the rules,
- facilitating communication (liaison) between staff and inmates,
- being an unbiased and objective reviewer,
- monitoring the institution climate, and
- being an investigator who makes recommendations to the appropriate Reviewing Authority.

## ICE RESOURCES

The ICE has many resources at his/her disposal to use in the performance of their duties.

Some resources are “databases” used to verify information about an inmate’s security status, pay records, housing unit history, transfer history, visiting list, and of course, complaint history.

Other “operational” resources are the rules, policies, and procedures to which the department of corrections, institutions, and their staff and inmates must adhere.

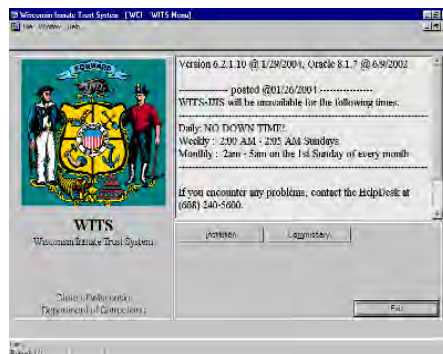
There are “external” resources that affect how ICEs process complaints. Examples include decisions issued by courts, opinions of DOC Office of Legal Counsel, and decisions made by the Office of the Secretary on complaints that are disseminated to all ICEs and institutions.

## DATABASES

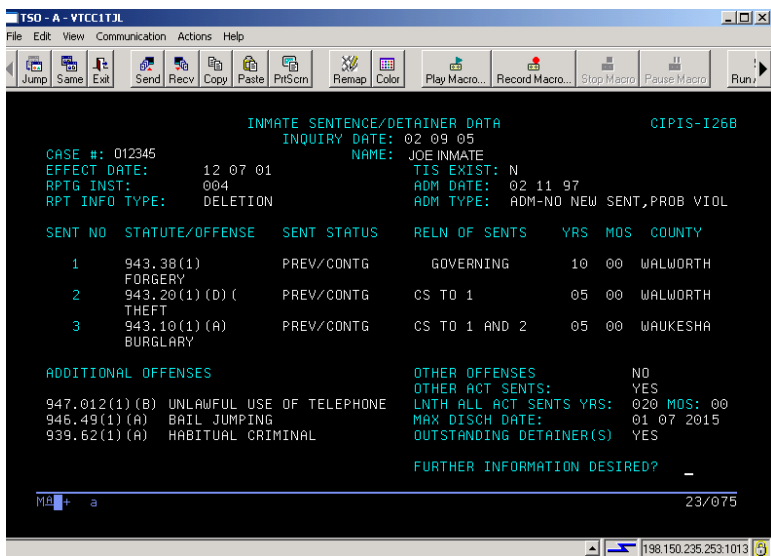
### WITS – Wisconsin Inmate Trust System

Commonly used to access cumulative individual inmate information:

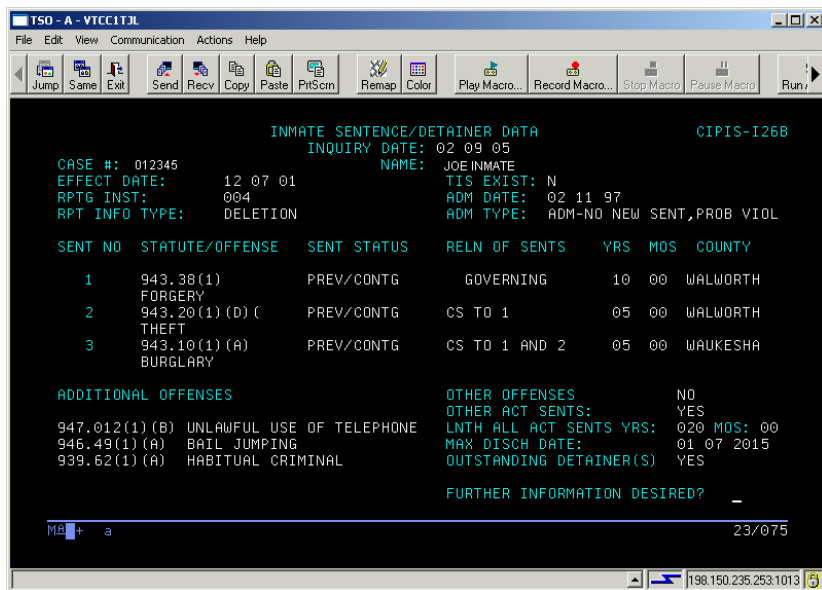
- Security status of an inmate
- Location or housing unit of an inmate (internal or external movement)
- Trust Account information on an inmate
- Commissary purchase history for an inmate



# CIPIS / CACU – Corrections Integrated Program Information System/Corrections Accounting Cashier's Unit System

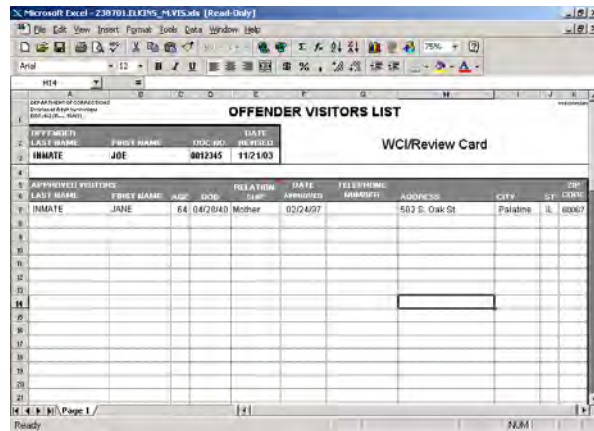
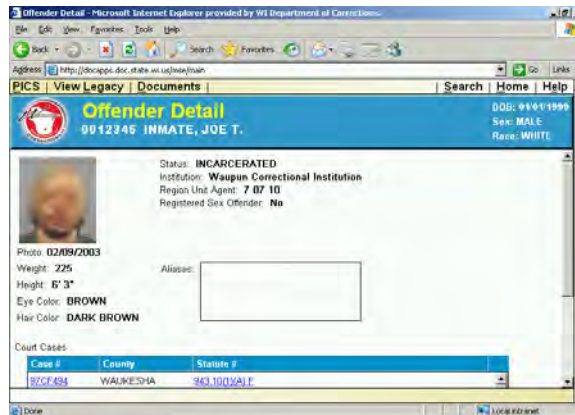


Commonly used to determine an inmate's institution transfer history, offense history, PRC history, MR/PED date, and other vital statistics.



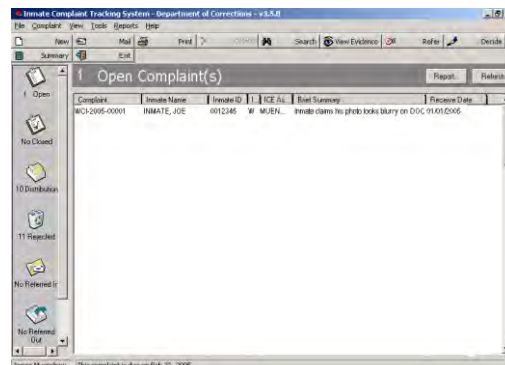
## DOC / Applications / Offender Search

Commonly used to view offender photos, vital statistics, offenses, and visiting lists.



## ICTS – Inmate Complaint Tracking System

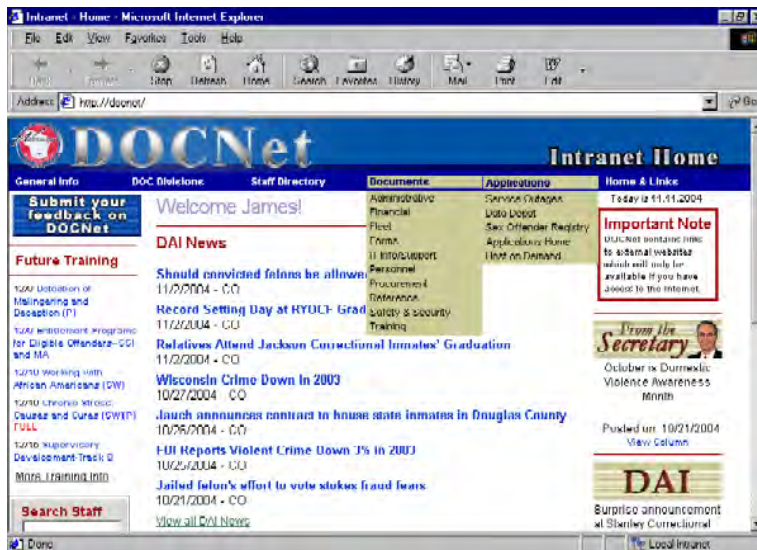
This database facilitates the processing of complaints, storage and archiving of complaint files including evidence. ICE, R/A, CCE, and OOS reports for each institution are automatically generated at the complainant's institution. Users may search complaint history for an inmate, institution, subject code, or key words.





## DOCNet / Internet

DOCNet applications are commonly used to access administrative document files or other applications hosted by DOCNet. The Internet may be used to access legal resource web sites or to obtain vendor/product information for property items.



## OPERATIONAL RESOURCES

DOC must process inmate complaints in compliance with both external and internal requirements.

The following external authorities place legal requirements upon DOC in the implementation of its internal ICRS:

- A. Wisconsin statutes.
- B. Wisconsin Administrative Code. This includes chapters of administrative rules drafted by state departments, such as the Department of Corrections, and promulgated into law by the legislature. Administrative Code chapters that include DOC in the title pertain to all correctional facilities and other correctional operations. The Administrative Code chapter for Complaint Procedures within DAI facilities is ch. DOC 310. The administrative rules in ch. DOC 310 outline the operational procedures and guidelines for the Inmate Complaint Review System.
- C. Federal laws, as well as Wisconsin laws, govern the confidentiality of health information. In some cases, Wisconsin law prevails while in other situations, federal law will supersede Wisconsin law.
- D. Case Law - Court decisions interpret existing laws and have the potential to impact the daily operations of the institution. Inmates often pursue their claims in the courts after they have exhausted available administrative remedies. This includes any appeal process and the ICRS.

## Internal Resources

DOC internal operational resources include Executive Directives, Administrative Directives, Internal Management Procedures (IMP), Security Internal Management Procedures (SIMP), Health Services Policies and Procedures (HS P/P), institution polices/procedures and inmate handbooks.

Additionally, the Office of Legal Counsel, the Privacy Officer and/or existing ICRS staff may provide guidance.

## **Administrative / Executive Directives**

Administrative Directives are operational guidelines and regulations that are approved by the Administrator of the Division (DAI) and apply only to the Division. They give direction to staff regarding policy. An example of an Administrative Directive commonly used is AD 11.6 regarding allegations of staff misconduct. This document outlines the procedure which must be used when an inmate alleges staff misconduct.

Executive Directives are approved by the Secretary of the Department, and apply to the entire Department of Corrections. They also relay operational guidelines and give staff direction regarding DOC policy. An example of an Executive Directive is ED 50 Use of DOC Information Technology Resources, which states Department-wide policy regarding computer and internet resource usage. Another example is ED 35, Confidentiality of Health Information Relating to Offenders that establishes the department-wide policy regarding the privacy protections afforded to health information relating to offenders under Wisconsin and federal laws.

Administrative and Executive Directive indexes and complete documents can be found by using the following links:

[Administrative Directives](#)

[Executive Directives](#)

## **Internal Management Procedures (IMP)**

Internal Management Procedures are usually derived from the Administrative Codes and apply to all adult correctional facilities. They further interpret state statutes and administrative rules and provide a means to apply those rules to the daily operation of the institution. There may be several IMPs for each chapter of the Administrative Code, while others may not have any. The IMP numbers directly correlate to the chapters of the Administrative Code (e.g., DOC 309 IMP #1 correlates to inmate property under ch. DOC 309.20, Wis. Adm. Code).

The complete IMP index and listing may be found on DOCNet. From the DOCNet home page, click on "Documents", then "Administrative". [IMP Index](#)

## **Security Internal Management Procedures (SIMP)**

SIMPs are specific to the security operations of the division. They are available in the Security Directors' folder and not accessible to inmates. All ICEs are granted access to the Security Directors' folder upon request.

## **Institution Policies and Procedures**

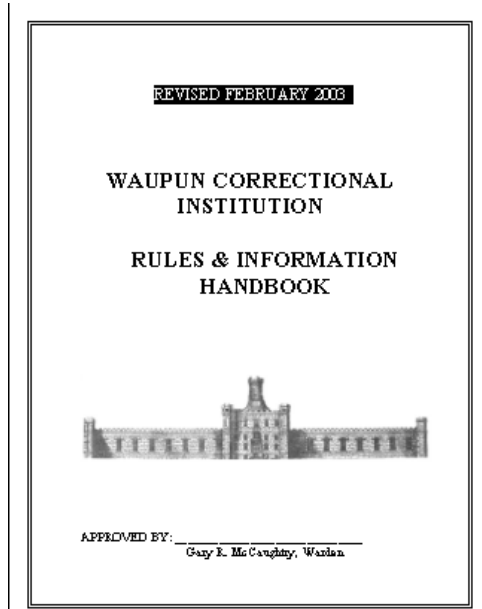
Institution Policies and Procedures are primarily derived from IMPs, but are specific to a given institution, addressing such factors as the security level and physical layout unique to that institution.

## Health Services Policies And Procedures

The Bureau of Health Services issues HS P/P relating to the delivery of health care. They can be a resource for resolving complaints about health care delivery and breach of the confidentiality of health information. Executive Directive 35 references HS P/Ps that apply department-wide, rather than only to health care providers. [Bureau of Health Services Policies and Procedures](#)

## Institution Handbooks

Institution Handbooks provide guidance to inmates regarding institution operations and instruction to inmates regarding the specific rules of the institution or a unit therein.



**DOC Office of Legal Counsel** – ICEs may contact legal counsel for guidance when addressing a particular issue. Attorneys can provide legal guidance or interpret laws so that ICEs may render more accurate and legally sound recommendations.

**Privacy Officer** – Federal law requires that DOC appoint a Privacy Officer to oversee the implementation of the HIPAA. That individual can offer guidance regarding the resolution of complaints alleging a violation Wisconsin or federal law that protects the confidentiality of health information. [DOC HIPAA Training link](#)

**Office of the Secretary Decisions** – The secretary's decision is the final step in the ICRS process. When such decisions impact institution or department operations, they are relayed to all ICTS users as well as the department staff necessary to facilitate policy or rule changes. By this means of notification, ICEs are provided with guidance. This develops consistency throughout the ICRS.

## Disciplinary Hearing Manual

The Department of Corrections has produced this manual as a guideline for any staff who have involvement with the disciplinary process. ICEs must possess a thorough working knowledge of the disciplinary process in order to conduct a review of conduct report records for procedural errors that

inmates may allege. The Disciplinary Hearing Manual may be accessed on DOCNet, or by using the following link: [DOC Disciplinary Hearing Manual](#). An additional aid is the [Disciplinary Packet Review Worksheet](#).

## **TIME LIMITS MANDATED UNDER CH. DOC 310, WIS. ADM. CODE**

- A. The ICE must:
  - 1. review and acknowledge each complaint, in writing, within 5 working days after the date of receipt [s. DOC 310.11(2)].
  - 2. send a recommendation to the appropriate reviewing authority or reject within 20 working days from the date of acknowledgment [s. DOC 310.11(11)].
- B. The aRA must:
  - 1. make a decision within 10 working days following receipt of the recommendation from the ICE [s. DOC 310.12(1)].
- C. The CCE must:
  - 1. issue a written receipt of the appeal within 5 working days [s. DOC 310.13(4)].
  - 2. recommend a decision to the secretary within 35 working days of receipt of the appeal [s. DOC 310.13(6)].
- D. The OOS must:
  - 1. make a decision within 10 working days following receipt of the CCE's recommendation [s. DOC 310.14(1)].

## **CONFIDENTIALITY OF ICRS PROCESS**

### **Scope**

The ICE may reveal the identity of complainant and the nature of the complaint only to the extent necessary to investigate the complaint, implement the remedy, or in response to litigation.

- 1. The appropriate reviewing authority may waive confidentiality of a complaint if the security, safety, or health of the institution or any person is involved.

### **Records**

- 1. All ICRS reports/documents are confidential and must be distributed in a sealed envelope, marked "ICRS Confidential".
- 2. A copy of ICRS documents may not be filed in any case file
- 3. Notations may not be made regarding a complaint in any file

### **Breach of confidentiality**

- 1. A breach of confidentiality in the process may itself be the subject of a complaint and must be filed directly with the CCE per s. DOC 310.16(4).
- 2. An inmate waives confidentiality by making known any aspect of a complaint to persons outside the ICRS.
- 3. Breach of confidential health information. These types of complaints should be entered under the correct subject code of 19. By this designation, the complaint recommendation will automatically be forwarded to the Department's Health Information Privacy Officer (the aRA) for review and decision.

## **PROCESSING OF A COMPLAINT**

### **Collecting**

- 1. Complaints should be collected on a daily basis.
- 2. Complaints must be picked up by ICE staff.

## Pre-screening

1. Review and sort complaints to determine those you accept (including referrals) and/or those you return
  - a. Return complaints alleging a breach of confidentiality in the ICRS process to the inmate with direction to file it directly to the CCE [s. DOC 310.16(4)].
2. Enter accepted complaints by:
  - a. Coding (c.f., "[ICRS Coding Categories and Definitions](#)")
  - b. Recording date and assigned number on the DOC-400
  - c. Scan original complaint and any relevant material
3. Referrals
  - a. Immediately refer those relevant complaints to the appropriate institution
  - b. Complaints regarding self/spouse
    - 1) Refer to designated ICE
4. Return complaints that are not accepted
  - a. Determine which complaint submissions do not meet the filing criteria [s. DOC 310.09(1)].
  - b. Date the complaint (returned complaints are not entered as new complaints and are thus not assigned a file number)
  - c. Prepare return letter (from the Return Letter Facility in ICTS) indicating appropriate reason for the return
  - d. Scan returned complaint into the Return Letter Facility to create a record
  - e. Return complaint and letter to complainant
5. Group complaints
  - a. Review the complaint
  - b. Enter accepted complaint into ICTS
  - c. Indicate "group complaint"
  - d. Enter all inmate numbers
  - e. Acknowledge complaint (the receipt will only be distributed to the spokesperson) [s. DOC 310.10(3)].

## REJECTIONS

Complaints rejected by the ICE do not receive a Reviewing Authority's decision. When the ICE rejects a complaint, ICTS automatically places the rejection report in the distribution folder to be printed and sent to the inmate [s. DOC 310.11(5)].

Complaints may be rejected if:

1. The inmate submitted the complaint solely for the purpose of harassing or causing injury to a staff member or another person,
2. The inmate does not raise a significant issue regarding rules, living conditions, or staff actions affecting institution environment.
3. The inmate does not provide sufficient facts for the ICE to conduct an investigation.
4. The complaint is more than 14 days past the date of occurrence and the inmate does not provide good cause for the ICE to extend the time limits.
5. The issue does not personally affect the inmate.
6. The issue is moot (e.g., inmate wishes to withdraw the complaint or the issue was otherwise resolved).
7. The issue has previously been addressed in the ICRS (be sure to cite the prior complaint file number in which it was addressed).
8. The issue is "outside of the scope of the ICRS" (s. DOC 310.08). The "scope" explains what issues inmates are allowed to file complaints on. Complaints are "inside the scope" if they raise significant

issues regarding rules, living conditions, staff actions affecting institution environment, or are civil rights complaints. After the inmate exhausts his appeal process, he/she may use the ICRS to challenge only the procedures used in the program review process, the disciplinary process, the administrative confinement process, or by any decision maker acting on a request for authorized leave. (ss. DOC 302.18, 303.75, 303.76, 308.04, 326.06) If the inmate has not exhausted his appeal process, these complaints are also “outside of the scope”.

The following issues are outside of the scope:

1. Any issue related to a conduct report prior to the inmate completing the appeal of the conduct report to the Warden’s Office. (ch. DOC 303)
2. A program review committee’s decision.
3. Any action of the parole commission.
4. The denial of a request for an authorized leave. (ch. DOC 326)
5. A challenge to an inmate record.
6. A denial of an open records request.

## **INVESTIGATING A COMPLAINT**

Complaints that deal with medical, personal safety or staff misconduct issues receive priority investigation. This means that they are investigated prior to any other open complaints.

When reading through each complaint, identify the issue raised by the inmate (who may only submit one issue per complaint). Identify the individual(s) you will need to contact to obtain information for your investigation. Do not contact the accused staff member if staff misconduct that would rise to the level of a work rule violation is alleged, unless directed by the Warden (refer to [AD 11.6](#)). Also identify all rules and documents that you will need to review.

Collect the evidence needed to investigate the complaint. This evidence takes the form of documents and/or photos of items related to the complaint that will be entered into the complaint record in ICTS and statements from individuals involved in the incident. The nature of the allegation in the complaint sets the tone for what evidence needs to be gathered in substantiating or refuting the claim. For example, property issues will require review of DOC property forms; trust account issues will require review of inmate trust accounts and disbursement requests; conduct report issues will require review of the disciplinary record; institution rules issues will require review of inmate handbooks; mail/correspondence issues will require review of the envelope/correspondence and /or review of DOC administrative rules and IMPs governing the process; visiting issues will require review of visitor logs, lists, denials, etc.

Medical issues will require review of HCRs for complaints about delivery of health care. ICE access to HCRs is limited to health information related to the complaint. Review [ED 35](#) and referenced Health Services Policies and Procedures (primarily HS 500:01, 500:08, 500:09 and 500:10) for complaints about violation of confidentiality rights related to health information. The Resource Section at the beginning of this manual will give examples of where to look when investigating certain complaints.

Whenever it is alleged that a violation has occurred regarding an institution rule, internal management procedure, or administrative rule, always review the rule to determine whether or not there was a violation. Once review has been accomplished, all of the information will need to be verified and scanned into the record. This verification is necessary to ensure that a proper and thorough investigation has been completed. The facts used in formulating a recommendation on a complaint are based on the evidence relied on. Conclusions and recommendations are then drawn from and based on those facts.

Document your findings thoroughly and professionally in the “Summary of Facts” section of ICTS. Standardized responses have been developed for most categories of complaints and can be found in ICTS. If using one, read it through and tailor it to fit the specific needs of the complaint. When documenting your findings, always write as if it were going to be reviewed by entities outside of the Department of Corrections.

If a change needs to be made to a policy or practice, clearly document the reason for the change and indicate (in the Carbon Copy section of ICTS) who needs to be notified so that it will be properly implemented (if the appropriate Reviewing Authority agrees with the recommendation). The appropriate RA can add/delete any cc recipients when rendering a decision.

If reimbursement is recommended, clearly explain how the figure was determined (i.e., use the DOC Depreciation Schedule found in [DOC 310 IMP 2](#)). Also, make sure a copy of the complaint is sent to the Corrections Services Manager (Business Director) for implementation of reimbursement. The amount of reimbursement, whether granted at the institution or the appeal level, must also be entered into the Amount Reimbursed line of the Policy/Litigation/\$Reimb tab in ICTS. To enter reimbursement on closed complaints, use the Search screen to pull up the specific complaint. Right-click on that complaint and update the statistical information.

List the people interviewed and all dates of contact in the “Persons contacted” portion of the “Investigation” section. Do not list anything else here; any relevant information obtained from these individuals will be presented in the “Summary of Facts”. List the documents upon which you relied in the “Documents Relied Upon” portion. This will include sections of the administrative code, internal management procedures, memos, and other documents used in the investigation.

Finally, before submitting your report to the Reviewing Authority, re-read it to ensure it is logical and clear. Then, run the spell-check (F7).

When your report is complete, select the appropriate recommendation from the drop-down menu (above the “Summary of Facts” screen in ICTS) and save and close the file.

The recommendation shall be one of the following: Affirmed, Affirmed w/modification, Dismissed, or Dismissed w/modification.

**Affirmed or Affirmed with Modification:** One of these recommendations should be made when the investigation reveals the basis of the inmate’s complaint has merit. For example: 1) An inmate files a complaint regarding being assessed a medical co-pay for an HSU visit. Your investigation reveals that the appointment was a follow-up appointment scheduled by HSU staff, and a co-payment should not have been deducted from the inmates trust account. The inmate should be reimbursed the co-pay that was deducted from his trust account; 2) An inmate files a complaint alleging that he is missing items from when his property was packed by staff prior to his TLU placement in segregation. Your investigation reveals that staff did not complete a property inventory sheet (form DOC-236) when packing the inmate’s property, in accordance with criteria stated in DOC 309 IMP 1. Pursuant to DOC 309 IMP 1, “DOC forms will be utilized to inventory all inmate personal property during intake, transfer, temporary lock up (TLU), and release”. The inmate would be reimbursed for the missing property, in accordance with Inmate Property Depreciation Schedule. You may add a modification to a recommendation when further action needs to be taken.

**Dismissed or Dismissed with Modification:** One of these recommendations should be made when the investigation reveals the basis of the inmate's complaint does not have merit. For example: 1) An inmate has filed a complaint disagreeing with the denial of property received in the mail. Investigation reveals property staff denied the inmates property (tennis shoes) because it was not sent directly from the vendor. Pursuant to DOC 309 IMP 1, "All incoming property must be new, and shipped directly from the vendor". Staff appropriately denied the property as it did not meet criteria stated in the Internal Management Procedure; 2) An inmate has filed a complaint alleging procedural errors regarding his conduct report. Investigation reveals the procedure was followed in accordance with ch. DOC 303 but the hearing officer neglected to check the box noting evidence was relied upon on the DOC-84. In this instance, the allegation of procedural errors regarding the conduct report would be dismissed, but the modification would be that it is returned to the hearing officer for correction of the record.

## **RESPONSIBILITIES OF THE REVIEWING AUTHORITY**

The aRA will review the file in ICTS and make one of the following decisions:

- A. Dismiss the complaint.
- B. Dismiss the complaint with modifications.
- C. Affirm the complaint.
- D. Affirm the complaint with modifications.
- E. Return the complaint to the ICE for further investigation.

The aRA may or may not make comments regarding the reason for their decision.

## **DISTRIBUTION**

The Complaint Department is responsible for the distribution of all complaint receipts/reports. The ICE or designee shall print and distribute reports and decisions from the distribution folder in ICTS in accordance with ch. DOC 310. Each of these reports are dated.

1. **ICE Receipt (DOC-410).** This report is created when a complaint is entered into ICTS. It serves as acknowledgement of the complaint and provides the inmate with identifying information regarding the complaint. This report initiates the timelines as outlined in DOC 310.
2. **ICE Rejection (DOC-402).** This report is created when a complaint is rejected. It will state the reason for rejection in accordance with DOC 310 and inform the inmate of the appropriate appeal rights.
3. **ICE Report (DOC-401).** This report is created when the ICE makes a recommendation and closes the complaint, but is not available for distribution until the aRA makes a decision. This report contains all identifying information about the inmate and the complaint, the summary of the facts, and the recommendation of the ICE.
4. **Reviewer's Decision (DOC-403).** This report is created when the aRA renders a decision and closes the complaint. This report and the ICE report are then available for distribution. The aRA report advises the inmate of the decision and any other decision comments or actions and advises the inmate of appeal rights. The ICE should review these reports prior to distribution.
5. **Reviewing Authority's Receipt of Rejection Appeal (DOC-2193).** This report is created when the aRA receives the rejection appeal and accepts it. It contains information consistent with that discussed in #1 above.
6. **Reviewing Authority's Decision on Complaint Rejection (DOC-2194).** This report is created when the aRA renders a decision and closes the appeal. This decision will only address the basis of the rejection, not the merits of the complaint. If the rejection is deemed inappropriate, the complaint will be returned to the ICE's open complaint folder for investigation and recommendation.



7. **CCE Receipt (DOC-405A).** This report is created when an appeal is entered into ICTS. It serves as acknowledgement of the appeal and provides the inmate with identifying information regarding the complaint. This report initiates the timelines as outlined in DOC 310.
8. **CCE Report (DOC-404).** This report is created when the CCE makes a recommendation and closes the complaint, but is not available for distribution until the secretary makes a decision. This report contains all identifying information about the inmate and the complaint, the summary of the facts, and the recommendation of the CCE.
9. **OOS Report (DOC-408).** This report is created when the secretary renders a decision and closes the complaint. This report and the CCE report are then available for distribution. The secretary's report advises the inmate of the decision and any other decision comments or actions. The ICE should review these reports prior to distribution.

## **IMPLEMENTATION OF THE DECISION**

S. DOC 310.15 governs implementation of affirmed complaints.

Per s. DOC 310.15(1), the department shall implement an affirmed complaint within 30 working days from the date of decision.

Per s. DOC 310.15(2), if an affirmed complaint has not been implemented within 30 working days, the complainant may directly inform the decision-maker in writing of the failure to implement the decision.

The decision-maker at the institution level would be the aRA. The decision-maker at the appeals level would be the Secretary/designee. The inmate would have to write to the appropriate person based on the level of the decision if the affirmed complaint has not been implemented within 30 working days from the decision date.

In many cases there will be action required to be implemented as part of a decision, but the complaint may not be affirmed. For example, on a conduct report issue, the complaint may be dismissed with a modification that the conduct report is returned to the adjustment committee for record correction.

For any complaint that requires further action, you can use the cc e-mail function in the report screen of ICTS to notify the appropriate parties that action must be taken. There is also a space designated in the cc section in the report screen for recipients who do not have access to e-mail/MS Outlook that may need to be hard-copied to implement the remedy.

## **APPEALS**

Appeals of aRA decisions are governed by s. DOC 310.13, Wis. Adm. Code, and must be mailed directly to the CCE at the address provided on the DOC-405 appeal form. Institutions shall make these forms accessible to inmates in accordance with s. DOC 310.13(1). Appeals are to be submitted within ten calendar days after the date of the aRA decision by rule, but the standard practice of the CCE is to start the ten day clock based on an estimation of when the decision is actually received by the inmate. In other words, when determining if an appeal is timely filed, the CCE considers the date the decision was printed from distribution in ICTS; the time the decision was printed; the day of the week the decision was printed and the inmate's current location. For instance, if an aRA decision is printed late on a Friday afternoon or the day prior to a legal holiday, it is likely there will be no delivery of the decision to the inmate for an

additional one to two days. Handling and delivery of an appeal by the US postal service may also be affected by these factors.

Appeals may also be made to the CCE in the event an inmate does not receive the aRA's decision within 30 working days after the ICE acknowledges receipt of the complaint, in accordance with s. DOC 310.12(3). When an appeal is received by the CCE under these circumstances, the appropriate ICE (where no recommendation has yet been made on the complaint) will subsequently be notified via auto e-mail (through ICTS/Outlook) that the complaint has been returned to their open complaints. This e-mail notification will also advise the ICE that the complaint is overdue for a recommendation and that it should be prioritized for response within their open files. In the event a recommendation has already been made but there has been no aRA decision, a similar return and notification is sent to the aRA. When the aRA makes a decision on the complaint following this type of return, an auto e-mail notification is sent to the assigned CCE advising that the complaint has now been completed at the institution level. The CCE may then review/investigate and formulate a recommendation for the secretary's office.

Complaints that are rejected by the ICE may only be appealed within 10 calendar days of the date of the rejection to the appropriate reviewing authority, and the appropriate reviewing authority may only review the basis for rejection of the complaint (not the merits). This is addressed in ss. 310.11(6) and 310.13(5) of the current rule (register November 2002). The appropriate reviewing authority's decision on appeal to a rejected complaint is final.

Based on workload issues and from the standpoint of standard protocol, the processing of an ICRS appeal always begins with a file review. It is therefore imperative that every ICE recommendation be fully supplemented with file documentation/scans. (Refer to investigation portion of this manual). In many cases a file review is all that is required to form the basis of the CCE's recommendation to the secretary/designee. However, while no new issues may be raised on appeal, in some instances the inmate may verbally refute the information in the ICE report or submit relevant documentation on appeal that was not provided with the original submission to the ICE. This sometimes requires further investigation, which may include contact with the ICE or other principals to ascertain the facts. The respective institution ICE is generally deemed to be the CCE's first point of contact in those cases where further information or documentation is deemed necessary in order to formulate a knowing appeal recommendation to the office of the secretary.

## **SECRETARY'S DECISION**

Once the CCE has made a recommendation, the Secretary makes a final decision on the complaint. This is the last step in the complaint process under s. DOC 310.07, unless the Secretary returns the complaint for further investigation. This decision should be implemented unless there's a subsequent decision by the Secretary indicating otherwise.

The Secretary shall do one of the following:

- A. Accept the recommendation of the CCE and adopt it as the decision.
- B. Adopt the recommendation of the CCE with modifications.
- C. Reject the recommendation of the CCE and make a decision.
- D. Return the appeal to the CCE for further investigation.

The Secretary may or may not make comments regarding the reason for their decision.

## **RECORDKEEPING**

Maintain copies of all records related to an inmate complaint consistent with the department's policies and procedures. [RDA - Inmate Complaint files](#)

## APPENDIX

### ICRS Coding Categories and Definitions

[DOC Acronyms](#)

[ICE Directory](#)

<b>ICRS CODING CATEGORIES AND DEFINITIONS</b>		
1	Staff	Individual actions and attitude rather than institution policies. Administrative Directive 11.6 – Handling Inmate Complaints on Staff Misconduct.
2	Correspondence and Publications	The sending & receiving of written and printed communications.
3	Discipline	Substance, procedures, amount of punishment (only procedural and excessive punishment are within ICRS jurisdiction).
4	Medical/Health Care	Adequacy, choice and denial of health care, and co-pay issues related to medical care including dental, psychiatric and optical services. Does not include services provided by psychologists which are reviewed by Wardens/superintendents.
5	Parole	Good time, release date, extension of mandatory release.
6	Personal Physical Conditions	The general physical environment
7	Personal Property	Lost property, allowable property, personal clothing.
8	Rules	General requests for changes in institution or division rules or policies. Classify under the more specific category if one of those listed here applies (for example, personal property).
9	Religion	Religious preference, religious property, religious practices
10	Work and School Programs	Availability, pay, job conditions
11	Visiting	Length of visits, denied visitors, delay in notification of visits
12	Other	Anything that does not fit into one of the other categories.
13	Food	Quality or quantity of food available from the institution.
14	Classification	Program Review Committee, security ratings, transfers. Only procedural issues are within the scope.
15	ICRS	Complaints that deal primarily with the ICE or the type of handling of a specific complaint.
16	Discrimination	Race, national origin, sexual orientation, religious preference, etc.
17	Inmate Accounts	The processing and handling of funds by the Business Office.
18	BCE	Badger State Industries and the State Farms
19	Breach of Confidentiality of Health Information	The unauthorized access, use or disclosure of confidential health information by a DOC employee.