

	<p><b>CHAPTER: 800</b> INMATE MANAGEMENT</p>	<p>OPR: OPS</p>
<p><b>DEPARTMENT ORDER MANUAL</b></p>	<p><b>DEPARTMENT ORDER: 802</b>  <b>INMATE GRIEVANCE SYSTEM</b></p>	<p>SUPERSEDES: See Attachment F</p> <p>EFFECTIVE DATE: March 3, 2000</p>

## TABLE OF CONTENTS

- PURPOSE
- RESPONSIBILITY
- PROCEDURES
- 802.01 GENERAL INFORMATION
- 802.02 EVALUATION AND ANNUAL REVIEW
- 802.03 GENERAL RESPONSIBILITY
- 802.04 INMATE ACCESS TO INFORMATION AND ASSISTANCE
- 802.05 INMATE USE OF THE GRIEVANCE SYSTEM
- 802.06 INMATE ABUSE OF THE GRIEVANCE SYSTEM
- 802.07 GENERAL PROCEDURE
- 802.08 INFORMAL RESOLUTION
- 802.09 STANDARD GRIEVANCE
- 802.10 EMERGENCY GRIEVANCE
- 802.11 MEDICAL GRIEVANCE
- 802.12 STAFF GRIEVANCE
- 802.13 GRIEVANCE OF DEPARTMENT WRITTEN INSTRUCTION
- 802.14 PROCEDURAL EXCEPTION
- ATTACHMENTS

### PURPOSE

The Department's inmate grievance process provides inmates with timely, administrative remedies to complaints which might otherwise unnecessarily burden the courts.

### RESPONSIBILITY

The Deputy Director for Prison Operations shall:

- Conduct an annual review of the inmate grievance system assessment report, and any comments received from staff and/or inmates.
- Ensure that appropriate revisions are made to this Department Order based upon the assessment

May 23, 2002

Date

*Margaret M. Pugh*

Margaret M. Pugh, Commissioner  
Department of Corrections

Forms Applicable:

808.03A

808.03B

808.03C

808.03D

808.03 E

report and any changes in law that affect this Department Order.

- Ensure all inmates are provided with written notice and oral explanation of the grievance system as part of the intake/orientation process.
- Ensure this Department Order is readily available for use by all inmates, regardless of classification, disciplinary, or administrative status.

The Assistant Director for Inmate Health Services shall:

- Prepare responses for the Director for appeals of medical grievances.
- Ensure that Department medical staff comply with the specifications of the Inmate Grievance System when responding to grievances concerning medical issues.

The Assistant Director for Human Resources/Development shall ensure that:

- The Inmate Grievance System is included in the Correctional Officer Training Academy (COTA) curricula.
- The Inmate Grievance System is included in the new/reinstated officers Institution/Unit orientation training program, as well as the Reentry Officers Training Program.

## PROCEDURES

### 802.01 GENERAL INFORMATION

#### 1.1 Allowed Grievance Issues

1.1.1 Inmates **may** use the grievance process for the following issues:

1.1.1.1 Property, staff, visitation, mail, food service, institutional procedures, Department Written Instructions, program access, medical care, religion and conditions of confinement.

1.1.2 The Institution/Unit Grievance Coordinator shall forward medical grievances to the Facility Health Administrator.

1.1.3 Inmates shall attempt to resolve all allowed grievance issues informally before submitting a formal grievance.

1.1.4 Inmates shall completely exhaust the internal grievance process as outlined in this Department Order prior to filing any complaint with any state board.

1.1.5 Time computation issues shall be addressed **first** by submitting an Inmate Letter to the inmate's assigned institution Offender Information Unit.

#### 1.2 Appeals

1.2.1 Inmates may appeal any decision, at any level until the Department's administrative remedies have been exhausted. Patterns of abuse of the inmate grievance system shall be managed in accordance with section 802.06.

1.2.2 Inmates shall submit the originals of all grievance forms at any level of appeal, regardless

of the category of the grievance.

1.2.3 Inmates may not use the inmate grievance system for classification, discipline issues, or any other system which has its own unique appeal process.

1.2.4 This Department Order shall be made available in Spanish. Assistance with the grievance procedure shall be provided for inmates who are visually impaired, who do not speak or read Spanish or English, or otherwise require the assistance of an interpreter.

1.2.5 All Wardens, Deputy Wardens, or Administrators shall appoint an Institution/Unit Grievance Coordinator, through whom all grievances shall be processed.

1.2.6 The Director, Wardens or Deputy Wardens may assign a designee to fulfill their responsibilities in addressing inmate grievance appeals.

### 1.3 Monthly Reports - Grievance Coordinators shall:

1.3.1 Provide by means of the Monthly Statistical Report, data concerning the number of grievances filed, type of grievances, and the status of the grievances for that month.

1.3.2 Retain a hard copy of the data provided for the Monthly Statistical Report for file purposes.

1.3.3 Submit a written log of inmate grievances received by their assigned Deputy Warden by the tenth workday of each month.

## **802.02 EVALUATION AND ANNUAL REVIEW**

1.1 The Central Office Grievance Appeals Officer shall collect monthly data from the Monthly Statistical Report to evaluate the effectiveness of the Inmate Grievance System. This includes statistical reports and supporting documentation indicating the level at which grievances are being resolved.

1.2 The Central Office Grievance Appeals Officer shall conduct an annual assessment of the effectiveness of the Inmate Grievance System. Any comments/complaints received from staff and/or inmate(s) concerning the Inmate Grievance System shall be addressed within the comments section of the assessment report.

1.2.1 The report shall be prepared for the Director by the 20<sup>th</sup> day of February.

1.2.2 The Central Office Grievance Appeals Officer shall maintain, at a minimum, copies of the previous two years annual assessment reports on file.

1.3 The Deputy Director for Prison Operations shall review the annual assessment report and determine if any corrective action is needed.

1.3.1 Dissemination of the annual assessment of the inmate grievance system shall be at the discretion of the Director and/or Deputy Director of Prison Operations.

## **802.03 GENERAL RESPONSIBILITY**

1.1 The Deputy Director for Prison Operations shall have responsibility for, and exercise functional supervision of the Inmate Grievance System.

1.2 The Wardens and Deputy Wardens of each Institution/Unit shall:

1.2.1 Appoint a Programs or Security Staff member to act as the Institution/Unit Grievance Coordinator.

1.2.2 When required, appoint an Ad Hoc Grievance Advisory Committee for the specific purpose of reviewing and providing recommendations concerning a grievance of a Department Written Instruction.

1.3 The Institution/Unit Grievance Coordinator shall:

1.3.1 Maintain a supply of all grievance system forms. The forms shall be made available to inmates in all custody levels at all facilities.

1.3.2 Log all grievances and appeals at any level on Form 802-9P, Unit Coordinator Grievance Log.

1.3.3 Assign a case number to all properly submitted grievances filed and ensure that the number is consistent on all forms/documents and appeal applications.

1.3.4 Attempt to resolve all grievances at the immediate level and document all efforts pursued to resolve the issue.

1.3.5 Maintain a grievance file with all records regarding the filing and disposition of each grievance received, including Department grievance forms and any attachments.

1.3.6 All records shall be maintained for three years following final disposition of the grievance, secured as confidential, and shall be released only pursuant to law and Arizona Department of Corrections Written Instruction.

1.4 The Central Office Grievance Appeals Officer shall maintain records containing all information concerning inmate grievances appealed to the Director, in accordance with section 1.3.6 of this section.

1.5 The inmate's assigned CO III shall assist the inmate with completing any grievance form, if the inmate is incapable of completing the grievance form without assistance.

## **802.04 INMATE ACCESS TO INFORMATION AND ASSISTANCE**

1.1 This Department Order shall be readily available for use by all inmates at all institutions, regardless of classification, disciplinary, or administrative status. Copies shall be maintained in the inmate library.

1.2 This Department Order shall be available in English, Spanish and any other language spoken by ten percent of the inmate population. Inmates who do not speak a language spoken by a significant portion of the inmate population, as well as those inmates who are visually, or otherwise impaired, shall be assisted by their assigned CO III. Assistance shall include explanations about how a grievance is filed, resolved, and appealed, as well as the completion of forms.

1.3 In the course of resolving an inmate grievance complaint, the Grievance Coordinator and/or staff assigned to respond to the grievance shall have access to records essential to the resolution of the grievance.

## **802.05 INMATE USE OF THE GRIEVANCE SYSTEM - PROTECTION AGAINST REPRISAL**

1.1 Inmates shall completely exhaust the Department's internal grievance process prior to filing any complaint with any State Board.

1.2 Inmates who utilize the inmate grievance process in good faith shall not be harassed, punished or disciplined for taking such action.

1.2.1 Employees who fail to comply with this Department Order may be subject to disciplinary action in accordance with Department Order 508, Employee Discipline.

1.3 Inmate grievances shall not be placed in the inmate's institutional or master record file. All documents generated during the course of a grievance shall be placed in the grievance file maintained by the appropriate Grievance Coordinator.

## **802.06 INMATE ABUSE OF THE GRIEVANCE SYSTEM**

1.1 If an inmate demonstrates a pattern of abuse of the inmate grievance system, the Warden, Deputy Warden or Bureau Administrator shall notify the inmate, in writing, that such actions demonstrating a continued pattern of abuse are creating an administrative burden, at the expense of legitimate complaints.

1.2 The notice shall:

1.2.1 Contain specific reasons for the decision.

1.2.2 Notify the inmate that administrative remedies have been exhausted and that future grievances demonstrating a continued pattern of abuse shall be returned to the inmate, by the Grievance Coordinator, and shall not be subject to appeal.

1.3 Future grievances demonstrating a continued pattern of abuse shall be logged, assigned a case number, and returned to the inmate, with the issue unanswered. For these grievances, an explanation shall be entered in the log and on the grievance as to why the grievance is being returned. The Coordinator shall inform the appropriate management level of such action.

## **802.07 GENERAL PROCEDURE**

1.1 All grievances and appeals shall be processed through the Institution/Unit Grievance Coordinator.

1.2 Employees who are authorized to accept a grievance or appeal shall:

1.2.1 Sign and date the grievance form in the space provided.

1.2.2 Provide the inmate with the appropriate copy of the grievance and/or grievance appeal form.

1.2.3 Forward remaining grievance forms and supporting documents to the appropriate Institution/Unit Grievance Coordinator.

1.2.4 The maximum length of time for completion of the grievance process is 100 calendar days, from initiation to final disposition. Expiration of the time limit at any level in the process shall entitle the inmate to proceed to the next review level, unless the inmate agrees in writing to an extension.

1.3 Staff shall respond to all properly filed grievances. All responses shall be written and contain specific reasons for any decision. Responses shall also provide instructions for requesting an appeal, if applicable.

1.4 All written responses to a grievance shall be legibly signed and dated by the staff member making the response.

1.4.1 Telephone interviews with an inmate in order to investigate a complaint may be arranged through the Institution/Unit Grievance Coordinator, and/or the inmate's assigned CO III.

1.5 Except for the Director, no person involved in a grievance in any manner shall participate in making the decision concerning the grievance.

## **802.08 INFORMAL RESOLUTION - The Inmate shall:**

1.1 Attempt to resolve all issues informally, prior to filing a formal grievance by submitting the complaint to their assigned CO III on an Inmate Issue/Response, Form 916-1P, within ten workdays of the action that caused the complaint.

1.1.1 Failure to submit an Inmate Issue/Response to their assigned CO III for informal resolution within ten working days of the action that caused the complaint, shall result in the inmate's forfeiture of the opportunity to pursue a formal grievance through the Department's Inmate Grievance system.

1.1.1.1 Informal resolution is not required if submission of the grievance is made in compliance with a court order directing the inmate to exhaust administrative remedies.

1.2 Inmates shall begin the Inmate Issue/Response with the following statement, "I am attempting to informally resolve the following problem."

1.3 The CO III shall:

1.3.1 Investigate and attempt to resolve the complaint informally.

1.3.2 Provide a response to the inmate, on the Inmate Issue / Response within ten workdays of receipt of the complaint.

1.4 If the problem cannot be resolved informally the inmate **may** submit a formal Inmate Grievance, Form 802-1P, to the Institution/Unit Grievance Coordinator for review.

## **802.09 STANDARD GRIEVANCE - (See Attachment A.)**

1.1 Filing the Grievance

1.1.1 The inmate shall attempt to resolve the complaint informally as outlined in section 802.08, prior to filing a formal grievance.

1.1.2 The inmate shall submit the formal grievance within ten calendar days from the date the inmate received the Inmate Request/Response form from their CO III.

1.1.3 The inmate shall provide, in writing on the Inmate Grievance form #802-1P, the following:

1.1.3.1 A description of the grievance.

1.1.3.2 Any informal attempts made to resolve the problem.

1.1.3.3 Action(s) which can be taken to resolve the problem.

1.1.4 The inmate shall provide the original copies of documentation essential to the resolution of a grievance, responses to form 916-1P from their CO III, property forms, receipts, statements, etc.

1.1.5 Only one complaint per grievance shall be addressed.

1.1.5.1 Aggregate grievances filed by two or more inmates on the same Inmate Grievance form shall be returned to the inmate(s) unprocessed.

1.1.6 Grievances that do not specify the inmate's attempt at informal resolution shall be returned to the inmate "unprocessed" with instruction for proper completion.

1.1.6.1 A grievance case number shall not be assigned to an unprocessed form.

1.1.6.2 The Coordinator shall advise the inmate that he can correct the problem and what steps are needed to resubmit the grievance. (**NOTE:** All time frames still apply.)

1.1.7 Substantiated claims involving property loss and/or damage by staff may be recommended for reimbursement to Risk Management by the Institution/Unit Grievance Coordinator, Warden, Deputy Warden, Bureau Administrator or the Director.

## 1.2 Review by Institution/Unit Grievance Coordinator

1.2.1 The Institution/Unit Grievance Coordinator shall log in the grievance upon receipt and within 20 calendar days, attempt to resolve the grievance. All efforts to resolve the grievance shall be documented in the response to the inmate, including the basis of any decision.

1.2.2 In addition to the response, the Coordinator shall include instructions to the inmate that he/she may appeal all the administrative decisions up to this point to the Warden or Deputy Warden by requesting appeal on the Inmate Grievance Appeal form 802-3P.

## 1.3 Appeal to the Warden, Deputy Warden

1.3.1 If the inmate wishes to appeal the Institution/Unit Coordinator's response, he/she may do so by appealing to the Warden, Deputy Warden within ten calendar days of receipt of grievance form 802-1P when returned from the grievance coordinator.

1.3.2 The inmate shall submit the appeal on the Inmate Grievance Appeal, form 802-3P, and all original documentation, to the Institution/Unit Warden, Deputy Warden via Institutional Grievance Coordinator.

1.3.3 Within 20 calendar days of receipt of grievance form 802-3P, the Warden, Deputy Warden shall review the grievance and provide a written response to the inmate, specifying the reasons for any decision. The response shall be returned to the inmate through the Institution/Unit Grievance Coordinator or the inmate's assigned CO III.

1.3.4 In addition to the response, the Warden, Deputy Warden shall include instructions to the inmate that he/she may appeal all the administrative decisions up to this point to the Director.

## 1.4 Appeal to the Director

1.4.1 If the inmate wishes to appeal the Warden's, Deputy Warden's response, he/she may do so by appealing to the Director within ten calendar days of receipt of grievance form 802-3P from the Warden, Deputy Warden.

1.4.2 The inmate shall submit the appeal, and all original documentation, to the Institutional/Unit Grievance Coordinator, who shall promptly forward the appeal to the Central Office Grievance Appeals Officer for the Director's review.

1.4.3 Within 30 calendar days of receipt of grievance form 802-3P, the Director shall review the grievance and provide a written response to the inmate, specifying the reasons for any decision. The response shall be returned to the inmate through the Institution/Unit Grievance Coordinator.

1.4.4 The Director's response is final, thus exhausting available administrative remedies through the Department's Inmate Grievance System for standard grievances.

## **802.10 EMERGENCY GRIEVANCE - (See Attachment B.)**

## 1.1 Filing the Grievance

1.1.1 The inmate shall attempt to resolve the complaint informally as outlined in section 802.08, prior to filing a formal grievance.

1.1.2 The inmate shall specify on grievance form 802-1P, the exact nature of the complaint, and the reason why the complaint is considered an emergency.

1.1.2.1 An emergency is a condition that, if processed through the normal grievance procedures would result in serious physical or psychological harm to the inmate, or constitute a threat to the safe, secure operation of an institution or unit.

1.1.3 The inmate shall submit form 802-1P to the Grievance Coordinator, or the Senior Correctional Officer when the Grievance Coordinator is not on duty.

1.1.3.1 In the absence of the Grievance Coordinator the Senior Correctional Officer shall determine if the situation meets any of the conditions outlined in section 1.1.2.1 above and take appropriate action, if necessary, to ensure the safety of the inmate and/or the continued safe secure operation of the Institution/Unit. The Senior Correctional Officer shall then forward form 802-1P to the Grievance Coordinator for further processing on the next business day.

1.1.4 The Institution/Unit Grievance Coordinator shall determine the legitimacy of the request to process the grievance as an emergency grievance.

1.1.4.1 If the Grievance Coordinator determines the complaint is not an emergency, the grievance shall be returned to the inmate within seven calendar days for submission as a Standard Grievance.

1.2 If the Grievance Coordinator determines the grievance is a legitimate emergency, the grievance shall be forwarded to the appropriate Warden, Deputy Warden, or Administrator who shall respond to the inmate in writing within forty eight hours of receipt.

1.2.1 The time for response by the Warden, Deputy Warden, or Administrator may be extended by the Institution/Unit Grievance Coordinator for an additional 48 hours. The inmate shall be informed in writing of the time extension by the Institution/Unit Grievance Coordinator.

1.2.2 If the Warden, Deputy Warden, or Administrator determines the complaint is not appropriate as an emergency grievance, the grievance shall be returned to the inmate through the Institution/Unit Grievance Coordinator for submission as a standard grievance. The written response shall specify why the complaint is inappropriate as an emergency grievance. The inmate has ten calendar days in which to pursue his/her complaint as a standard grievance.

1.3 The Institution/Unit Grievance Coordinator shall ensure that the response is hand delivered to the inmate and that the appropriate copy of the grievance is properly logged and filed.

## 1.4 Appeal to the Director

1.4.1 The inmate may appeal an emergency grievance, within five calendar days from receipt of the response, to the Director through the Institution/Unit Grievance Coordinator, who shall promptly forward the appeal to the Central Office Grievance Appeals Officer for the Director's review.

1.4.2 If considered a legitimate emergency grievance, the inmate shall be advised in writing within ten calendar days of the decision by the Director.

1.4.3 The Director's response is final, thus exhausting available administrative remedies through

the Department's Inmate Grievance System for emergency grievances.

## **802.11 MEDICAL GRIEVANCE - (See Attachment C.)**

### 1.1 Filing the Grievance

1.1.1 The inmate shall attempt to resolve the complaint informally, prior to filing a formal grievance, in accordance with the procedure outlined in section 802.08.

1.1.1.1 In attempting to resolve the complaint, the inmate's assigned CO III shall contact the appropriate medical staff for response.

1.1.2 If the complaint remains unresolved, the inmate shall submit the formal grievance within ten calendar days from the date the inmate receives the CO III's response to the Inmate Request/Response.

1.1.3 The inmate shall provide, in writing on the Inmate Grievance form #802-1P, the following:

1.1.3.1 A description of the grievance.

1.1.3.2 Any informal attempts made to resolve the problem.

1.1.3.3 Action (s) which can be taken to resolve the problem.

1.1.4 Grievances that fail to document the inmate's attempt to informally resolve the complaint shall be returned to the inmate "unprocessed" with instruction for proper completion.

### 1.2 Review by the Facility Health Administrator

1.2.1 The Grievance Coordinator shall forward grievances of medical issues to the Facility Health Administrator. Within 30 calendar days of receipt of the grievance, the Facility Health Administrator shall:

1.2.1.1 Investigate the complaint.

1.2.1.2 Provide the inmate a written response specifying the reason(s) for the decision.

1.2.1.3 Return the documentation to the inmate through the Institution/Unit Grievance Coordinator.

1.2.1.4 In addition to the response, the Facility Health Administrator shall include instructions to the inmate that he/she may appeal all the administrative decisions up to this point to the Director.

1.2.2 The Facility Health Administrator shall provide copies of all mental health services related grievances and the responses to the Mental Health Program Manager.

### 1.3 Appeal to the Director

1.3.1 If the inmate wishes to appeal the Facility Health Administrator's response he/she may do so by appealing to the Director within ten calendar days of receipt of form 802-1P.

1.3.2 The inmate shall submit the appeal with all original documentation to the Institution/Unit Grievance Coordinator, who shall forward the appeal to the Deputy Director for Inmate Health Services.

1.3.3 Within 30 calendar days of receipt of the grievance appeal, the Deputy Director for Inmate Health Services, or designee, shall:

1.3.3.1 Investigate the complaint.

1.3.3.2 Prepare a written response specifying the reason(s) for the decision.

1.3.3.3 Forward the response to Legal Services for review and comments as appropriate, who shall then forward the response to the Director.

1.3.4 The Director's signed response shall be returned to the inmate, through the Deputy Director for Inmate Health Services and/or the Institution/Unit Grievance Coordinator.

1.3.5 The Director's response is final, thus exhausting available administrative remedies through the Department's Inmate Grievance System for medical grievances.

## **802.12 STAFF GRIEVANCE - (See Attachment D.)**

### 1.1 Filing the Grievance

1.1.1 The inmate shall attempt to resolve the complaint informally, prior to filing a formal grievance, in accordance with the procedure outlined in section 802.08.

1.1.2 If the complaint remains unresolved, the inmate shall submit the formal grievance within ten calendar days from the date the inmate receives the CO III's response to the Inmate Request/Response.

1.1.3 The inmate shall provide, in writing on the Inmate Grievance Form 802-1P, the following:

1.1.3.1 A description of the grievance.

1.1.3.2 Any informal attempts made to resolve the problem.

1.1.3.3 Action(s) which can be taken to resolve the problem.

1.1.4 Grievances that do not specify the inmate's attempt at informal resolution shall be returned to the inmate "unprocessed" with instruction for proper completion.

1.1.5 Grievances shall be logged by the Institution/Unit Grievance Coordinator and promptly forwarded to the Warden, Deputy Warden or Administrator for review and response.

1.1.6 The Warden, Deputy Warden, or Administrator shall provide a written response within 30 calendar days.

1.1.7 The response shall be returned to the inmate through the Institution/Unit Grievance Coordinator.

### 1.2 Appeal to the Director

1.2.1 If the inmate wishes to appeal the Warden, Deputy Warden or Administrator's response, he/she may do so by appealing to the Director within ten calendar days of receipt of the Warden, Deputy Warden, or Administrator's response.

1.2.2 The inmate shall submit the appeal on form 802-3P, with all original documentation to the Institution/Unit Grievance Coordinator, who shall forward the appeal to the Central Office Grievance Appeals Officer for review by the Director.

1.2.3 Within 30 calendar days of receipt of the appeal, the Director shall review the grievance appeal and provide a written response to the inmate, specifying the reason(s) for any decision. The Director's response shall be returned to the inmate through the Central Office Grievance Appeals Officer and/or the Institution/Unit Grievance Coordinator.

1.2.4 The Director's response is final, thus exhausting available administrative remedies through the Department's Inmate Grievance System for staff grievances.

## **802.13 GRIEVANCE OF DEPARTMENT WRITTEN INSTRUCTION - (See Attachment E.)**

### **1.1 Filing the Grievance**

1.1.1 The inmate shall attempt to resolve the complaint informally, prior to filing a formal grievance, in accordance with the procedures outlined in section 802.08.

1.1.2 If the complaint remains unresolved, the inmate shall submit the formal grievance on form 802-1P to the Institution/Unit Grievance Coordinator within ten calendar days of receipt of the Inmate Request/Response form from their CO III.

1.1.3 The inmate shall provide the original copies of documentation essential to the resolution of a grievance, responses to form 916-1P, from their CO III, etc.

1.1.4 Written Instruction Grievances shall pertain **only** to complaints that relate to the appropriateness or fairness of Department Written Instructions.

1.1.5 Written Instructions as used in the Inmate Grievance System include:

1.1.5.1 Department Orders.

1.1.5.2 Director's Instructions.

1.1.5.3 Technical Manuals.

1.1.5.4 Institution and Post Orders.

1.1.6 To qualify as an appropriate Written Instruction Grievance, the inmate **must** specifically demonstrate with factual basis that he/she has been, in some manner, adversely affected by the application or through the operation of a Written Instruction.

1.1.7 Grievances alleging isolated violations of Department of Corrections Written Instructions are appropriately handled as complaints involving one of the previously discussed grievance categories, whichever is applicable.

1.1.8 Upon receipt of the grievance, the Institution/Unit Grievance Coordinator shall determine the appropriateness of the grievance by verifying that the complaint meets the requirements as specified in section 1.1.6 above.

1.1.9 If the grievance does not meet the requirement for a written instruction grievance the Grievance Coordinator shall process it through the standard grievance process.

### **1.2 Referral to Ad Hoc Grievance Advisory Committee**

1.2.1 If accepted, the Institution/Unit Grievance Coordinator shall log the grievance and forward it to the Ad Hoc Grievance Advisory Committee.

1.2.2 The Ad Hoc Grievance Advisory Committee, within 20 calendar days of receipt of the

grievance shall:

1.2.2.1 Review the Written Instruction issue raised in the grievance.

1.2.2.2 Review the Written Instruction.

1.2.2.3 Prepare a written recommendation and forward it to the appropriate management level, Warden, Deputy Warden, etc.

1.2.2.4 The Ad Hoc Grievance Advisory Committee shall, at a minimum be comprised of a Warden, Deputy Warden, or designee (rank of Captain or CO IV), the Institution/Unit Grievance Coordinator and the Institution/Unit Policy Liaison. Additional staff may join the committee as deemed necessary by the Warden or Deputy Warden.

1.3 The Warden, Deputy Warden or designee, within 30 calendar days of receipt of the grievance and recommendation, shall prepare a written response to the inmate that:

1.3.1 Includes the reason(s) for the decision.

1.3.2 Informs the inmate that further review is available.

1.3.3 Provides the inmate with simple instructions for obtaining this review.

#### 1.4 Appeal to the Director

1.4.1 If the inmate wishes to appeal the Warden or Deputy Warden's response, he/she may do so by appealing to the Director within ten calendar days of receipt of grievance form 802-1P from the Warden or Deputy Warden.

1.4.2 The inmate shall submit the appeal on Form 802-3P, and all original documentation, to the Institutional/Unit Grievance Coordinator who shall promptly forward the appeal to the Central Office Grievance Appeals Officer for the Director's review.

1.4.3 Within 30 calendar days of receipt of grievance form 802-3P, the Director shall review the grievance and provide a written response to the inmate, specifying the reasons for any decision.

1.4.4 The Director's response shall be returned to the inmate through the Institution/Unit Grievance Coordinator.

1.4.5 The Director's response is final, thus exhausting available administrative remedies through the Department's Inmate Grievance System for Department Written Instruction grievances.

### **802.14 PROCEDURAL EXCEPTION - INMATE TRANSFERS**

1.1 If an inmate is transferred to a different Institution/Unit prior to the conclusion of a filed grievance, the Coordinator initially investigating the grievance shall complete the investigation and provide a response to the inmate through the Grievance Coordinator at the gaining Institution/Unit.

1.1.1 The inmate may appeal the decision by requesting review by the previous Warden, Deputy Warden, or Administrator. The appeal request shall be submitted through the Grievance Coordinator at the gaining institution.

1.2 Upon receipt of a response from the previous Warden, Deputy Warden or Administrator, the inmate may request further review by the Director. In this case, the inmate shall submit his/her request through the gaining Grievance Coordinator, who shall forward the request to the Central Office Grievance Appeals Officer.

1.3 Inmate grievances alleging property losses or damages during transfer shall be investigated and fully administered by the Grievance Coordinator of the facility where the inmate files the grievance.

1.3.1 The Warden or Deputy Warden at the gaining Institution/Unit shall provide a response to the inmate, on the Inmate Request/Response-Request for Review form within ten workdays of receipt of the complaint. All efforts to resolve the grievance shall be documented in the response to the inmate, including the basis for any decision.

## **ATTACHMENTS**

**Attachment A** - Standard Grievance Process

**Attachment B** - Emergency Grievance Process

**Attachment C** - Medical Grievance Process

**Attachment D** - Staff Grievance Process

**Attachment E** - Department Written Instructions Grievance Process

**Attachment F** - Supersedes

## **FORMS LIST**

802-1P, GF-1 Inmate Grievance

802-2PS, GF-1 Inmate Grievance (Spanish)

802-3P, GF-2 Inmate Grievance Appeal

802-4PS, GF-2 Inmate Grievance Appeal(Spanish)

802-5P, GF-3 Inmate Grievance/Investigation Report

802-6PS, GF-3 Inmate Grievance/Investigation Report (Spanish)

802-7P, GF-4 GF- Supplement

802-8PS, GF-4 GF- Supplement (Spanish)

802-9P, GF-5 Unit Coordinator Grievance Log

## **IMPLEMENTATION**

The Deputy Director for Prison Operations shall:

Ensure this Department Order is available in Spanish.

Ensure that this Department Order is available in any other language, other than English or Spanish, spoken by 10% of the statewide inmate population.

## **DEFINITIONS**

**AD HOC GRIEVANCE ADVISORY COMMITTEE (GAC)** - An ad hoc institutional committee designated and established solely for the purpose of reviewing a Department Written Instruction grievance. The committee shall be appointed and serve at the sole discretion of the Institution/Unit Administrator.

**DEPARTMENT WRITTEN INSTRUCTION GRIEVANCE** - A complaint written specifically to address a Written Instruction and difficulties associated with or related to its application.

**EMERGENCY GRIEVANCE** - A complaint that if processed through the normal grievance procedures would result in serious physical or psychological harm to the inmate, or constitute a threat to the safe, secure operation of an institution or unit.

**INFORMAL RESOLUTION** - Any attempt to resolve a complaint prior to attempting to resolve the issue through a formal process.

**MEDICAL GRIEVANCE** - A complaint related to health care issues including but not limited to medical, dental, psychological, psychiatric services, and related medical staff.

**STAFF GRIEVANCE** - A complaint of improper and/or unauthorized activities on the part of any Department staff member. A Department staff member is defined as any person compensated for working full-time, part time or under temporary appointment, or providing services under volunteer, internship or contractual arrangement with the Department.

**STANDARD GRIEVANCE** - A complaint related to issues of property, visitation, mail, food service, conditions of confinement, program access, or religion.

**UNPROCESSED** - A condition which results from the paper work addressing a particular issue being returned to an inmate without being assigned a case number or being processed in any manner.

## AUTHORITY

28 CFR Part 40, Order 957-81, Standards for Inmate Grievance Procedures.

Attachments A through E are not available in this format. See your Department Order manual or contact the Policy Unit

Attachment F

Department Order 802

### SUPERSEDES

Department Order 802, Inmate Grievance System, supersedes the following:

Directors Instruction #5, Inmate Grievance System

IMP 103.3.2, Inmate Grievance System, (05/30/94)

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**Return to 800 Series**

**Return to Policy Index**