

GEORGIA DEPARTMENT OF CORRECTIONS
Standard Operating Procedures

Functional Area: Facilities Division	Reference Number: IIB05-0001	Revises Previous Effective Date: 5/ 01/ 03
Subject: Statewide Grievance Procedure		
Authority: Donald / Adams	Effective Date: 06/01/04	Page 1 of 11

I. POLICY:

It is the policy of the Georgia Department of Corrections to maintain a grievance process available to all offenders, which provides an open and meaningful forum for their complaints, the resolution of these complaints, and is subject to clear guidelines.

II. APPLICABILITY:

All inmates committed to the Department of Corrections in state facilities, private prisons, county prisons, and transitional centers. This policy specifically excludes detainees housed at state prisons.

III. RELATED DIRECTIVES:

- A. GDC Rules: 125-2-4-.23
- B. GDC SOP's: IIC04-0010; IIE06-0001; VH03-0003
- C. ACA Standard 3-4271

IV. DEFINITIONS:

- A. Calendar Week: A calendar week begins at 12:00AM Sunday and ends at 11:59PM the following Saturday.
- B. Emergency Grievance: An unexpected situation involving the health, safety or welfare of an inmate that requires prompt action.

V. ATTACHMENTS:

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Attachment 1 - Inmate Grievance Form (Facsimile) (GCI Form PI-2001)

Attachment 2 - Counselor's Report Form

Attachment 3 - Witness Statement Form

Attachment 4 - Grievance Appeal Form

Attachment 5 - County CI Inmate Grievance Log

Attachment 6 - County CI Grievance Activity Report

Attachment 7 - Informal Grievance Form

Attachment 8 - Codes for Rejected Grievances

Attachment 9 - Grievance Processing Manual

Attachment 10 - Informal Grievance Memo

VI. PROCEDURE:

A. General Grievance Information:

1. Upon entering the Department of Corrections, each offender shall receive an oral explanation of the grievance procedure. The inmate shall also receive a copy of the Orientation Handbook for Offenders which includes instructions about the procedure. The inmate's receipt of an oral explanation of the grievance procedure and Orientation Handbook will be noted in the inmate's institutional file. Additionally, inmates may access a copy of this policy in its entirety at the facility or center library.
2. Department employees at all state facilities, county facilities, private prisons and transitional centers will be required to attend training and read the grievance procedure. This will be documented by the training officer annually. Employees may access this procedure in the institution / center administrative office.

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3. Inmates who need special assistance filling out the grievance form (i.e. language barrier, illiteracy, physical or mental handicap) will be given special assistance as needed by the institutional staff upon request.
4. Non - grievable Issues:
 - a. Matters over which the Department has no control, parole decisions, sentences, and any matters established by the laws of the state.
 - b. Disciplinary action cannot be grieved using this procedure. The disciplinary appeal procedure is located in GDC SOP IIB02-0001
 - c. Transfers of inmates between institutions.
 - d. Routine housing assignment changes, unless there is an alleged threat to the health or safety of the inmate.
 - e. Involuntary assignments to administrative segregation cannot be grieved using this procedure. The procedure to appeal such assignment is located in GDC SOP IIB09-0001, "Administrative Segregation."
 - f. Co-pay charges assessed for health care cannot be grieved using this procedure. The procedure to appeal such charges is located in GDC SOP VH03-0003, "Inmate/ Probationer Health Concerns or Complaints."
 - g. g. Notwithstanding the above, any grievance alleging retaliation, misconduct or harassment is grievable regardless of the form.
5. Grievable Issues: Any condition, policy, procedure, action or lack thereof that affects inmates and is in the control of the Department of Corrections, other than those listed above, may be grieved. The computation of sentences is specifically included in issues that may be grieved.

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6. 6. Range of Remedies: All reasonable and effective resolutions which may include corrective action by the Warden/Superintendent up to statewide policy changes by the Director of the Corrections Division. Monetary awards are not allowed.
7. 7. No inmate shall be denied access to this procedure.
8. Inmates are not prohibited from assisting other inmates from filling out any forms attached to this SOP. However, one inmate may not file a grievance on behalf of another inmate.
9. Grievances must be filled out using blue or black ink.
10. When an inmate attempts to grieve an item that is not grievable according to this policy, is out of time, includes threats, profanity, insults or racial slurs that are not a part of the inmate's complaint, or otherwise does not comply with the requirements of this procedure, it will be rejected, noting the specific reason for this action. (See Attachment 8 for a list).
11. Where the Warden / Superintendent's response time is exceeded, the inmate may appeal his grievance to the Commissioner's Office, unless a one time ten day extension has been authorized and the inmate is notified of such extension by the Grievance Coordinator.
12. Limit on Number of Grievances Filed:
 - a. Each inmate is permitted to file one informal grievance each calendar week.
 - b. Each inmate is limited to two pending non-emergency grievances at the institutional level. An inmate may dismiss a pending grievance(s) to allow the resolution of another grievance. A grievance which is deemed by the inmate to be an emergency will be reviewed by the Grievance Coordinator to determine whether it qualifies as an emergency grievance. If the

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inmate has an emergency grievance it does not count towards the two grievance limit.

13. Retaliation against an inmate for filing an informal grievance or formal grievance is strictly prohibited. The prohibited retaliation includes, but is not limited to, disciplinary action against the inmate for filing a grievance

B. **Informal Complaint Procedure:** The Department encourages that inmate complaints be resolved on an informal basis without the filing of a formal grievance. The informal grievance process is not intended to circumvent routine administrative processes (i.e. clothing request).

1. An inmate with a complaint that cannot be resolved through discussion with the staff involved shall first attempt to resolve the complaint with a written informal grievance before filing a formal grievance.
2. The complaint and requested relief shall be stated in writing in the space provided on the informal Grievance Form. (Attachment 7). It shall be signed by the inmate and addressed to the Deputy Warden of Care and Treatment.
3. The complaint on the Informal Grievance Form must be a single issue/ incident and the entire complaint must fit on the Informal Grievance Form. Informal Grievances with additional pages will be rejected. (See Attachment 8).
4. The Informal Grievance Form shall be available in the control rooms of all living units. Inmates in isolation and segregation areas will be provided Informal Grievance Forms upon request by staff assigned to those areas.
5. The Informal Grievance Form must be filed no later than 10 calendar days from the date the offender knew, or should have known, of the facts giving rise to the grievance.

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6. The inmate shall receive a receipt from the Counselor when he turns in his Informal Grievance Form. (See Attachment 9).
 7. The Deputy Warden of Care and Treatment will forward a copy of the informal grievance to the area supervisor with directives.
 8. The area supervisor will follow the directive of the Deputy Warden of Care and Treatment, and respond accordingly within 5 calendar days per attachment #10 of this procedure.
 9. The Counselor shall meet with the inmate to discuss the complaint set forth in the Informal Grievance.
 10. The Counselor shall take all necessary steps to facilitate a reasonable solution to the Informal Grievance.
 11. The steps taken and the reasonable solution reached, if any shall be documented as the written response to the Informal Grievance.
 12. The inmate shall receive a written response within 10 calendar days of receipt of the informal grievance by the inmate's counselor.
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13. The inmate must complete the informal grievance procedure before being issued a formal grievance by his/ her counselor.

C. Formal Grievance Procedure:

1. After completing the Informal Grievance Procedure the inmate may decide that he wishes to pursue his complaint through the formal grievance procedure. At the completion of his Informal Grievance, the inmate may request from his/ her counselor a Formal Grievance Form (See Attachment 1), which shall be provided at the time of the request.
2. The inmate must fill out and sign his Formal Grievance Form and return it to his counselor within 5 business days of the inmate's receipt of the

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written resolution of his Informal Grievance. The Grievance Coordinator may waive this time limit for good cause.

3. The inmate's counselor shall attach a copy of the completed Informal Grievance form to the inmate's Formal Grievance. If no Informal Grievance exists, the Formal Grievance will be rejected.
4. Only one issue may be addressed per Formal Grievance. Any grievance which attempts to address more than one issue or which addresses an issue not identified on the Informal Grievance will be rejected. (See Attachment 8).
5. Only one additional page will be attached by the inmate to the Formal Grievance Form. Formal Grievances with additional pages will be rejected. (See Attachment 8).
6. Upon receipt of the Formal Grievance Form from the inmate, the Counselor will complete the receipt portion of the form and return the top copy of the receipt to the inmate.
7. The Counselor will then meet with the inmate and thoroughly investigate the complaint, including interviewing witnesses and taking statements as necessary.
8. The Counselor will write a complete report, attaching all relevant documentation, and submit it to the Grievance Coordinator. The report will summarize the facts of the complaint, the counselor's findings and recommendation for resolution.
9. The Grievance Coordinator then reviews the counselor's report and indicates his concurrence or disagreement. The Grievance Coordinator will then submit a recommended response to the Warden/ Superintendent.
10. The Warden/ Superintendent or his designee will review the grievance and make his official response to the inmate. The Warden/ Superintendent may

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request further investigation either at the institutional level or by the Internal Investigation Division.

11. The Warden/ Superintendent's response is provided to the inmate in writing, stating the reason for the particular decision.
12. The Grievance Coordinator will retain the last copy of the original grievance and any witness statements, and/ or copies of attachments submitted by the inmate. The white and canary copies of the Grievance Form are returned to the inmate along with any documents submitted by the inmate. The inmate will sign and date the Grievance Form, acknowledging receipt.
13. Upon the return of these documents the inmate shall be advised of his or her further grievance appeal rights. If the inmate wishes to appeal the Warden/ Superintendents Response, a Grievance Appeal Form shall be provided to him. (See Attachment 8).
14. Steps 1 -12 shall be completed within 30 calendar days from the date the Formal Grievance was filed with the counselor.
15. All formal grievances may be appealed.

D. Appeal of Formal Grievance

1. After completing the Formal Grievance Procedure the inmate may decide that he wishes to appeal the Warden/ Superintendents response. The Grievance Appeal Form shall be available in the control rooms of all living units. Inmates in isolation and segregation areas will be provided Appeal Forms upon request by staff assigned to those areas.
2. The inmate has 5 business days from the date he receives the Warden/ Superintendent's response to his Formal Grievance to file an appeal to this response. If the inmate's appeal is not timely, it will not be forwarded to the Office of the

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Commissioner for appeal. This time limit may be waived by the Grievance Coordinator for good cause.

3. The inmate must fill out and sign the Grievance Appeal Form and turn it in to his counselor. The counselor shall attach both the completed Formal Grievance Form and the Informal Grievance Form to the Grievance Appeal Form. The inmate must also attach any supporting documentation. If no completed Informal Grievance Form or Formal Grievance Form exists the appeal will be rejected without review, unless the grievance is appealed pursuant to section VI.A.11. of this SOP.
4. The second page of the Formal Grievance Form will be retained by the inmate for his records. The counselor shall sign and date this paper to indicate that the inmate's appeal was received. This will serve as a receipt for the inmate's appeal.
5. The Commissioner's Office or his designee will have 90 calendar days after receipt of the grievance to respond.
6. The Commissioner's Office response is returned to the Grievance Coordinator who will give the inmate the original page of his grievance. A copy of this information will be kept in the grievance file. All attachments, statements and related documents will be retained in the Central Office file.

E. Emergency Grievances Procedure:

1. Emergency grievances shall be immediately referred to the Grievance Coordinator (or Duty Officer if after hours). The Grievance Coordinator/ Duty Officer determines if the grievance fits the definition of Emergency Grievance. If so, the Grievance Coordinator/ Duty Officer will immediately take whatever action necessary to protect the health, safety, or welfare of the inmate. This information will be documented and the inmate shall receive a written response to his emergency grievance within 5 calendar days.

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2. If the grievance is not determined to be an emergency, it will be returned to the inmate to file as an Informal Grievance.
3. The inmate may grieve the determination that his grievance is not an emergency by filing a grievance. This grievance will be handled through the normal process set forth in this SOP.

F. Administration and Record keeping for Grievance Procedure:

1. Confidentiality of Grievances:
 - a. All grievances and related documents kept at the institution will be kept in the office of the Grievance Coordinator in a locked file. Grievances kept in the Central Office shall be kept in a separate file.
 - b. Grievances are not to be placed in the inmate file.
 - c. Grievances are made available to staff members involved only to the extent necessary for processing the grievance or for an audit.
 - d. Copies of grievances will not be provided to staff members named in the grievance.
2. Grievance Coordinator: the Warden/ Superintendent of each facility/ center shall appoint a Grievance Coordinator. An Alternate Grievance Coordinator should be named to serve as a back up to the Grievance Coordinator. A list of statewide Grievance Coordinators will be maintained by the Corrections Division Office and a copy will be provided to Inmate Affairs and Appeals.
3. Grievance Coordinator Duties:
 - a. Ensure compliance with the Grievance SOP;
 - b. Maintain the Inmate Grievance Management System Database;

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- c. Retain all records and documentation relevant to grievances as provided by this policy;
 - d. Coordinate the timely investigation of grievances.
4. Within 2 business days the counselor will report to the Grievance Coordinator the information necessary to initiate the grievance in the Inmate Grievance Management System in order to assign a grievance number.
 5. Where a grievance is filed in reference to a different facility, the three digit prefix for the named facility will be entered into IMGS in order to initiate the grievance and assign the grievance number. A copy of the grievance will be retained by the Grievance Coordinator at the inmate's current facility, the original grievance will be forwarded to the Grievance Coordinator at the named facility for processing.
 6. County facilities that do not have on-line access to IGMS must maintain a manual log. (See Attachment 5). Grievances at the county correctional facilities will be reported to the Corrections Division using the County CI Grievance Activity Report.
- G. Evaluation of the Grievance Procedure:
1. The Department will conduct an annual evaluation of the grievance procedure. This evaluation will take in account all comments and suggestions made by inmates and staff regarding the procedure.
 2. The processing of grievances will be audited no less than once per twelve months by the Office of Professional Standards.
 3. Statistical data regarding the number and type of grievances filed will be run semi-annually and presented to the Commissioner, Director of the Corrections Division and the General Counsel of the Department.

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VII. RETENTION SCHEDULE:

Attachment 1 - Inmate Grievance Form: Attachment 1 of this SOP will be retained in the Grievance Coordinator's file for three years after the final disposition of the grievance and then destroyed.

Attachment 2 - Counselor's Report Form: Attachment 2 of this SOP will be retained in the Grievance Coordinator's file for three years after the final disposition of the grievance and then destroyed.

Attachment 3 - Witness Statement Form: Attachment 3 of this SOP will be retained in the Grievance Coordinator's file for three years after the final disposition of the grievance and then destroyed.

Attachment 4 - Grievance Appeal Form: Attachment 4 of this SOP will be retained in the Grievance Coordinator's file for three years after the final disposition of the grievance and then destroyed.

Attachment 5 - County CI Inmate Grievance Log: Attachment 5 of this SOP will be retained in the Grievance Coordinator's file for three years after the final disposition of the grievance and then destroyed.

Attachment 6 - County CI Grievance Activity Report: Attachment 6 of this SOP will be retained in the Grievance Coordinator's file for three years after the final disposition of the grievance and then destroyed.