POLICY FOR DEPARTMENT OF CORRECTION BUREAU OF PRISONS	POLICY NUMBER 4.4	PAGE NUMBER 1 of 8
	RELATED ACA STANDARDS: 4-4284	
CHAPTER: Decision-Making	SUBJECT: Inmate Grievance Policy	
APPROVED BY THE BUREAU CHIEF: Merlin Deby		
EFFECTIVE DATE: September 26, 2011		
APPROVED FOR PUBLIC RELEASE yes.		

I. AUTHORITY: DOC Policy 4.4

II. PURPOSE: To reduce tension in correctional facilities and to resolve grievances within the system. Every inmate will be provided a timely, effective means of having problems brought to the attention of those who can offer administrative remedies.

III. APPLICABILITY: This policy covers all BOP employees, volunteers, persons or organizations conducting business with the BOP; as well as, all inmates under BOP supervision or custody.

IV. POLICY: Inmates may submit written complaints (called "grievances) concerning conditions of their confinement and BOP policies or practices under the guidelines that follow. BOP does not tolerate any form of retaliation by inmates or staff for use of or participation in the grievance process. Such acts will be grounds for disciplinary sanctions and possible criminal prosecution.

V. DEFINITIONS:

A. Bureau Grievance Officer (BGO): A BOP or BMS employee who monitors and coordinates the Inmate Grievance Policy and reviews the appeal of the Warden's decision prior to making a recommendation to the appropriate Bureau Chief

B. Emergency Grievance: An issue that concerns matters which under regular policy time limits would subject the inmate to a substantial risk of personal, physical or psychological harm.

C. Grievance: A written complaint concerning the substance or application of a policy or practice; any action toward an inmate by staff or other inmates; any condition or incident within the institution that affects the Grievant.

D. Inmate Grievance Chairperson (IGC): An institutional employee designated to administrate inmate grievances at a BOP facility.

E. Local Subject Matter Expert (SME): Assigned institutional, non-security staff representing the functions of inmate healthcare services, facilities maintenance, food service, records, and inmate phone services.

F. Subject Matter Expert Panel: Assigned staff representing facilities maintenance, food Service and records.
   - Maintenance- Maintenance Superintendant and one other designated Maintenance Officer
   - Food Service- Food Service Director and one other designated Food Service Officer
   - Records- Records Manager and one other designated Records staff member

G. Outside Reviewer: An individual not associated with the Department of Correction, who hears appealed cases referred by the Bureau Chief.

H. Resident Grievance Committee (RGC): An institutional committee comprised of staff and inmates that conducts grievance case hearings and makes recommendations to the facility Warden.

I. Reprisal: Any action or threat of action against inmates or staff members based solely on their use of or participation in the grievance process.

J. Withdrawn: Upon written notice to the IGC the inmate may request to have his grievance withdrawn. This grievance matter will be considered closed.

K. Abandonment: Failure on behalf of an inmate to comply with required timelines or attend required hearings. This grievance matter will be considered closed.

L. Released: Upon an inmate being released from custody a grievance may be closed.

M. Warden: Where referenced within this policy, shall mean either the facility Warden or Warden's designee.

VI. PROCEDURE:

1. Copies of the Inmate grievance Policy and its relevant forms shall be readily available to inmates in each facility.

2. All inmates, regardless of physical condition, security, or administrative status shall be entitled to file a grievance. Inmate complaints regarding policies and conditions must be within DOC jurisdiction. This includes actions by employees, inmates, and incidents occurring within the facility that personally affect the Grievant.

3. Policies that have their own formal appeal mechanisms are not grievable under this policy. Specifically excluded are issues concerning inmate disciplinary sanctions (BOP Policy 4.2), classification (BOP Policy 3.3), and Parole Board decisions (BOP Policy 3.33 & 3.34). Inmates must address appeals on these issues as directed in each specific policy.

4. Inmates seeking appeal of court ordered sentencing, credit for time served, or other conflicts regarding sentencing order intent must address those issues directly with the sentencing judge. The IGC will return the grievance with guidance to write the appropriate Court or Central Offender Records.

5. Inmates and staff shall have access to periodic training on this policy, as circumstances dictate, or at the discretion of the facility Warden.

6. This policy shall afford the Grievant a meaningful, understandable answer to the administrative remedy requested. Relief may include adjustment to an objectionable condition of confinement, institutional procedure or practice, or restitution.

7. This policy prohibits reprisals against inmates or staff for their use of or participation in the grievance process. If either participant experiences retaliatory acts, they may appeal directly to the facility Warden. The Warden shall respond in writing within 10 calendar days of receipt of the appeal. The Warden's decision is appealable to the Bureau Chief for final disposition.

8. No inmate or employee named as a party to the grievance shall participate in any capacity in the resolution process. This instruction includes contact for information gathering not just decision-making. Grievances filed against the IGC or appealing authority shall be reviewed by the next higher authority.

9. All grievances shall be kept separate from the inmate's master file. Neither staff nor inmates shall have access to records except to the extent necessary for clerical processing, grievance resolution, or compliance monitoring.

10. The maximum period between initial grievance receipt and Bureau Chief final decision shall not exceed 180 calendar days.

11. Inmates are prohibited from submitting more than one grievance arising from the same incident. Such behavior will be interpreted by the IGC as willful abuse of the administrative remedy process and subject to discipline.

12. Inmates should only submit one issue per grievance form.

13. Grievances can be returned unprocessed for vulgar/abusive or threatening language, expired filing period, if they are requests, and if they are inquiries on behalf of other inmates.

14. If more than one inmate files a grievance on the same issue, the IGC will consolidate the staff investigations and RGC hearings into a single "group grievance". The IGC will notify all individuals involved and make note in all associated grievance response forms.

15. If a full RGC panel cannot be convened as scheduled, the Grievant may elect to have the grievance heard by those committee members assembled or have the hearing rescheduled.

16. The IGC shall provide a copy of the response to each process step to the Grievant within 7 calendar days of IGC receipt.

17. The RGC shall be comprised of two inmates, elected by a majority vote from their own housing unit, and two staff designated by the facility Warden. Designated staff should include custody and treatment staff, as well as, those who have frequent contact with the housing units. Each RGC member has one vote; the IGC shall only vote to break a tie.

18. Two inmate and two alternate inmate RGC members shall serve for a term of six months; staff RGC members shall serve at the discretion of the facility Warden. One staff RGC member shall be from Security and one from Treatment.

19. The RGC shall deliberate on its findings and forward its recommendation to the facility Warden.

20. All investigative work must be completed and documented prior to the RGC hearing.

21. Inmates may withdraw a grievance at any time during the process by providing the IGC written notice.

22. The IGC shall process and maintain the Grievant's handwritten documents and the DACS grievance case records in a timely manner, in order to expedite clearance of any unresolved case.

23. Remedies which are dependent on state agencies or departments outside of the DOC may require more time to coordinate their activities. The IGC shall monitor progress of outside DOC entity progress.

24. All Bureau Chiefs share responsibility for revising this policy as it pertains to their specific functions and missions. This includes policy distribution to staff and inmates.

25. The Bureau Chief shall coordinate with the Deputy Attorney General assigned to the DOC to provide initial grievance policy training and any periodic refresher training determined necessary.

VII. Non-Emergency Grievance Resolution Steps:

A. Step One (Informal Resolution)

The grievance process begins when an inmate manually completes Form #584 "Grievance Form" (copy attached). The Grievant must submit the completed form to the IGC within 7 calendar days of the incident.

The IGC shall collect all manual Grievance Forms deposited into a secure inmate drop-box, accessible only to the IGC or IGC designee. The IGC will data enter collected forms into an automated grievance tracking system. The IGC is the hub of the case tracking mechanism. This system will electronically forward grievances to the appropriate housing unit supervisor, area supervisor, or local SME staff within 7 calendar days of IGC receipt.

In the event that the grievance filed relates to the conduct of any supervisor, the case shall be electronically provided to that individual's immediate supervisor for review and investigation.

Employees, who have received electronic notifications of a grievance, shall respond with the investigation outcome, in the automated tracking system, within 14 calendar days of receipt.

The IGC shall provide a copy of the "Step One" reply to the Grievant within 7 calendar days of receipt.

The Grievant's acceptance of the "Step One" reply to the remedy requested constitutes an informal grievance resolution. The Grievant signs the Form #584 acceptance section, and returns the document to the IGC within 7 calendar days of receipt.

Informal resolution ends the grievance process; the IGC electronically closes the case and monitors any resolution compliance issues.

The Grievant's signed rejection of an informal resolution on Form #584, within 7 calendar days of receipt, moves the case into Step Two administration. The IGC updates the automated tracking system and electronically forwards the case to the RGC or SME Panel, in order to schedule a grievance hearing.
The Grievant's failure to return a signed acceptance or rejection of an informal resolution will be interpreted as abandonment of the grievance. In such instances, the IGC will electronically close the case indicating an "Abandonment" status code.

B. Step Two (RGC / SME Panel Recommendation & Warden's Decision)

The IGC shall provide written notification to the Grievant when a RGC or SME hearing will be held. This hearing notice shall be sent within 7 calendar days from IGC receipt of the rejected Form #584 informal resolution.

The RGC or SME Panel shall convene within 30 calendar days to examine the issue grieved, document investigative data, hear testimony, and make a recommendation on the Grievant's remedy requested.

The hearing panel shall ask any questions it feels relevant to the issue grieved. If the panel determines that further investigation is required to render a recommendation, the hearing may be postponed for an additional 14 calendar days, by majority panel vote and Grievant consent. The additional time option justification and Grievant's consent must be documented.

Grievants shall provide all available supporting evidence to the hearing panel for consideration. Evidence purposely withheld from the panel will not be eligible for insertion into the grievance case at a later date and may result in a finding that the Grievant has abandoned the Step Two review.

RGC and SME Panel hearing recommendations shall be electronically documented in the automated grievance tracking system and forwarded to the IGC.

The IGC shall electronically forward the RGC / SME Panel recommendation to the facility Warden or appropriate Bureau-Level SME within 3 calendar days of receipt.

The facility Warden or Bureau-Level SME shall make a decision within 14 calendar days of receipt. Decision options include directing additional investigation, uphold or deny the Grievant's remedy requested, or making a partial accommodation.

Wardens and Bureau-Level SME staff shall electronically forward their decisions to the IGC within 14 calendar days of receipt. The IGC notifies the Grievant of the decision and supporting logic, within 7 calendar days of receipt.

If the Grievant accepts the decision, the case shall be electronically closed by the IGC, and its status will indicate "resolved". The IGC shall monitor any resolution compliance issues.

If the Grievant rejects the decision, a written "Grievance Appeal Form" (copy attached) shall be submitted to the IGC within 14 calendar days of decision receipt. Failure to appeal within this timeframe shall be interpreted as abandonment of the grievance, and the Grievant's acceptance of the decision.

Upon receipt of the completed "Grievance Appeal Form", the IGC shall enter the appeal into the automated grievance tracking system and electronically forward the case to the appropriate Bureau Grievance Officer (BGO), within 7 calendar days of receipt.

C. Step Three (Bureau Chief Decision & Case Resolution)

Within 7 calendar days following the receipt of the appealed case, the BGO shall make an electronic recommendation to the Bureau Chief. Recommendation options include directing additional investigation, uphold or deny the Grievant's remedy requested, making a partial accommodation, or Outside Review.

The Bureau Chief shall accept or reject the BGO recommendation. The Bureau Chief shall decide the case, in the automated system, within 7 calendar days of receipt.

If the Bureau Chief opts for an Outside Review, the resulting hearing shall occur within 7 calendar days of the Reviewer's receipt of the case materials. The Outside Reviewer shall issue a written recommendation with supporting logic, to the Bureau Chief, within 7 calendar days of the hearing.

The Bureau Chief shall accept or reject the Outside Reviewer recommendation, in the automated system, within 7 calendar days of receipt.

The Bureau Chief's decisions are final and not open to further Grievant debate. The Bureau Chief's electronic decision letter to the Grievant shall include a statement that the grievant has fully exhausted all available administrative remedies.

VIII. Emergency Grievance Resolution:

The IGC shall expedite relay of emergency grievances to the facility Warden; the Warden shall determine if the grievance qualifies as an emergency case under the policy definition. If the case qualifies, the Warden shall expedite a solution. And respond in the automated system within 24 hours of receipt.

If the Warden determines that the case is not an emergency, the grievance is electronically returned to the IGC for regular case processing.

The IGC shall notify the Grievant that the case is not an emergency, and proceed with regular processing.

Grievants may appeal the Warden's decision to the Bureau Chief. The Bureau Chief shall decide the emergency grievance appeal within 24 hours of receipt in the automated system.

IX. Medical Grievance Resolution:

Grievants shall submit manually completed Form #585 "Medical Grievance" (copy attached) to the IGC for electronic entry into the automated tracking system.

The IGC is the hub of the case tracking mechanism and will only be responsible for facilitating the scheduling of grievance hearings at the institution level.
Specific instructions and reply time periods for medical grievances are addressed in BCHS Policy A-11 "Grievance Mechanism" and are not a part of BOP non-medical grievance administration.

FORM #584

GRIEVANCE FORM

FACILITY:_____ DATE:_____

GRIEVANT'S NAME:_____ SBI #:_____

CASE #:_____ TIME OF INCIDENT:_____

HOUSING UNIT:_____

BRIEFLY STATE THE REASON FOR THIS GRIEVANCE. GIVE DATES AND NAMES OF OTHERS INVOLVED IN THE INCIDENT OR ANY WITNESSES.

_____

_____

_____

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_____

ACTION REQUESTED BY GRIEVANT:_____

_____

_____

_____

_____

GRIEVANT'S SIGNATURE:_____ DATE:_____

WAS AN INFORMAL RESOLUTION ACCEPTED? _____(YES) _____(NO)

(COMPLETE ONLY IF RESOLVED PRIOR TO HEARING)

GRIEVANT'S SIGNATURE:_____ DATE:_____

IF UNRESOLVED, YOU ARE ENTITLED TO A HEARING BY THE RESIDENT GRIEVANCE COMMITTEE.

cc: INSTITUTION FILE
GRIEVANT

April '97 REV

Instructions for Submitting a Regular Grievance

Inmates are required, per DOC Procedure 4.4 [Inmate Grievance Procedure] to attempt to resolve complaints prior to filing a regular grievance. Grievances are to be submitted within seven(7) days from the date of the occurance or incident or within seven days after the inmate became aware of the incident. The grievance is to be placed in the grievance box located in each housing unit.

Only one issue per grievance form will be addressed. If the grievance is submitted on a weekend or a holiday, it will be recieved during the next working day.

Return of Unprocessed Grievance

Intake Action: This Grievance Form is being returned to the inmate under the provisions outlined in DOC Procedure 4.4 "Inmate Grievance Procedure" for the following reason(s):

_____**Vulgar/Abusive or Threatening Language.** The language that is unacceptable has been highlighted. The grievance may be resubmitted omitting this language.

_____**Non-Grievable.** This issue has been defined as non-grievable in accordance with DOC Policy 4.4. These procedures have their own appeal process that must be followed. _____Disciplinary Action _____Parole Decision
_____Classification Action

_____**Request.** Requests are not processed through the grievance procedure. Please correspond with the appropriate office to secure the information that is requested.

_____**Duplicate Grievance(s).** This issue has been addressed previously in Grievance #_____.

_____**Original Grievances must be submitted to the Inmate Grievance Chairperson.** Photocopies are not accepted.

_____**Inquiry on behalf of other inmates.** Inmates cannot submit grievances for other inmates.

_____**Expired filing period.** Grievance exceeds seven(7) days from date of occurrence.

_____ _____
Inmate Grievance Chairperson Date

Form#: 584 (F&B)
Reverse Revised July '99)

Grievance Appeal Form

This must be completed and returned to the IGC, via the Grievance Box, No Later than Due Date to appeal the Warden/Designee/RGC Decision. Please specify the reason for the appeal in the space below. If you decide not to appeal the decision you must so indicate with the statement **"I do not wish to appeal"**. Appeal must be returned via the Grievance Box. If you need additional space, attach 8.5" X 11" size sheets of paper. Failure to reply by the due date will result in the grievance being considered resolved.

Name: SBI#:

Location: **Case#**

Date: **Appeal Due Date:**

APPEAL INFORMATION:

ACTION REQUESTED:

INMATE SIGNATURE

FORM #585

MEDICAL GRIEVANCE

FACILITY: _____ DATE SUBMITTED: _____

INMATE'S NAME: _____ SBI#: _____

HOUSING UNIT: _____ CASE #: _____

SECTION #1

DATE & TIME OF MEDICAL INCIDENT: _____

TYPE OF MEDICAL PROBLEM:

_____

_____

_____

_____

_____

_____

_____

_____

_____

GRIEVANT'S SIGNATURE: _____ DATE: _____

ACTION REQUESTED BY GRIEVANT: _____

_____

_____

_____

DATE RECEIVED BY MEDICAL UNIT: _____

NOTE: EMERGENCY MEDICAL CONDITIONS WILL TAKE PRIORITY. OTHERWISE, MEDICAL GRIEVANCES WILL BE ADDRESSED AT THE WEEKLY MEDICAL COMMITTEE MEETING.

SECTION #2

IF GRIEVANT DOES NOT AGREE TO THE DECISION OF THE MEDICAL GRIEVANCE COMMITTEE THEY MUST RESPOND , IN WRITTING , WITHIN TWO DAYS OF THE RECIEPT OF THE DECISION. SPACE FOR AN APPEAL HAS BEEN PROVIDED ON THIS FORM IN SECTION #3.

RESPONSE BY M.G.C.: _____

_____

_____

_____

_____

_____

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_____

DATE RECIEVED BY GRIEVVANT: _____ GRIEVANT SIGNATURE: _____

DOES GRIEVANT ACCEPT M.G.C. DECISION? _____(YES) _____(NO)

SECTION #3

IF YOU WISH TO APPEAL PLEASE USE THE SPACE PROVIDED BELOW:TO EXPLAIN WHY:

_____

_____

_____

_____

_____

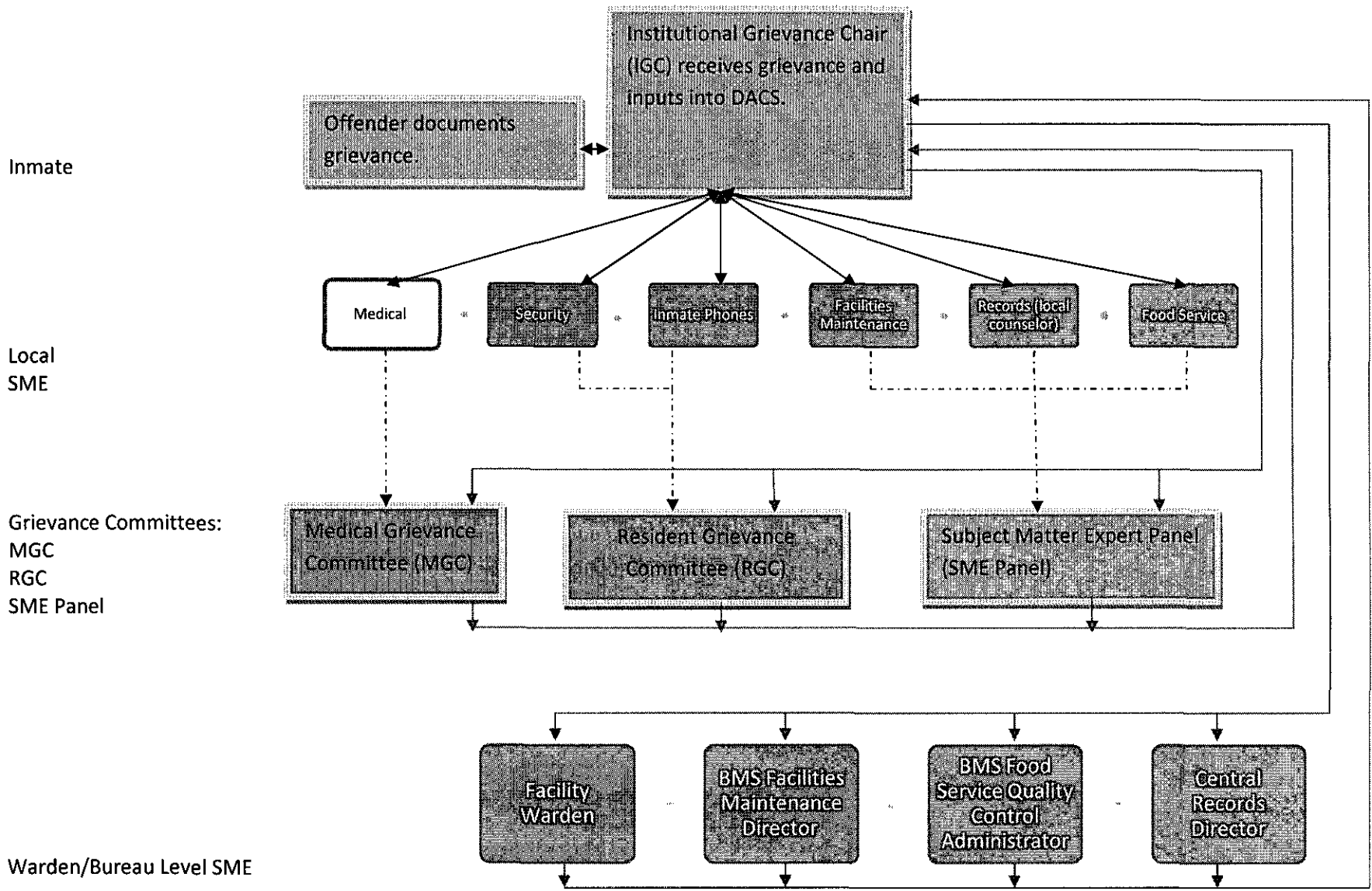
_____

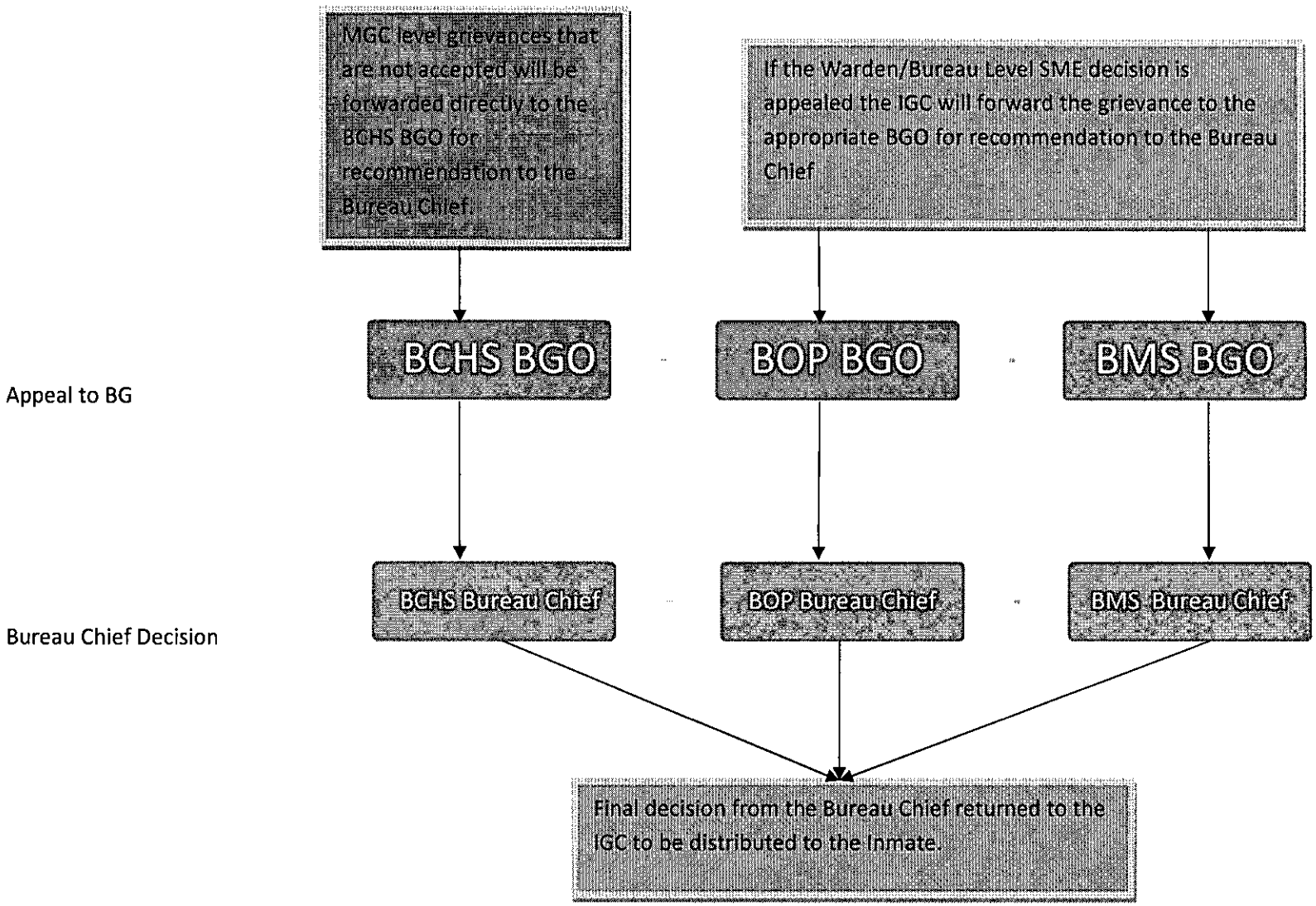
_____

GRIEVANT'S SIGNATURE: _____ DATE: _____

ORIGINAL: INSTITUTION FILE

COPY: GRIEVANT


Inmate
Offender documents grievance.
Institutional Grievance Chair (IGC) receives grievance and inputs into DACS.
Local SME
Medical
Security
Inmate Phones
Facilities Maintenance
Records (local counselor)
Food Service
Grievance Committees:
MGC
RGC
SME Panel
Medical Grievance Committee (MGC)
Resident Grievance Committee (RGC)
Subject Matter Expert Panel (SME Panel)
Warden/Bureau Level SME
Facility Warden
BMS Facilities Maintenance Director
BMS Food Service Quality Control Administrator
Central Records Director


MGC level grievances that are not accepted will be forwarded directly to the BCHS BGO for recommendation to the Bureau Chief.
If the Warden/Bureau Level SME decision is appealed the IGC will forward the grievance to the appropriate BGO for recommendation to the Bureau Chief
Appeal to BG
BCHS BGO
BOP BGO
BMS BGO
Bureau Chief Decision
BCHS Bureau Chief
BOP Bureau Chief
BMS Bureau Chief
Final decision from the Bureau Chief returned to the IGC to be distributed to the Inmate.