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MISSOURI DEPARTMENT OF CORRECTIONS  
\*\* DEPARTMENT MANUAL AND \*\*  
THE MOBERLY CORRECTIONAL CENTER  
STANDARD OPERATING PROCEDURE

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D5-3.2 Offender Grievance

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Tony Gammon, Superintendent

Effective Date

GENERAL INFORMATION: Our standard operating procedure is printed directly below corresponding Department procedure sections of this document as deemed appropriate and is clearly marked by SOP and underlines.

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- I. PURPOSE: This procedure provides guidelines for offenders and staff to resolve issues of concern to offenders at the earliest opportunity possible.

SOP: This standard operating procedure conforms with D5-3.2 Offender Grievance effective July 24, 2006.

- A. AUTHORITY: 217.020, 217.025, 217.035, 217.040, 217.075, 217.155, 217.170, 217.175, 217.370 RSMo; Title 42 USC (Section 1997)
- B. APPLICABILITY: Each superintendent of any facility housing offenders under the jurisdiction of the division of adult institutions, division of offender rehabilitative services will develop standard operating procedures based on the guidelines established herein.
- C. SCOPE: Nothing in this procedure is intended to give a protected liberty interest to any offender. This procedure is intended to guide staff actions.

II. DEFINITIONS:

- A. Abandonment: Closure of a complaint due to offender's failure, within applicable time frames, to:

SOP: No change.

- 1. file a formal grievance,
- 2. appeal the superintendent's response,
- 3. sign receipt of a written response,
- 4. failure to provide a forwarding address to the grievance officer per III. R. 2.
- 5. failure to resubmit a complaint in proper format per III. F. 2. a. (4).

- B. Abuse of the Offender Grievance Procedure: A grievance containing abusive or profane language or threats of physical

harm.

SOP: No change.

- C. Americans with Disabilities Act - Department Coordinator: An individual selected by the department director to review all Americans with Disabilities Act complaints/grievances and provide input at the director's level.

SOP: No change.

- D. Americans with Disabilities Act - Site Coordinator: An individual selected by the chief administrative officer at each work site to address and propose resolutions of Americans with Disabilities Act complaints/grievances at that location.

SOP: No change.

- E. Calendar Day: All days.

SOP: No change.

- F. Citizens Advisory Committee on Corrections: Pursuant to the Governor's Executive Order 03-11, there is established the Citizens Advisory Committee on Corrections, which consists of individuals appointed by the governor who review a sampling of grievance appeals and make recommendations to the department.

SOP: No change.

- G. Duplicate Informal Resolution Requests/Offender Grievances: Those informal resolution requests/offender grievances filed more than once by the same offender on an issue and which have been, or are currently being, addressed through the offender grievance process.

SOP: No change.

- H. Emergency Informal Resolution Request: A complaint concerning matters that, under regular time limits, would subject the offender to a substantial risk of personal injury or cause other serious and/or irreparable harm to the offender.

SOP: No change.

- I. Exhaustion: Completion of the formal procedure at the appeal level prior to filing a lawsuit.

SOP: No change.

- J. Grievable Issues: All matters related to institutional life except probation and parole matters; actions of state legislature or other federal, state and local agencies; actions in institutions where the offender does not reside, unless said actions personally involve or directly affect the offender; judicial proceedings; conditions which affect another offender without affecting the grieving offender personally. Matters related to probation and parole may be grieved in accordance with P6-6.4 Appeal of Parole Decision and P7-1.7 Complaints/Inquiries and Investigations.

SOP: No change.

K. Grievance Officer: A caseworker assigned to perform tasks set forth by this procedure.

SOP: No change.

L. Informal Resolution Request: The first attempt to resolve an offender's complaint through discussion between the offender and appropriate staff with documentation of this attempt.

SOP: No change.

M. Misuse of the Offender Grievance Procedure: Improper or incorrect use of the offender grievance process to include continual filing of duplicate or expanded informal resolution requests or offender grievances.

SOP: No change.

N. Nongrievable Issues: Matters concerning probation and parole; actions of state legislature or other federal, state and local agencies; actions in institutions where the offender does not reside unless said actions personally involve or directly affect the offender; judicial proceedings; conditions which affect another offender without affecting the grieving offender personally. Matters related to probation and parole may be grieved in accordance with P6-6.4 Appeal of Parole Decision and P7-1.7 Complaints/Inquiries and Investigations.

SOP: No change.

O. Remedy: An action taken in response to a complaint to correct or resolve a grievable issue.

SOP: No change.

P. Reprisal: Retaliation by any staff member against any offender as a result of filing an informal resolution request/offender grievance.

SOP: No change.

### III. PROCEDURES:

A. Access to the Offender Grievance Procedure:

SOP: No change.

1. This procedure shall be available to offenders in institutional libraries and to staff in the departmental policy and procedure manual. This procedure should be kept current at all times.

SOP: No change.

2. Each offender shall be able to use the offender grievance procedure unless limitations have been placed on the offender as a result of misuse of the offender grievance procedure as stated in III. F. 4.

SOP: No change.

3. Offenders are required to begin the procedure by filing an informal resolution request except as stipulated in Section III. K. 11. for offenders who are transferred from one facility to another.

SOP: No change.

4. Staff shall ensure that all offenders have the opportunity to pursue resolution of complaints through the informal resolution request and offender grievance process.

SOP: No change.

5. Each superintendent shall ensure that the procedure is accessible to all offenders as specified in standard operating procedures.

SOP: The Offender Grievance procedure will be available to offenders at the Moberly Correctional Center in the MCC Library.

6. The Offender Grievance Flow Chart (Attachment A) will assist in understanding the informal resolution request and offender grievance process.

SOP: No change.

B. Procedural Review:

SOP: No change.

1. Prior to implementation of revisions, the proposed procedure will be posted for 30 calendar days for comments. Where available, this should include an announcement on the cable television system. Comments by staff and offenders pertaining either to the current procedure or proposed revisions should be sent to the compliance unit administrator at central office.

SOP: No change.

C. Training of Offenders and Staff on the Offender Grievance Procedure:

SOP: No change.

1. Offenders shall receive orientation as part of the reception program at the diagnostic centers and shall receive followup education during the reception and orientation process at the facility to which they are assigned.

SOP: No change.

- a. When possible, the institutional grievance officer should provide instruction.

SOP: No change.

2. Staff shall receive instruction on the offender grievance procedure during basic training and core training.

SOP: No change.

D. Reprisals for Using the Offender Grievance Procedure:

SOP: No change.

1. No reprisals shall be taken against any offender for use of, or participation in, the offender grievance procedure except:

SOP: No change.

- a. Offenders may be held accountable for misusing or abusing the offender grievance procedure in accordance with section III. F. This action is not considered a reprisal.

SOP: No change.

2. If an offender believes that a reprisal has occurred, the offender may obtain an Offender Grievance Appeal form (Attachment B) from the grievance officer or unit classification staff and shall state the alleged reprisal and bypass filing an informal resolution request and grievance.

SOP: No change.

3. The offender will return the form to the grievance officer who will maintain a record of the grievance appeal and forward the form to the appropriate division director/designee for a determination of course of action.

SOP: No change.

4. If the division director/designee determines the offender may have been subject to a reprisal for use of, or participation in, the offender grievance procedure, she/he will respond to the grievance appeal and will initiate appropriate action, if necessary.

SOP: No change.

5. If the division director/designee determines that the complaint is not a reprisal, the original grievance appeal will be sent back to the grievance officer at the institution from which the complaint was initiated and will include a letter notifying the offender that the complaint is not a reprisal for delivery to the offender.

SOP: No change.

6. Upon receipt, the grievance officer will:

SOP: No change.

- a. deliver a copy of the grievance appeal to the offender and

SOP: No change.

- b. will instruct her/him to resubmit the complaint on the Informal Resolution Request/grievance form

(Attachment C/D).

SOP: No change.

E. Abuse/Misuse of the Offender Grievance Procedure:

SOP: No change.

1. All offenders are encouraged to utilize this procedure for the redress of grievances; however, offenders must refrain from knowingly and deliberately filing improper informal resolution requests/offender grievances, as well as duplicating informal resolution requests/offender grievances.

SOP: No change.

2. Abuse of the Offender Grievance Procedure:

SOP: No change.

- a. Abusive or Profane Language: If an offender submits an Informal Resolution Request, Offender Grievance or Offender Grievance Appeal form (Attachment D) containing abusive or profane language or offensive drawings, the receiving staff will consult with the grievance officer.

SOP: No change.

- (1) The informal resolution request/offender grievance will be entered into the offender grievance tracking system as outlined in III. K. 4.

SOP: No change.

- (2) The grievance officer may return a copy of the form to the offender and direct the offender, in writing, to rewrite the complaint in a proper manner.

SOP: No change.

- (3) The offender should be given 5 calendar days to resubmit the form.

SOP: No change.

- (4) Should the offender fail to resubmit the form or resubmit in the proper format, it will be considered abandoned.

SOP: No change.

- b. Threats: If an offender submits an Informal Resolution Request, Offender Grievance or Offender Grievance Appeal form containing a serious threat of bodily harm to a specific individual, appropriate action may be taken.

SOP: No change.

- (1) Upon approval of the appropriate division director/designee, a conduct violation may be issued for threats. This conduct violation will not be viewed as retaliatory.

SOP: No change.

- c. Continued filing of abusive/profane or threatening complaints will be considered abuse of the procedure and will be dealt with as stated in III. E. 4.

SOP: No change.

3. Misuse of the Offender Grievance Procedure:

SOP: No change.

- a. Duplicate Complaints: Specific issues or incidents will be addressed only once by informal resolution request or offender grievance.

SOP: No change.

- b. Expanded Complaints: Each informal resolution request and offender grievance is limited to one grievable issue and should not be expanded to include other issues at any stage of the review process.

SOP: No change.

- c. Continued filing of duplicate or expanded informal resolution requests/offender grievances will be considered misuse of the procedure and will be dealt with as stated in III. E. 4.

SOP: No change.

4. Restrictions for Abuse/Misuse of the Procedure: Offenders who misuse or abuse the process should be brought to the attention of the superintendent within 5 working days.

SOP: No change.

- a. The superintendent will review documentation substantiating the misuse/abuse.

SOP: No change.

- (1) The superintendent may issue a Letter of Caution (Attachment E) or may limit the offender to two new complaints per week for a maximum duration of 90 days with a Letter of Limited Filing Status. (Attachment F)

SOP: No change.

- (2) Subsequent restrictions must be approved by the division director/designee and should be for no more than a 90 day duration.

SOP: No change.

- b. In no instance will an informal resolution request or offender grievance which would qualify for an emergency complaint be denied due to restrictions.

SOP: No change.

- (1) These complaints will be processed under the procedures for handling emergency grievances until a determination is made that the complaint is not an emergency issue, as stated in III. G.

SOP: No change.

- c. A list of offenders on restriction will be documented on the Offender Grievance Restriction Log (Attachment G).

SOP: No change.

F. Emergency Informal Resolution Requests:

SOP: No change.

- 1. Staff will determine if the complaint should be considered an emergency. If considered an emergency, the receiving staff member will deliver the complaint to the superintendent/designee within the same work day.

SOP: No change.

- a. The superintendent/designee may confer with the central office grievance staff to make a determination if the informal resolution request should be handled as an emergency.

SOP: No change.

- b. The superintendent shall immediately refer the informal resolution request to the first official in the chain of command who may be able to initiate immediate corrective steps as necessary.

SOP: No change.

- (1) The official noted in III. F. 1. b. receiving an emergency informal resolution request should respond to the offender within 7 calendar days.

SOP: No change.

- c. Allegations of offender abuse by employees shall immediately be reported in accordance with D1-8.6 Offender Abuse/Sexual Contact.

SOP: No change.

- d. If the offender wishes to appeal the response, the offender may file the grievance to the next highest level.



SOP: No change.

- e. All appeals of informal resolution requests that are considered to be emergencies should be responded to within 7 calendar days from receipt.

SOP: No change.

2. If not considered an emergency, the offender will be informed of such and the complaint will be processed in accordance with III. K.

SOP: No change.

#### G. Lethal Injection Complaints

SOP: Not applicable.

1. If a capital punishment offender wishes to file a grievance on the lethal injection process she/he may request a Grievance Appeal form from the grievance officer.

SOP: Not applicable.

- a. The grievance officer will ensure the offender has been sentenced to death and if so will provide an appeal form.

SOP: Not applicable.

2. The offender will complete the form and return it to the grievance officer.

SOP: Not applicable.

3. The grievance officer will maintain a copy of the appeal and will forward the original to the central grievance staff.

SOP: Not applicable.

4. Central officer grievance staff will immediately record receipt of the appeal on the offender tracking system and will record the complaint log number on the form.

SOP: Not applicable.

5. The appeal will then be processed in accordance with section III. 4-12 of this procedure.

SOP: Not applicable.

#### H. Probation and Parole complaints:

SOP: No change.

1. Offenders may grieve all matters related to institutional life, except:

SOP: No change.

a. probation and parole matters;

SOP: No change.

- (1) All decisions of the board of probation and parole shall be pursued in accordance with probation and parole procedures under the guidelines of P6-6.4 Appeal of Parole Decision.

SOP: No change.

- (2) Other probation and parole matters may be pursued under the guidelines of P7-1.7 Complaints/Inquiries and Investigations. Complaints concerning community release centers may be pursued via P7-1.7.

SOP: No change.

- (3) Probation and parole procedures P6-6.4 and P7-1.7 are located in the institutional library. Information regarding P6-6.4 Appeal of Parole Decision can also be found in the handbook on Rules and Regulations Governing the Granting of Parole, Conditional Release and related procedures.

SOP: No change.

I. Americans with Disabilities Act Informal Resolution Requests/Offender Grievances:

SOP: No change.

1. If a review of the complaint reveals the situation/complaint is related to the Americans with Disabilities Act, the classification staff/grievance staff will consult with the Americans with Disabilities Act site coordinator to determine the validity of the issue or complaint and possible resolution.

SOP: No change.

2. The Americans with Disabilities Act site coordinator will assist in the preparation of a proposed resolution to the informal resolution request/offender grievance. A copy of the response will be sent to the Americans with Disabilities Act department coordinator, chief administrative officer and grievance officer.

SOP: No change.

3. If the offender chooses to appeal the response, normal informal resolution request/offender grievance procedures will be followed. The Americans with Disabilities Act site coordinator and/or department coordinator will be copied at each additional level of the offender grievance process.

SOP: No change.

J. Remedies:

SOP: No change.

1. Remedies shall be determined by the respondent with the goal of appropriately resolving legitimate complaints at the lowest level possible.

SOP: No change.

2. Each complaint filed pursuant to this procedure should be answered in writing at each level of decision and review. The response should state the reason the decision was reached.

SOP: No change.

- a. All grievances filed in accordance with this procedure, which are found to be of merit, shall be afforded an appropriate remedy, which may include:

SOP: No change.

- (1) a review of a condition or a practice grieved and appropriate action taken, if determined necessary;

SOP: No change.

- (2) a recommendation for change or modification of policy and procedure;

SOP: No change.

- (3) restitution of funds or monetary compensation for offender property lost or damaged while under the direct control of staff or due to staff negligence;

SOP: No change.

- (A) Replacement or reimbursement of offender property must be in accordance with D3-6.1 Responsibility for Lost Offender Property.

SOP: No change.

- (B) When an item(s) is replaced or compensation awarded the IRR/grievance staff should notify the property officer in writing so this information can be documented in the offender's personal property file.

SOP: No change.

- (4) correction of records -- example: dismiss and expunge violations, reissue and/or rehear conduct violations, reclassifications, sentence calculation, etc.; or

SOP: No change.

- (5) other remedies, as appropriate, which may

include reasonable accommodation or reasonable modification.

SOP: No change.

- b. Any personnel action taken as a result of a complaint is confidential and shall not be specified in the response to the offender.

SOP: No change.

- c. Consequential or punitive damages will not be provided.

SOP: No change.

K. Informal Resolution Request Process:

SOP: No change.

- 1. Any offender who wishes to file an informal resolution request, on a grievable issue, should do so within 15 calendar days from the date of the alleged incident.

SOP: No change.

- a. The offender should request an Informal Resolution Request form from the staff member responsible for processing informal resolutions requests and should state the subject of the complaint.

SOP: No change.

- (1) Staff will provide one form for each complaint.

SOP: No change.

- (2) If an offender requests more than one form at one time, the offender should state the subject of each separate complaint.

SOP: No change.

- (3) It will be the staff's discretion to determine if multiple forms should be provided or if the offender will be required to turn in the form before another form is provided.

SOP: No change.

- b. The offender should provide whatever material/information is available to her/him.

SOP: No change.

- c. The time limitation will be suspended in the event a court orders exhaustion of administrative remedies prior to filing a lawsuit.

SOP: No change.

- (1) If a determination is made that the complaint shall be handled as a court ordered grievance,

the staff member will immediately provide all information to the grievance officer.

SOP: No change.

- (2) Court ordered grievances will be handled in accordance with Section III. L. 5.

SOP: No change.

2. Only original Informal Resolution Request forms will be accepted.

SOP: No change.

3. If the complaint concerns impounded/confiscated property or mail, classification staff will notify the property room in writing so property is held until the informal resolution request/offender grievance is finalized as specified in standard operating procedures.

SOP: Classification staff in the housing units check for pending informal resolution requests or offender grievances prior to disposing of any impounded or confiscated property or mail.

4. The classification staff member will immediately record receipt of the form on the offender tracking system and will record the complaint log number in the complaint number section of the informal resolution request form.

SOP: No change.

- a. The first set (XXXX-00-0000) will be the institutional call letters.

SOP: No change.

- b. The second set (XXXX-00-0000) will be the year the complaint was received.

SOP: No change.

- c. The third set (XXXX-00-0000) will be the sequential number of the complaint for that institution for that calendar year.

SOP: No change.

- d. One of the following categories/subcategories will be indicated on the offender grievance tracking system as determined by the classification staff member:

SOP: No change.

- (1) classification

- (A) Administrative Segregation
- (B) Custody Score
- (C) Cell Assignment
- (D) Cellmate
- (E) Vocational Education/Educational Assignment Services

- (F) Institutional Assignment
- (G) Missouri Sex Offender Program
- (H) Protective Custody
- (I) Program Assignment
- (J) Initial/Reclassification Analysis
- (K) Strip/Dry Cell/Suicide Watch
- (L) Sentencing Issues
- (M) Transfers
- (N) Work Assignment
- (O) Adult Internal Management System

(2) Activities/Privileges

- (A) Canteen
- (B) Vocational Education/Educational Assignment Services
- (C) Food Service
- (D) Legal Service
- (E) Mail Service
- (F) Religious Issues
- (G) Recreation
- (H) Visitation
- (I) Legal Mail
- (J) Censored Mail
- (K) Other

(3) Due Process

- (A) Sanctions Imposed
- (B) Accuracy of Violation Report
- (C) Due Process of Violation

(4) Harassment

- (A) Cell Search
- (B) Discrimination
- (C) Sexual Harassment by Offender
- (D) Sexual Harassment by Staff
- (E) Verbal Harassment by Offender
- (F) Verbal Harassment by Staff
- (G) Search of Person
- (H) Other

(5) Medical

- (A) Dental Treatment Issues
- (B) Medical Treatment Issues
- (C) Mental Health Services
- (D) Operational Issues

(6) Property

- (A) Wages
- (B) Loss of Property
- (C) Damage of Property
- (D) Denial of Property
- (E) Offender Account Issues

(7) Use of Force

- (A) Excessive Use of Force
- (B) Sexual Abuse by Offender
- (C) Sexual Abuse by Staff

- (D) Physical Abuse by Offender
- (E) Physical Abuse by Staff

(8) Other

- (A) Conditions of Confinement
- (B) Violation of Policy by Staff
- (C) Accident or Injury
- (D) Failure to Protect
- (E) Offender Grievance Procedure
- (F) Lethal Injection Process
- (G) Other

- e. Details of the complaint should be entered in the comments section of the offender grievance tracking system.

SOP: No change.

- 5. The staff member receiving the informal resolution request shall review the complaint to ensure it is within procedural guidelines.

SOP: No change.

- a. The staff member shall attempt to discuss the issue with the offender prior to developing a response. The staff member will document the results of the discussion and action taken to resolve the complaint in the appropriate section of the Informal Resolution Request form.

SOP: No change.

- b. If the offender refuses to discuss the issue, the staff member will document on the Informal Resolution Request form that the offender refused to discuss the issue.

SOP: No change.

- c. The offender will review the summary of the discussion as documented by staff and will indicate her/his response by marking the resolved or unresolved section of the Informal Resolution Request form.

SOP: No change.

- (1) If the issue is resolved by discussion, the staff member will provide a copy of the offender Informal Resolution Request form and attachments (a total of 6 pages) to be retained by the offender.

SOP: No change.

- (2) If more than 6 pages are submitted by the offender on any complaint, it will be the offender's responsibility to copy the additional attachments for her/his personal file prior to submitting the complaint.

SOP: No change.

- d. The offender and staff member will sign and date the form.

SOP: No change.

- (1) If the offender refuses to sign this portion of the form, staff will document such by notating refused to sign in the offender's signature box and process the informal resolution request in accordance with III.K.6.

SOP: No change.

- e. The staff member shall enter the discussion date on the offender grievance tracking system.

SOP: No change.

- (1) If complaint is resolved by discussion, this information will be entered in the offender response field of the offender grievance tracking system.

SOP: No change.

- 6. If the complaint is not resolved by discussion, the classification staff member/designee will investigate and develop a proposed response for the approval of the functional unit manager/designee and the associate superintendent/designee.

SOP: No change.

- a. The staff member will enter the "to reviewer" date in the offender grievance tracking system.

SOP: No change.

- b. Upon approval, the classification staff member/designee will sign as investigator, the functional unit manager/designee will sign as respondent and the associate superintendent/designee will sign as reviewer.

SOP: No change.

- c. Those issues which must be referred to a contract services provider will be referred to the appropriate section head for investigation and development of a response.

SOP: No change.

- (1) If the contract includes responding to informal resolution requests and offender grievances, responders will follow the chain of command within the appropriate section of the contract services provider.

SOP: No change.



(2) If the complaint is being responded to by a contract services provider, the section head/designee will sign as respondent on the Informal Resolution Request form.

SOP: No change.

(3) The associate superintendent/designee will review all responses by contract providers to ensure compliance with D1-8.1 Criminal Investigation Unit Responsibilities and Actions.

SOP: No change.

(4) Medical complaints will be processed as outlined in the Medical Grievance Flow Chart (Attachment H).

SOP: No change.

d. The department staff member will enter the "from reviewer", date, action, outcome and outcome date in the offender grievance tracking system.

SOP: No change.

e. Informal resolution requests should be responded to as soon as practical, but within 40 calendar days of receipt.

SOP: No change.

7. The offender will review the findings and recommendations in the presence of the classification staff member and indicate her/his response by marking either the satisfactory or unsatisfactory section of the Informal Resolution Request form.

SOP: No change.

a. The offender will sign and date the form.

SOP: No change.

b. The classification staff member will provide a copy of the offender's Informal Resolution Request form and attachments (a total of 6 pages) to be retained by the offender.

SOP: No change.

c. If more than 6 pages are submitted by the offender on any complaint, it will be the offender's responsibility to copy the additional attachments for her/his personal file prior to submitting the complaint.

SOP: No change.

d. If the offender refuses to sign the form, such will be noted in the appropriate signature line of the Informal Resolution Request form and the complaint will be considered abandoned.

SOP: No change.

- e. The staff member will enter the offender response and date.

SOP: No change.

- f. If the offender chooses to file a grievance, an Offender Grievance form will be provided.

SOP: No change.

- 8. Upon completion, the original Informal Resolution Request form and all investigative materials will be maintained in the individual informal resolution request file.

SOP: No change.

- 9. Expiration of the response time limit at any stage of the process shall allow the grievant to move to the next stage of the process by notifying the grievance officer as specified in the standard operating procedure.

SOP: No change.

- a. The staff member will enter the offender response as "exceeded time frame" in the offender grievance tracking system.

SOP: No change.

- 10. Offenders who transfer from one institution to another and have a complaint about the institution from which they transferred, may bypass the informal resolution request process and proceed by filing a grievance within 15 calendar days of the transfer date.

SOP: No change.

- 11. If an offender is transferred during the processing of an informal resolution request, the Informal Resolution Request form will be forwarded to the grievance officer/designee for processing. The grievance officer will enter the response as transferred in the offender grievance tracking system.

SOP: No change.

- a. The grievance officer will send an Offender Grievance form and a copy of the Informal Resolution Request form to the receiving institution's grievance officer for delivery to the offender.

SOP: No change.

- b. If the offender wishes to pursue the complaint, she/he is responsible for filing the completed Offender Grievance form within 15 calendar days of receipt of the Offender Grievance form with the receiving institution's grievance officer, who will forward it to the sending institution's grievance

officer for processing.

SOP: No change.

- c. Original Informal Resolution Request forms will be maintained at the initiating institution. Only copies will be forwarded to the receiving institution.

SOP: No change.

- 12. A monthly informal resolution request file will be maintained including all informal resolution request forms submitted during each month.

SOP: No change.

- a. All original informal resolution request material will be transferred to the grievance officer for filing or formulation of an offender grievance file.

SOP: No change.

- b. A copy of all informal resolution request material will be maintained in the informal resolution request file.

SOP: No change.

L. Offender Grievance Process:

SOP: No change.

- 1. After completing the informal resolution request process, if the offender is not satisfied, she/he may obtain an Offender Grievance form from designated staff.

SOP: No change.

- 2. Staff providing the Offender Grievance form should enter the complaint number in the designated space of the Offender Grievance form.

SOP: No change.

- 3. The offender should complete the Offender Grievance form and submit the original to the designated staff member to submit to the grievance officer. Only the signed original form will be accepted.

SOP: No change.

- 4. A grievance must be filed within 7 calendar days after the offender receives the response on the Informal Resolution Request form. Failure to do so will result in the complaint being abandoned.

SOP: No change.

- 5. The time limitation will be suspended in the event a court orders exhaustion of administrative remedies prior to filing a lawsuit.

SOP: No change.

- a. If a determination is made that it shall be handled as a court ordered grievance, the staff member will immediately provide all information to the grievance officer.

SOP: No change.

- b. The offender will provide a copy of the court's order to be attached to the offender grievance which is filed beyond the time limit.

SOP: No change.

- c. The grievance officer receiving a grievance with an attached court order should verify the court document for authenticity.

SOP: No change.

6. The grievance officer shall assist or arrange assistance for those offenders who cannot complete the forms themselves.

SOP: No change.

7. Upon receipt, each grievance will be entered in the offender grievance tracking system including the date of receipt.

SOP: No change.

8. Within 10 calendar days, the grievance officer should accomplish the following:

SOP: No change.

- a. prepare a grievance file containing the original informal resolution request form and all documents pertinent to the grievance;

SOP: No change.

- b. forward the Offender Grievance form to appropriate staff for response if the division of offender rehabilitative services or a contract service is involved; and

SOP: No change.

- c. if the grievance officer determines that the offender's complaint is an Americans with Disabilities Act issue, she/he will consult with the Americans with Disabilities Act site coordinator to determine the status and/or outcome.

SOP: No change.

9. The grievance officer shall prepare a proposed response using the Recommended Superintendent's Response format (Attachment I).

SOP: No change.

- a. Those issues which must be referred to a contract services provider will be referred to the appropriate section head for investigation and development of a response.

SOP: No change.

- b. If the contract includes responding to grievances, responders will follow the chain of command within the appropriate section of the contract services provider.

SOP: No change.

- c. The proposed response will be attached to the Offender Grievance form and, along with all investigative materials, shall be submitted to the superintendent/designee who will approve, modify or disapprove.

SOP: No change.

- (1) The superintendent/designee will review all responses by contract providers to ensure compliance with D1-8.1 Criminal Investigation Unit Responsibilities and Actions.

SOP: No change.

- d. The grievance officer will enter the "to reviewer" date in the offender grievance tracking system.

SOP: No change.

- e. The superintendent/designee should respond to offender grievances within 40 calendar days of receipt.

SOP: No change.

- f. When finalized for return to the offender, the superintendent/designee will sign the form.

SOP: No change.

- (1) If the response concerns medical, mental health, education, treatment centers or a contract service, the appropriate section head/designee and the superintendent will cosign the form.

SOP: No change.

- g. The grievance officer will enter the "from reviewer", date, action and outcome date in the offender grievance tracking system.

SOP: No change.

- 10. The offender will review the response in the presence of

the grievance office staff member/designee and indicate her/his response by marking either the accept or appeal section of the Offender Grievance form.

SOP: No change.

11. The offender will sign and date the form.

SOP: No change.

12. The grievance officer will provide a copy of the offender's grievance and attachments (a total of 6 pages) to be retained by the offender. If more than 6 pages are submitted by the offender on any complaint, it will be the offender's responsibility to copy the additional attachments for her/his personal file prior to submitting the complaint.

SOP: No change.

13. If the offender refuses to sign the form, such will be noted in the offender signature section of the Offender Grievance form and the complaint will be considered abandoned.

SOP: No change.

14. The grievance officer will enter the offender response and date in the offender grievance tracking system.

SOP: No change.

15. If the offender chooses to appeal, the grievance officer will provide the offender with the Offender Grievance Appeal form.

SOP: No change.

16. Upon completion, the original Offender Grievance form and all investigative materials will be maintained in the individual offender grievance file.

SOP: No change.

17. The grievance officer will be responsible for monitoring logs and time frames. Any problems with meeting response time frames should be reported to the superintendent and monitored by the central office grievance staff.

SOP: No change.

18. Expiration of the response time limit at any stage of the process shall allow the grievant to move to the next stage of the process by notifying the grievance officer as specified in the standard operating procedure.

SOP: The grievance officer at MCC will monitor the grievance logs and time frames weekly to ensure compliance of the appropriate response time limits. A follow-up with classification staff may be required for any additional documentation, if necessary.

- a. The grievance officer will enter the offender response as exceeded time frame in the offender grievance tracking system.

SOP: No change.

19. Offenders who wish to file a complaint against the institution from which the offender was transferred shall bypass the informal resolution request process and shall file a grievance within 15 calendar days of the transfer date.

SOP: No change.

M. Appeal:

SOP: No change.

1. If the offender wishes to appeal a grievance, the offender must submit the original Offender Grievance Appeal form to the grievance officer within 7 calendar days. Failure to do so will result in the appeal being considered abandoned.

SOP: No change.

2. Upon receipt, each appeal will be entered in the offender grievance tracking system, including the date of receipt in the grievance office.

SOP: No change.

3. Appeals will be referred to the appropriate division director/designee. The grievance officer will enter the "to central office" date in the offender grievance tracking system.

SOP: No change.

4. Upon receipt by central office, the "received in central office" date will be entered in the offender grievance tracking system.

SOP: No change.

5. All appeals will be reviewed to determine if additional action is necessary and will then be responded to by the division director/designee.

SOP: No change.

6. An appeal response should be provided as soon as practical, but within 100 calendar days of receipt.

SOP: No change.

7. Designated central office staff will enter the action, outcome, outcome date and returned to institution date in the offender tracking system and will return the offender grievance file to the institution.

SOP: No change.

8. Upon receipt, the grievance officer will enter the "received in institution" date.

SOP: No change.

9. The offender will review the response in the presence of the grievance officer/designee.

SOP: No change.

a. The offender will sign and date the form.

SOP: No change.

b. The grievance officer/designee will provide a copy of the Offender Grievance Appeal form and attachments (a total of 6 pages) to be retained by the offender.

SOP: No change.

c. If more than 6 pages are submitted by the offender on any complaint, it will be the offender's responsibility to copy the additional attachments for her/his personal file prior to submitting the complaint.

SOP: No change.

d. If the offender refuses to sign the form, such will be noted in the offender signature section of the Offender Grievance Appeal form and the complaint will be considered exhausted.

SOP: No change.

10. The grievance officer will enter the offender's response and date in the offender grievance tracking system.

SOP: No change.

11. Upon completion, the original Offender Grievance Appeal form and all investigative materials will be maintained in the individual offender grievance file.

SOP: No change.

12. After receiving the appeal response, the offender has exhausted the grievance process.

SOP: No change.

N. Citizens Advisory Committee on Corrections:

SOP: No change.

1. Executive Order 03-11 established the Citizens Advisory Committee on Corrections for the purpose of reviewing offender grievances referred by the department.

SOP: No change.

2. Central office grievance staff select a sampling of



completed appeals to be sent each month to the citizens advisory committee.

SOP: No change.

- a. The offender grievance file will be copied and mailed to one of the committee members along with a Citizens Advisory Committee Recommendation form (Attachment J).

SOP: No change.

- b. A record of the outgoing file will be maintained by central office grievance staff.

SOP: No change.

- c. A citizens advisory committee member may review the offender grievance file and make a recommendation to the department.

SOP: No change.

- d. The recommendation will not be provided to the offender except as outlined in III. Q. 3.

SOP: No change.

3. After reviewing the grievance file, committee members return the file to the central office grievance staff.

SOP: No change.

- a. Central office grievance staff will record the return of the file and the recommendation of the citizen advisory committee member.

SOP: No change.

- b. Central office grievance staff will review each file returned from the citizens advisory committee to determine if additional review and/or action may be necessary.

SOP: No change.

- c. The file will be forwarded to the division director and/or department director for final review/action if warranted.

SOP: No change.

- d. The Citizens Advisory Committee Recommendation form from the citizens advisory committee will be sent to the institution to be filed in the offender grievance file.

SOP: No change.

4. The Department Director may choose to review grievance files submitted/returned from the citizens advisory committee and/or may select grievance files to review as

determined necessary.

SOP: No change.

- O. Reports: Statistical reports will be generated for each level of the offender grievance process from the offender grievance tracking system.

SOP: No change.

- P. File Maintenance:

SOP: No change.

1. Informal resolution request files and offender grievance files are generated in anticipation of litigation.

SOP: No change.

2. All relevant reports, requests, statements, procedures or any other pertinent evidence or related documents should be maintained in a file assigned to that informal resolution request or offender grievance.

SOP: No change.

3. Informal resolution request and grievance files will be maintained for 7 years at the work site and will be archived permanently.

SOP: No change.

- Q. Access to Files:

SOP: No change.

1. Consistent with ensuring confidentiality and security, staff who are participating in the investigation and disposition of a grievance shall only access records essential to the resolution of the informal resolution request or offender grievance, including necessary medical and investigative files.

SOP: No change.

2. Consistent with ensuring confidentiality and security, the superintendent may authorize access to staff who are participating in an investigation and disposition of an informal resolution request or offender grievance or similar complaint to records essential to the resolution of the issue under review.

SOP: No change.

3. Offender grievance files and material therein shall be confidential and shall not be distributed except at the direction of the division director/designee or department director or pursuant to a court order.

SOP: No change.

4. Copies of investigative materials, such as internal affairs investigative reports, staff statements, staff

reports and employee personnel information will not be given to the offender.

SOP: No change.

R. Miscellaneous:

SOP: No change.

1. Alternate Respondent: When the person who would normally sign as respondent at the institution level is specifically grieved against for a personal action directly against that offender, responses will be generated and signed by the staff member's supervisor. Personal action does not include normal and customary actions performed as a result of official duties (i.e., conduct violation review, classification assignments, etc.).

SOP: No change.

2. Offender Releases: When an offender is transferred out of state, paroled, placed under electronic monitoring or in a residential facility, or is released from all jurisdiction of the department, the offender is responsible for providing the grievance officer with an address in writing, within applicable time frames, to receive a response or to continue a pending offender grievance. Failure to do so will result in abandonment of the offender grievance.

SOP: No change.

3. Escape/Abscond: In the event that an offender escapes or absconds, the offender grievance will be considered abandoned.

SOP: No change.

IV. ATTACHMENTS:

- |    |          |  |
|----|----------|--|
| A. |          | Offender Grievance Flow Chart                  |
| B. | 931-3378 | Offender Grievance Appeal                      |
| C. | 931-3376 | Informal Resolution Request                    |
| D. | 931-3377 | Offender Grievance                             |
| E. |          | Letter of Caution (format)                     |
| F. |          | Letter of Limited Filing Status (format)       |
| G. | 931-4268 | Offender Grievance Restriction Log             |
| H. |          | Medical Grievance Flow Chart                   |
| I. |          | Recommended Superintendent's Response (format) |
| J. | 931-3412 | Citizens Advisory Committee Recommendation     |

SOP ATTACHMENTS: None

V. REFERENCES:

- |    |        |  |
|----|--------|--|
| A. | D1-8.1 | Criminal Investigation Unit Responsibilities and Actions |
| B. | D1-8.6 | Offender Abuse/Sexual Contact                            |
| C. | D3-6.1 | Responsibility for Lost Offender Property                |
| D. | P6-6.4 | Appeal of Parole Decision                                |
| E. | P7-1.7 | Complaints/Inquiries and Investigations                  |

SOP REFERENCES: None

VI. HISTORY: Previously addressed in Division Rule 116.040 Offender Grievance Procedure, IS8-2.1, 09-15-1992; Original rule effective November 1, 1980. Revised 11-1-1981, 3-1-1988, 6-7-1988, 10-17-1989, 4-2-1990, 5-1-1990, 6-1-1990, 7-9-1990, 8-1-1990, 9-4-1990, 10-1-1990 and Institutional Services Policies 8-2.1, Original rule effective January 15, 1992.

- A. Original Effective Date: October 1, 1991
- B. Revised Effective Date: January 15, 1992
- C. Revised Effective Date: May 15, 2000
- D. Revised Effective Date: March 2, 2002
- E. Revised Effective Date: June 6, 2002
- F. Revised Effective Date: January 1, 2004
- G. Revised Effective Date: February 24, 2005
- H. Revised Effective Date: March 11, 2005
- I. Revised Effective Date: July 24, 2006

SOP HISTORY:

- A. Original SOP Effective Date: May 30, 2007