

001 Applicability. This rule applies to all institutions operated by the Department of Correctional Services.

002 Department Policy. The Department provides an inmate with a procedure for the administrative settlement of a legitimate grievance.

002.01 A grievance is not a formal grievance until the inmate submits a Step-One Grievance Form to the Warden or designee of the facility to which the inmate is assigned.

002.02 Any topic may be the subject of a grievance, except matters over which the Department has no control, classification actions, and inmate disciplinary actions.

003 Grievance Principles. These guidelines apply to the grievance procedure.

003.01 Any inmate in the custody of the Department may file a grievance.

003.02 An inmate shall submit an Informal Grievance Resolution Form to designated unit staff.

003.03 If an inmate is dissatisfied with the response to the Informal Grievance, the inmate may file a Step-One Grievance with the Warden. The Step-One Grievance Form must be used.

003.04 No one shall alter, interfere with, or delay the transmittal of an inmate grievance.

003.05 No inmate who uses the grievance procedure shall be subject to any type of disciplinary sanction or other adverse action for filing grievances.

003.06 Language used in grievances is subject to DCS Rules 5 and 6.

003.07 Each grievance will be reviewed and, if necessary, investigated. The inmate shall receive a prompt written response. Circumstances such as illness, injury, or unavailability of a witness may lengthen the response time.

003.08 Inmate grievances shall be confidential. Only those individuals whose involvement is needed to complete the investigation of the grievance shall be made aware of the grievance. Individuals contacted during the investigation shall only be made aware of the information needed to allow them to contribute to the investigation. Consistent with ensuring confidentiality, staff that participates in the disposition of a grievance shall have access to records needed to respond to the grievance.

004 Grievance of a Sensitive Nature. If the inmate believes that a grievance is of a sensitive nature, the grievance may be filed directly with the Director or designee.

004.01 A grievance of a sensitive nature may be mailed as privileged mail or sent to the Director or designee by interoffice mail.

004.02 The inmate must clearly explain the nature of the grievance and the reasons for not following the regular grievance procedure.

004.03 If the Director or designee determines that the grievance is not of a sensitive nature, the grievance shall be returned to the inmate.

004.04 If the Director or designee determines that the grievance is of a sensitive nature, the Director or designee shall conduct any necessary investigation. If the investigation indicates that action should be taken, the Director or designee shall cause the appropriate steps to be taken to resolve the grievance. The Director or designee has twenty working days to respond to a grievance submitted as a grievance of a sensitive nature.

005 Informal Grievance Procedures. The following procedures apply to inmate informal grievances:

005.01 When an inmate submits an Informal Grievance Resolution Form, unit staff will log and investigate the grievance.

005.02 The Informal Grievance Resolution Form may be obtained from unit staff.

005.03 The Informal Grievance Resolution Form must be filed within three calendar days of the incident.

005.04 Unit staff shall prepare a written response within ten working days.

006 Step-One Grievance Procedures. The following procedures apply to Step-One Grievances:

006.01 The Step-One Grievance Form may be obtained from the inmate's case manager or designee.

006.02 The Step-One Grievance Form must be filed within 15 calendar days of the receipt of the informal grievance response, or if no response was received, within 20 calendar days of the incident giving rise to the grievance.

006.03 The inmate may address only one issue on a formal grievance or it will be returned to the inmate.

006.04 The Informal Grievance Resolution Form and response, if received, must be attached to the Step-One Grievance Form.

006.05 The formal grievance process begins when the inmate completes the inmate portion of the Step-One Grievance Form and submits it to the Warden or designee.

006.06 Upon receipt of the Step-One Grievance Form from the inmate, the Warden's designee shall sign and date the Step-One Grievance Form. The receipt for the Step-One Grievance Form shall be sent to the inmate.

006.07 The Warden's designee shall review and, if necessary, investigate the grievance. The results of the investigation shall be communicated to the Warden and include a proposed response to the grievance. The Warden or designee will review the suggested response, and will send a written response to the inmate within ten working days after receipt of the grievance. The response shall include a brief statement of the reason or reasons for the decision.

007 Step-Two Grievance Procedures. The following procedures apply to Step-Two Grievances:

007.01 If the inmate wants to appeal the response to the Step-One Grievance, then the inmate must obtain a Step-Two Grievance Form from the inmate's case manager or designee.

007.02 The inmate shall submit the Step-Two Grievance Form to the Director by interoffice mail within 10 calendar days after receipt of the Warden's response. If the grievance is in an envelope it shall be clearly marked to indicate that it contains a Step-Two Grievance Form. The Step-Two Grievance Form may be mailed in compliance with the Department's rules governing privileged mail.

007.03 A copy of the Informal Grievance Resolution Form and the Step-One Grievance Form and responses must be attached.

007.04 The inmate may include additional information on the Step-Two Grievance Form. The inmate must also submit the additional information to the Warden.

007.05 The Director or designee shall respond to the Step-Two Grievance Form within twenty working days. The Director or designee may rely upon the information compiled by the Warden's investigation or conduct an additional investigation. The Director may modify, affirm or reverse the response of the Warden.

008 Limitations on Grievances. An inmate may file no more than two Step-One Grievances per week (Monday through Sunday), except for valid emergency grievances.

009 Emergency Grievances. Emergency Grievances are those matters that must be resolved quickly because if the standard grievance time limits were used the inmate would be subjected to substantial risk of personal injury or other serious or irreparable harm.

009.01 Emergency Grievances shall be filed on Informal Grievance Resolution Forms.

009.02 Emergency Grievances shall be filed with unit staff.

009.03 Unit Staff shall respond to Emergency Grievances

010 Abuse of the Grievance Process. If an inmate files frivolous, nuisance or duplicative grievances at any level, a designee of the Warden will conduct a hearing to determine whether the inmate is abusing the grievance process. If it is determined that the inmate is abusing the grievance process, a reasonable limitation may be placed on the number of grievances the inmate is allowed to file.

011 Other Remedies. Inmates may communicate grievances to persons outside the Department.

011.01 An inmate may communicate a grievance to the Office of Public Counsel/Ombudsman, legislators, attorneys, courts or others.

011.02 Claims against the Department involving miscellaneous or tort claims for money may be filed pursuant to the State Tort Claims Act.

011.03 Each facility shall ensure that inmates have reasonable access to courts and to legal services and materials.

012 Petitions. Inmates may circulate petitions for signatures.

012.01 The petitions cannot violate or propose a violation of the Department's rules or state or federal law, or interfere with the security or good order of the facility.

012.02 Inmates may petition the Warden or the Director requesting specific relief concerning a grievance involving a Department policy or practice. The petition must state the proposed change in Department policy or practice, the reason for the proposed change; and the circulator's full name and inmate number.

012.03 Inmates supporting the petition may sign the petition. An inmate signing the petition shall give his/her inmate number and the date of the signature. The signatures must be legible.

012.04 The petition shall be attached to a Step-One Grievance Form and submitted to the Warden within the time limits for filing Step-One Grievances.

012.05 The Warden shall consider the petition when responding to the grievance that the petition concerns.

012.06 If the inmates want to appeal from the decision of the Warden, the inmates shall attach the petition, the Step-One Grievance Form and the Warden's response to a Step-Two Grievance Form and submit it to the Director within the time limits established for grievance appeals.

012.07 The Warden and Director will keep a copy of the petition with the record of the grievance that the petition concerns.