

Idaho Department of Correction 	Standard Operating Procedure Operations Division Offender Management	Control Number: 316.04.01.001	Version: 1.4	Page Number: 1 of 12
		Title: Grievance and Appeal Procedure for Offenders: Probation and Parole		Adopted: 2-14-2011 Reviewed: 9-26-2011 Next Review: 9-26-2013

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Open to the general public: Yes

BOARD OF CORRECTION IDAPA RULE NUMBER

None

POLICY CONTROL NUMBER 316

Grievance Process: Offender

DEFINITIONS

Standardized Terms and Definitions List

None

PURPOSE

The purpose of this standard operating procedure (SOP) is to increase the safety and security of probation and parole staff members by providing offenders a process to voice complaints about policies, division directives, SOPs, employee actions, actions of other offenders, and other incidents occurring within the Probation and Parole Bureau.

SCOPE

This SOP applies to probation and parole staff members and offenders who are under the jurisdiction of the Idaho Department of Correction (IDOC), Probation and Parole Bureau.

Note: Concerns and grievances directed to the deputy attorneys general (DAGs) do not fall within the scope of this SOP. See section 1 of this SOP for further details.

RESPONSIBILITY

Deputy Chief of the Probation and Parole Bureau

The deputy chief of the Probation and Parole Bureau (or designee) is responsible for:

- Overseeing probation and parole services
- Ensuring the guidelines and procedures provided herein are adhered to
- Ensuring each district reviews this SOP annually

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District Managers and Section Supervisors

District managers and section supervisors are responsible for:

- Implementing this SOP
- Appointing a grievance coordinator in their district offices
- Ensuring probation and parole staff members are practicing the guidelines, standards, and procedures provided herein
- Ensuring that offenders receive a copy of the *Grievance and Appeal Process Handout* (appendix A) during supervision orientation

Probation and Parole Staff Members

Probation and parole staff members are responsible for practicing the guidelines, standards, and procedures provided herein. In addition, all probation and parole staff members will be required to read this SOP annually.

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GENERAL REQUIREMENTS

1. Grievance and Appeal Process Overview

An offender grievance is a written complaint regarding a problem or action that affects the offender. An offender must write and file his own *Grievance and Appeal Form* (appendix B) unless he is unable to write a grievance due to illiteracy, the inability to write the English language, or is physically unable to complete it. Under these circumstances, another party is allowed to write a grievance on an offender's behalf.

The offender problem-solving process has three (3) components:

- An informal problem-solving process between the offender **and** the probation and parole staff member
- Grievances (using the *Grievance and Appeal Form*)
- Appeals (using the *Grievance and Appeal Form*)

Note: The DAGs are not a part of the offender problem-solving process. Offenders shall not be allowed to file concerns, grievances, or appeals with the DAGs.

Note: It is important that offenders understand that probation and parole staff members are prohibited from reprisal or retaliation against anyone, for any reason, for filing a grievance or participating in the grievance process. Offenders can file a grievance against any probation and parole staff member who uses reprisal or retaliation.

2. General Guidance

For Offenders

Problem-solving should occur at the lowest appropriate level. An offender should attempt to solve the issue informally. This means making a good-faith and respectful attempt to discuss the issue or concern with the probation and parole staff member who made the decision, took the action, etc. If an offender does not feel comfortable discussing the issue or concern with the probation and parole staff member, the offender may ask to discuss the issue with the section supervisor, district manager, or higher level of authority (as appropriate and necessary). If the problem cannot be solved, the offender may file a grievance.

If an offender does not feel that the grievance process resolved the issue, it is required that the appeal process (see section 5) be exhausted before he files a lawsuit against the IDOC.

For Probation and Parole Staff Members

Probation and parole staff members shall always try to solve the problem informally at the lowest appropriate level. When staff members recognize that a problem exists but is beyond the scope of their authority, they should work through their chain of command to identify a solution.

Probation and parole staff member responses to grievance and appeal forms shall be clear, concise, and professional.

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Probation and parole staff members shall not discipline an offender for filing a grievance or appeal or for the content contained therein. Reprisal or retaliation against an offender for filing a grievance or appeal is prohibited.

Probation and parole staff members shall ensure that all grievances and appeals remain confidential and that they only view them on a need-to-know basis.

If a probation and parole staff member learns that an offender is having difficulty understanding the grievance and appeal process, he shall advise the offender to review the *Grievance and Appeal Process Handout* (appendix A) that was provided to him during supervision orientation. (If the offender loses or misplaces the handout, he may be given another copy.) If the offender is illiterate, a probation and parole staff member shall explain, read, or have the handout read to the offender.

3. What Problems Can and Cannot be Grieved

Most things that affect offenders who are being supervised can be grieved; however, the following issues **cannot** be grieved:

Intermediate Sanctions

Intermediate sanctions are generally agreed to by the offender and therefore are not grieveable. The supervising probation and parole officer (PPO) shall ensure that sanctions are in accordance with SOP 701.04.02.020, [Response Matrix](#).

Sentencing, Court, and Parole Decisions

- The length of sentence
- Court decisions
- Idaho Commission of Pardons and Parole decisions

Note: With the exception of IDOC sentencing calculations, offenders must resolve all other sentencing issues and parole decisions with the applicable court or Idaho Commission of Pardons and Parole.

Previously Grieved Issues

After an issue has been reviewed by the appellate authority, the administrative remedies available to offenders shall be exhausted, and any additional grievance and appeal forms submitted for that same issue shall not be accepted.

Outside Problems

Outside problems shall be defined as problems that are beyond the IDOC's control.

4. Procedures for Filing a Grievance

The following guidelines must be followed or the grievance will be rejected:

- The offender must have attempted to informally resolve the issue with the probation and parole staff member, unless it involves unethical behavior. If the issue involves unethical behavior, it must be documented on the *Grievance and Appeal Form* (appendix B).
- The offender cannot have more than three (3) open grievances, including appeals, in the system. 'Open' means awaiting response from the review or appellate authority.

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- The offender can only raise one specific issue per grievance.
- The grievance must contain specific information such as dates, places, and names.
- A description of the problem should be legibly written (or typed) within the appropriate area on the *Grievance and Appeal Form*. If the form is difficult to read or understand it may be returned to the offender with instructions to make it legible.
- If probation and parole staff decides it is necessary to obtain additional information, a probation and parole staff member may interview the offender or request additional written explanation.
- *Grievance and Appeal Form* attachments (e.g., court rulings or other documentation the offender believes would support his grievance or appeal) are not permitted.
- A *Grievance and Appeal Form* must be submitted within 30 days of the incident or decision. (**Note:** The review authority may extend this time limit.)
- The offender must suggest a solution to the issue.
- Unless submitted via email, the offender must sign the *Grievance and Appeal Form*.

Note: In regards to the above guidelines, the grievance coordinator may consult with the review or appellate authority anytime there is a question regarding the acceptance or rejection of a grievance. (See the following process steps.)

Process Steps: Grievance

Functional Roles and Responsibilities	Step	Tasks CIS steps are in bold
Offender	1	<p>If informal problem-solving is unsuccessful, within 30 days of the attempt:</p> <ul style="list-style-type: none"> • Complete appendix B, <i>Grievance and Appeal Form</i>. (Ensure the 'grievance' box at the top of the form is checked and not the 'appeal' box.) • Submit the Grievance and Appeal Form to your supervising district's grievance coordinator.
Grievance Coordinator	2	<p>In the Corrections Integrated System (CIS), locate the 'grievance' tab, and use the <i>Grievance and Appeal Form</i> to enter information into the 'grievance detail' screen.</p> <p><u>Note:</u> If the issue being grieved occurred in a non-supervising district, the supervising district's grievance coordinator shall fax or scan and email the <i>Grievance and Appeal Form</i> to the non-supervising district's grievance coordinator for processing and entry into the CIS. The supervising district's grievance coordinator shall maintain in a pending file, the form that has the original signature.</p> <p><u>Note:</u> For 'grievance' tab navigation and data entry, see the CIS user guide, <i>CCD Grievance Tab Instructions</i>.</p>

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Functional Roles and Responsibilities	Step	Tasks CIS steps are in bold
Grievance Coordinator	3	<p>Determine if the <i>Grievance and Appeal Form</i> is completed correctly.</p> <ul style="list-style-type: none"> • If the form <u>is</u> completed correctly or after a previously incomplete form is corrected, proceed to step 4A. • If the form <u>is not</u> completed correctly: <ul style="list-style-type: none"> ◆ Return the form to the offender-using appendix C, <i>Grievance Correction Transmittal Form</i>; ◆ In the CIS ‘grievance detail’ screen, click the ‘grievance status’ drop-down box, and select ‘returned w/o action’; and ◆ Enter a comment stating that the grievance was returned to the offender and why.
Grievance Coordinator	4A	<p>If the <i>Grievance and Appeal Form</i> is acceptable:</p> <ul style="list-style-type: none"> • In the CIS, enter the offender’s IDOC number, add a new grievance, determine the appropriate ‘category’ from the drop-down box, and select the ‘grievance location’ from the drop-down box. • In the ‘offender problem’ section, type verbatim the offender’s written <u>grievance</u> statement exactly as it appears on the form. (No modifications, to include spelling corrections, are permitted.) <ul style="list-style-type: none"> ◆ Enter the information provided by the offender that describes his attempt at informal problem-solving; ◆ Enter the offender’s suggested solution; ◆ In the ‘grievance status’ drop-down box, select ‘pending’; and ◆ Enter the ‘received from offender’ date. <p>Note: When an unethical allegation is raised, immediately inform the section supervisor or district manager.</p>
Grievance Coordinator	4B	<ul style="list-style-type: none"> • Enter the ‘forwarded to level 1’ date. • In the ‘level 1 responder’ box, enter the user ID of the staff member most capable (if appropriate) of responding to and resolving the issue. (This would be the person most capable based on involvement or knowledge of this issue.) • Click the ‘due back from level 1’ box. (CIS will auto-fill with a date that is 10 days from the ‘forwarded to level 1’ date.) • Click the printer icon to generate a portable document format (PDF) document. • Save the PDF document and email the grievance to the assigned level one responder. <p>Note: Discuss the ‘level 1 responder’ assignment with the review authority as needed.</p>

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Functional Roles and Responsibilities	Step	Tasks CIS steps are in bold
Assigned Level One Responder	5	Within 10 days, reviews the issue described in the grievance and determine if policies, SOPs, division directives, and best correctional practices were followed.
		Note: If steps 5 and 6 cannot be completed within 10 days, notify the grievance coordinator so another staff member who is most capable of responding to or resolving the issue based on his involvement or knowledge of the issue. The grievance coordinator will send a notification of the delay to the offender.
Assigned Level One Responder	6	Reply to the grievance coordinator's email by including a clear and professional response to the grievance.
Grievance Coordinator	7	<p>In the CIS, 'grievance detail' screen, open the grievance:</p> <ul style="list-style-type: none"> • Copy and paste the level one responder's response into the 'level 1 response' section. (No modifications, to include spelling corrections, are permitted.) • Enter the 'returned from level 1' date, and save. • Return to the current grievance and select the 'level 2' radio button. • Enter the 'forwarded to level 2' date. • Enter the review authority's user ID in the 'level 2 reviewer' box. • Click the 'due back from level 2' box. (CIS will auto-fill with a date that is 14 days from the 'forwarded to level 2' date.) • Save the data, and email the review authority to inform him that the grievance response is ready for review.
Review Authority (See Section 6)	8	<p>Within 14 days of receiving notification from the grievance coordinator:</p> <ul style="list-style-type: none"> • Review the grievance, the level one responder's reply and as needed, any applicable rules, policies, directives, SOPs, etc. • Grant, deny, or modify the offender's suggested solution.
		Note: If steps 8 and 9 cannot be completed within 14 days, notify the grievance coordinator. The grievance coordinator will send a notification of the delay to the offender.

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Functional Roles and Responsibilities	Step	Tasks CIS steps are in bold
Review Authority	9	<p>In the CIS, locate the 'grievance' tab, and enter information into the 'grievance detail' screen.</p> <ul style="list-style-type: none"> • Open the grievance and select the 'level 2' radio button. • Enter the 'returned from level 2' date. • In the 'grievance disposition' box, select 'granted', 'denied', or 'modified'. • In the 'level 2 response' section, record your finding, and save the data. • Email the grievance coordinator to inform him that you have completed your review.
Grievance Coordinator	10	<p>In the CIS, 'grievance detail' screen:</p> <ul style="list-style-type: none"> • Open the grievance, and select the 'level 2' radio button. • Enter the 'sent to offender' date. • Print two (2) copies of the grievance. • Forward a copy to the offender (see section 7 of this SOP); and • File the other copy. <p><u>Note:</u> Ensure that the 'sent to offender' date is the actual date the grievance is forwarded to the offender in accordance with section 7.</p> <p><u>Note:</u> As a reminder to step 2, when the grievance was completed by the non-supervising district, the non-supervising district's grievance coordinator shall email the supervising district's grievance coordinator that the grievance is completed. The supervising district's grievance coordinator shall then print from the CIS a copy of the grievance and file it with the <i>Grievance and Appeal Form</i> that has the original signature. Both forms shall be filed in a locked filing cabinet in the district manager's office and maintained in accordance with section 8 of this SOP.</p>

For further assistance with CIS, see your designated CIS super user.

5. Procedures for Filing an Appeal

If the offender is not satisfied with the review authority's response to the grievance (see section 4), the offender may file an appeal using the following process steps:

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Process Steps: Appeal

Functional Roles and Responsibilities	Step	Tasks CIS steps are in bold
Offender	1	<p>Within seven (7) days of the post-marked envelope date or the grievance being hand-delivered to you:</p> <ul style="list-style-type: none"> • Complete a new appendix B, <i>Grievance and Appeal Form</i>. (Ensure the ‘appeal’ box at the top of the form is checked and not the ‘grievance’ box. Explain why the grievance findings should be changed.) • Attach a copy of the grievance response to the new <i>Grievance and Appeal Form</i> and submit them to your supervising district’s grievance coordinator. <p><u>Note:</u> If the grievance was mailed to you, do not discard the envelope because it may be used as evidence to determine when you reasonably should have received a copy of the grievance.</p>
Grievance Coordinator	2	<p><u>Note:</u> If the original grievance was completed by a non-supervising district, the supervising district’s grievance coordinator shall fax <u>or</u> scan and email the new <i>Grievance and Appeal Form</i> (to include the grievance attachment) to the non-supervising district’s grievance coordinator for processing and entry into the CIS. The supervising district’s grievance coordinator shall maintain in a pending file, the form that has the original signature.</p> <p><u>Note:</u> For ‘grievance’ tab navigation and data entry, see the CIS user guide, CCD Grievance Tab Instructions.</p> <p>In the CIS, ‘grievance detail’ screen:</p> <ul style="list-style-type: none"> • Open the grievance, and select the ‘level 3’ radio button. • Enter the ‘received offender appeal’ date. • Type verbatim the offender’s written <u>appeal</u> statement exactly as it appears on the <u>new</u> <i>Grievance and Appeal Form</i>. • Enter the ‘forwarded to level 3’ date. • Enter the appellate authority’s user ID in the ‘level 3 appellate’ box. • Click the ‘due back from level 3’ box. (CIS will auto-fill with a date that is 14 days from the ‘forwarded to level 3’ date.) • Save the data, and email the appellate authority to inform him that the appeal is ready for review.

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Functional Roles and Responsibilities	Step	Tasks CIS steps are in bold
Appellate Authority (See Section 6)	3	<p>Within 14 days of receiving notification from the grievance coordinator review:</p> <ul style="list-style-type: none"> • The appeal; • The level one responder's grievance response; • The review authority's grievance finding; and as needed, • Any applicable rules, policies, directives, SOPs, etc.
		<p><u>Note:</u> If steps 3 and 4 cannot be completed within 14 days, notify the grievance coordinator. The grievance coordinator will send a notification of the delay to the offender.</p>
Appellate Authority	4	<p>In the CIS, locate the 'grievance' tab, and enter information into the 'grievance detail' screen.</p> <ul style="list-style-type: none"> • Open the grievance, and select the 'level 3' radio button. • Enter the 'returned from level 3' date. • In the 'final grievance disposition' box, select 'granted', 'denied', or 'modified'. • In the 'level 3 response' section, record your finding. • Select your name from the 'appellate authority' drop-down box, and save the data. • Email the grievance coordinator to inform him that you have completed your review.
Grievance Coordinator	5	<p>In the CIS, 'grievance detail' screen:</p> <ul style="list-style-type: none"> • Open the grievance, and select the 'level 3' radio button. • Enter the 'sent to offender' date. • Print two (2) copies of the grievance/appeal. • Forward a copy to the offender (see section 7 of this SOP), and file the other copy.
		<p><u>Note:</u> Ensure that the 'sent to offender' date is the actual date the grievance is forwarded to the offender in accordance with section 7.</p> <p><u>Note:</u> As a reminder to step 2, <u>when the grievance or appeal was completed by the non-supervising district</u>, the non-supervising district's grievance coordinator shall email the supervising district's grievance coordinator that the appeal is completed. The supervising district's grievance coordinator shall then print from the CIS a copy of the grievance/appeal and file it with the <i>Grievance and Appeal Form</i> that has the original signature. Both forms shall be filed in a locked filing cabinet in the district manager's office and maintained in accordance with section 8 of this SOP.</p>

For further assistance with CIS, see your designated CIS super user.

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6. Review and Appellate Authorities

The grievance process has two (2) decision-making authorities: review authority and appellate authority.

- **Review authority** – The section supervisor or district manager who supervises the probation and parole staff member that the grievance is against. The review authority shall forward to the deputy chief of the Probation and Parole Bureau those grievances that are beyond his control or the district manager's authority.
- **Appellate authority** – The district manager, deputy chief of the Probation and Parole Bureau, chief of the Operations Division, or director of the IDOC (as appropriate). The appellate authority shall be the next person in the review authority's chain of command.

Note: The review and/or appellate authority shall notify the IDOC's Office of Professional Standards of any issues that may require an assessment or administrative investigation. (See SOP [150.01.01.006](#), *Administrative Investigations*.)

Decision Options

Review and appellate authorities have three (3) options when reviewing a grievance or appeal: Grant, deny, or modify.

Grant – It is determined that a change or correction is warranted and that the offender's suggested solution shall be accepted.

Deny – It is determined that a change or correction is not warranted and that the offender's suggested solution shall not be accepted.

Modify – It is determined that a change or correction is warranted but the offender's suggested solution shall not be accepted.

Note: A modified response could include staff training, even if the issue cannot be changed or corrected.

7. Notifying Offenders of Grievance and Appeal Decisions

Completed, written grievance and appeal decisions shall be mailed to the offender in a sealed envelope **or** hand-delivered to him, folded and secured in a manner that affords confidentiality.

Note: It is vital that the date the grievance or appeal is mailed **or** hand-delivered to the offender matches the 'sent to offender' date that is in the CIS.

8. Retention Criteria

The grievance coordinator shall maintain hard copies of an offender's grievance and/or appeal for five (5) years and then destroy.

REFERENCES

Appendix A, *Grievance and Appeal Process Handout*

Appendix B, *Grievance and Appeal Form*

Appendix C, *Grievance Correction Transmittal Form*

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Grievance

[CCD Grievance Tab Instructions](#)

Standard Operating Procedure [150.01.01.006](#), *Administrative Investigations*

Standard Operating Procedure [701.04.02.020](#), *Use of the Idaho Response Matrix*

– End of Document –

IDAHO DEPARTMENT OF CORRECTION Grievance and Appeal Process Handout

What if I have a concern while on probation or parole?

Sometimes issues or concerns arise while on supervision, but the first step in avoiding issues or concerns is to know and follow the rules. The Idaho Department of Correction (IDOC) uses policies, directives, and standard operating procedures (SOPs) to establish expectations for both staff and offenders. The second step in avoiding issues or concerns is to talk to your supervising probation and parole officer (PPO). Your PPO can provide access to IDOC policies, directives, and SOPs; review your court order or parole agreement with you; and answer any questions that you have. If the PPO cannot answer your question, he will refer you to someone who can.

The following is a summary of the grievance and appeal process, but to learn more just ask a staff member for access to SOP 316.04.01.001, *Grievance and Appeal Procedure for Offenders: Probation and Parole*.

Attempt to Solve the Issue Informally

Offenders must avoid filing a grievance for problems that should be resolved informally. Overloading the grievance system slows the process and reduces probation and parole staff members' ability to properly address the issue being grieved.

Make a good-faith and respectful attempt to discuss the issue or concern with the probation and parole staff member who made the decision, took the action, etc. If you do not feel comfortable discussing the issue or concern with the probation and parole staff member, you may ask to discuss the issue with a section supervisor, district manager, or higher level of authority (as appropriate and necessary). If the problem cannot be solved, you may file a grievance.

File a Grievance

Within 30 days of your attempt to solve the issue informally, complete a *Grievance and Appeal Form* in accordance with SOP 316.04.01.001. The *Grievance and Appeal Form* is a dual purpose form, so it is imperative that you check the "I am filing a grievance" box.

If you do not feel that the grievance process resolved the issue, you may file an appeal.

File an Appeal

The grievance decision will be mailed **or** hand-delivered to you, folded and secured in a manner that affords confidentiality. Within seven (7) days of the post-marked envelope date **or** the grievance being hand-delivered to you, complete and submit a new *Grievance and Appeal Form* in accordance with SOP 316.04.01.001. (If the grievance decision is mailed to you, do not discard the envelope because it may be used as evidence to determine when you reasonably should have received a copy of the grievance.) The *Grievance and Appeal Form* is a dual purpose form, so it is imperative that you check the "I am filing an appeal" box, and write the related grievance number on the form.

If you do not feel that the appeal process resolved the issue, you may file a complaint with the district court that has jurisdiction. If you elect to file a complaint against the IDOC, it shall be your responsibility to obtain the correct forms from the court, complete them, and submit them to the court. IDOC staff will not assist you in any way with the filing of the complaint.

IDAHO DEPARTMENT OF CORRECTION
Grievance Correction Transmittal Form

District: _____

Date: _____

To: _____
(Offender's Name)

IDOC Number: _____

From: _____
(Grievance Coordinator)

The attached form is being returned without action being taken because:

- You did not attempt to resolve the issue informally.
- You have three (3) grievances in the system, which is the maximum number you are allowed.
- You have raised more than one issue.
- The grievance does not contain specific information such as dates, places, and names.
- Your description of the problem is not written or typed within the appropriate area on the form.
- The form is difficult to read and/or understand. Make it legible and resubmit.
- Attachments are not permitted.
- You did not file the grievance within the established time limit.
- You did not suggest a solution.
- You did not sign the form.
- You cannot grieve an intermediate sanction. See your probation and parole officer.
- You cannot grieve the length of your sentence, a court decision, or Idaho Commission of Pardons and Parole decision. Resolve the issue with the court or Commission of Pardons and Parole.
- You cannot grieve a previously grieved issue. I've determined that this issue was previously grieved under grievance number: _____.
- You cannot grieve an outside problem. This issue is beyond the Idaho Department of Correction's (IDOC's) control in the following way: _____

- Other (approved by the review or appellate authority): _____

