

Idaho Department of Correction 	Standard Operating Procedure Division of Prisons Offender Management	Control Number: 316.02.01.001	Version: 4.0	Page Number: 1 of 19
		Title: Grievance and Informal Resolution Procedure for Offenders		Adopted: 9-1-1995

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Open to the public: Yes

BOARD OF CORRECTION IDAPA RULE NUMBER

None

POLICY CONTROL NUMBER 316

Grievance Process: Offender

DEFINITIONS

Standardized Terms and Definitions List

Contract Medical Provider: A private company or other entity that is under contract with the Idaho Department of Correction (IDOC) to provide comprehensive medical, dental, and/or mental health services to the IDOC's incarcerated offender population.

Facility Health Authority: The contract medical provider employee who is primarily responsible for overseeing the delivery of medical services in an Idaho Department of Correction (IDOC) facility.

Health Authority: The Idaho Department of Correction (IDOC) employee who is primarily responsible for overseeing or managing the IDOC's medical services. The health authority is commonly referred to as the health services director.

Medical Contract Regional Manager: The contract medical provider employee who is responsible for overseeing contract medical provider operations in Idaho Department of Correction (IDOC) facilities.

PURPOSE

The purpose of this standard operating procedure (SOP) is to increase the safety and security of Idaho Department of Correction (IDOC) correctional facilities by providing offenders a process to voice complaints about policies, division directives, SOPs, field memorandums, conditions of confinement, employee actions, actions of other offenders, healthcare, and other incidents occurring within the jurisdiction of the IDOC unless otherwise noted in this SOP.

Control Number: 316.02.01.001	Version: 4.0	Title: Grievance and Informal Resolution Procedure for Offenders	Page Number: 2 of 19
---	------------------------	---	--------------------------------

SCOPE

This SOP applies to all IDOC correctional facilities (inclusive of community work centers [CWCs]), assigned staff, and offenders.

Note: Offender concerns and grievances directed to the deputy attorney generals (DAGs) do not fall within the scope of this SOP. See section 5 for further details.

RESPONSIBILITY

Facility heads (or designees) are responsible for:

- Implementing this SOP;
- Creating field memorandums (if necessary) to describe facility-specific processes that are not described in this SOP;
- Ensuring staff members practice the requirements contained herein; and
- Appointing a staff member to serve as the facility’s grievance coordinator.

Table of Contents

1. Grievance and Informal Resolution Process Overview 3
Staff Responsibilities..... 3

2. Notifying Offenders of Grievance and Informal Resolution Procedures..... 4

3. Non-grievable Issues and Exceptions..... 4
Issues that Cannot be Grievated 4
Sentence 4
Parole 4
Previously Grievated Issues..... 4
Outside Problems 4
Disciplinary..... 5

4. Grievance Categories..... 5

5. Offender Concern Forms and Grievance/Appeal Forms 6
Offender Concern Forms..... 7
Offender Responsibilities 7
Grievance/Appeal Forms..... 8

6. Protections against Reprisal or Retaliation..... 9

7. Procedure for Filing an Offender Grievance 10
Table 7-1: Filing Grievances for Issues Involving the Current Housing Facility 10
Table 7-2: Filing Grievances for Issues Involving the Previous Housing Facility 14

8. Procedure for Filing an Offender Appeal..... 15
Table 8-1: Filing an Appeal for Issues Involving the Current Housing Facility 15

Control Number: 316.02.01.001	Version: 4.0	Title: Grievance and Informal Resolution Procedure for Offenders	Page Number: 3 of 19
---	------------------------	---	--------------------------------

Table 8-2: Filing appeals for Issues Involving the Previous Housing Facility..... 17

9. Review and Appellate Authorities.....	18
<i>For Prison and CWC Issues.....</i>	<i>18</i>
<i>For Healthcare or Contract Medical Provider Issues.....</i>	<i>18</i>
10. Review and Appellate Authority Options: Grant, Modify, or Deny.....	18
11. Documentation.....	19
12. Filing Lawsuits against the IDOC.....	19
REFERENCES.....	19

GENERAL REQUIREMENTS

1. Grievance and Informal Resolution Process Overview

An effective grievance and informal resolution process gives offenders the ability to voice concerns; help IDOC staff increase adherence to policy and procedure; and aid in the discovery of unworkable, impractical, or inconsistent practices.

The grievance and informal resolution process has three (3) components:

- Concerns (Using appendix A, *Offender Concern Form*)
- Grievances (Using appendix B, *Grievance/Appeal Form*)
- Appeals (Using appendix B, *Grievance/Appeal Form*)

The grievance and informal resolution process begins with the offender making an attempt to discuss with a staff member a problem or action that affects either the offender **or** the offender population as a whole. If unable to resolve the issue, the offender may then submit an *Offender Concern Form*. If the problem cannot be solved by submitting an *Offender Concern Form*, the offender can then submit a grievance using the *Grievance/Appeal Form*. (Also see section 12.)

Staff Responsibilities

Staff members should try to solve problems with offenders at the lowest, appropriate level.

When staff members recognize that a problem exists, but it is beyond the scope of their authority, they should work through their chain of command to achieve a solution.

A staff member should respond to an *Offender Concern Form* within seven (7) days of the 'collected/received' date indicated on the form. If a staff member does not respond within seven (7) days, the offender can elect to submit another *Offender Concern Form* to another staff member **or** use the grievance process (see the subsection below 'Grievance/Appeal Forms' **and** section 7). If the offender decides to use the grievance process, he must write 'no response' in the 'staff section' of the offender's copy (pink) of the form **and** attach it to the Grievance/Appeal Form.

Note: The responding staff member shall sign, provide his associate ID number, and date the *Offender Concern Form*.

Control Number: 316.02.01.001	Version: 4.0	Title: Grievance and Informal Resolution Procedure for Offenders	Page Number: 4 of 19
---	------------------------	---	--------------------------------

2. Notifying Offenders of Grievance and Informal Resolution Procedures

Facility heads will ensure that this SOP is readily available to all offenders housed in their facility.

Within 10 days after arriving at an IDOC Reception and Diagnostic Unit (RDU), each offender will receive both written (appendix C, *Grievance and Informal Resolution Process for Offenders Offender Handout*) and verbal instructions regarding the grievance procedure, including a question and answer period. Appropriate provisions will be made for those speaking other languages and for the disabled or those requiring special accommodations. Any provision or accommodation will be based upon the specific needs or limitation of the offender on a case-by-case basis. All provisions or accommodations will be documented in the offender management system.

If staff learns that an offender is having difficulty understanding the informal resolution and grievance process, the offender should be given a copy of the *Grievance and Informal Resolution Process for Offenders Offender Handout*. If the offender is illiterate, a staff member can explain the procedures, read, or have the *Grievance and Informal Resolution Process for Offenders Offender Handout* read to the offender.

3. Non-grievable Issues and Exceptions

Issues that Cannot be Grieved

This list provides a description of issues that cannot be grieved in accordance with this SOP.

Sentence

The length of an offender's sentence is determined by the court and is not within the IDOC's control.

Exception: An offender may use the grievance and informal resolution process (see section 1) to resolve issues with how the IDOC calculated the sentence.

Parole

To resolve parole issues, the offender must contact the Idaho Commission of Pardons and Parole.

Previously Grieved Issues

After an issue has been reviewed at the appellate level and all administrative review process remedies exhausted, a new *Offender Concern Form* (appendix A) **or** *Grievance/Appeal Form* (appendix B) that addresses the same issue will be rejected. This includes any issue that is written so that it appears to be a new issue.

Exceptions:

- When a specific issue was not addressed in a previous grievance even though the issue was based on the same incident;
- When a policy, SOP, field memorandum, or other process or procedure has changed since the last grievance was filed regarding that same issue; and
- When time has elapsed that might affect the issue (e.g., one year has passed since a grievance regarding a reclassification issue was filed).

Outside Problems

Problems that are beyond the IDOC's control.

Control Number: 316.02.01.001	Version: 4.0	Title: Grievance and Informal Resolution Procedure for Offenders	Page Number: 5 of 19
---	------------------------	---	--------------------------------

Disciplinary

Offenders cannot submit a *Grievance* for issues specific to the offender disciplinary system such as behavioral interventions and/or sanctions, infraction reports, disciplinary offense reports (DORs), actions, and hearing officer, review authority, and appellate authority decisions. Further information can be found in SOP [318.02.01.001](#), *Disciplinary Procedures for Inmates*.

Exceptions:

Issues related to a disciplinary action that are not specific to the appeal process may be grieved. See the following examples.

Example #1 –Written or verbal warnings documented in the **Corrections Integrated System (CIS)**.

Example #2 – An offender claims his placement resulted in a fight for which he received a DOR. An appeal to the DOR itself, the offender must use the DOR appeal process. The offender could file a grievance regarding placement.

Example #3 – An offender can use the grievance process to address classification issues arising because of custody affected by DOR points.

4. Grievance Categories

The following table provides a list of grievance categories and descriptions. The categories are used for administrative tracking purposes and are not for determining inclusion or exclusion criteria.

Note: Staff shall use their best judgment to categorize the grievance in accordance with the following table.

Grievance Category	Grievance Description
Access to Courts	Anything related to access to court issues.
Administration	Any administrative decision or action that is not covered in another category. For example, a sentencing calculation made by IDOC staff.
Classification	Any issue related to classification.
Commissary	Any issue related to commissary items or purchases.
Complaints Against Staff	Any complaint regarding an employee's action or behavior.
Conditions of Confinement	<ul style="list-style-type: none"> • Issues related to confinement such as access to dayroom, recreation, and library. • Issues related to physical plant such as temperature, lighting, and ventilation. • Issues related to supplies such as toilet paper, soap, and indigent items.
Education	Any issue related to education.
Food	Any issue related to food or food service.
Institutional Job Assignments	Any issue related to an institutional job, including pay.
Laundry	Any issue related to laundry service, bedding, State of Idaho-issued clothing, etc.

Control Number: 316.02.01.001	Version: 4.0	Title: Grievance and Informal Resolution Procedure for Offenders	Page Number: 6 of 19
---	------------------------	---	--------------------------------

Grievance Category	Grievance Description
Mail	Any issue related to incoming or outgoing mail.
Medical/Healthcare	Any issue related to healthcare.
	Note: If a grievance related to a healthcare issue is filed, the facility grievance coordinator must assign the grievance to an appropriate contract medical provider staff member (e.g., facility health authority, physician, or nurse).
Offender Trust Account	Any issue related to the offender's trust account to include processing, purchasing, and errors.
Policy or SOP	Any issue related to or addressing a specific written guidance such as a policy, SOP, division directive, or field memorandum.
Prison Rape Elimination Act (PREA)	Any issue related to PREA.
	Note: In accordance with SOP 325.02.01.001 , <i>Prison Rape Elimination</i> , the grievance coordinator will immediately notify the shift commander and facility PREA coordinator.
Programs	Any issue related to programs or treatment that is not a complaint against staff.
Property	Any issue related to personal property.
Religion	<ul style="list-style-type: none"> Any issue related to the access or practice of a religion. Any issue related to religious property.
	Note: If a grievance related to religion is filed, facility staff must first determine if the issue raised has been addressed by the facility's Religious Activities Oversight Committee (RAOC). If the facility RAOC did address the issue, the facility RAOC's response must be used to answer the grievance. If the facility RAOC did not address the issue, the facility must contact the facility volunteer and religion coordinator (VRC) for further instruction. In most cases, the facility will forward the grievance to the facility RAOC if the issue was not previously addressed with the facility RAOC.
Security	Any issue related to a security practice such as the use of restraints or transports for movement, counts, searches, etc. that is not a complaint against staff.
Telephones	Any issue related to offender telephones, including billing and/or charges.
Visiting	Any issue related to visiting rules, applications, or schedules.
Vocational Work Projects	Any issue related to vocational work projects that is not a complaint against staff or a payment issue.

5. Offender Concern Forms and Grievance/Appeal Forms

Each facility will provide a lockbox for offenders to place offender grievance/appeal forms and concern forms considered confidential).

Note: Lockboxes in facilities with restrictive housing units must be identified in field memorandum and may include mobile lockboxes and lockboxes near recreation areas, showers, etc.

Control Number: 316.02.01.001	Version: 4.0	Title: Grievance and Informal Resolution Procedure for Offenders	Page Number: 7 of 19
---	------------------------	---	--------------------------------

The *Offender Concern Form* (appendix A) **and** *Grievance/Appeal Form* (appendix B) must be completed by the offender in his own handwriting. However, if the offender is unable to write the concern or grievance due to illiteracy (i.e., the offender cannot read or write English) **or** due to a physical disability (e.g., the offender is unable to use his writing hand or arm for noted healthcare reasons), he shall be allowed to have another offender write the concern or grievance for him. In addition, if the facility grievance coordinator receives a concern or grievance form that is not legible or understandable **and** has attempted to correct the error with the offender, the facility head may assign another offender (such as an offender who has an education or administration institutional job) to write the concern or grievance for the submitting offender, using the submitting offender's own words.

Offenders must also refrain from using concern and grievance forms to harass or intimidate a staff member. If the language used in a concern or grievance form could constitute harassment or intimidation, the concern or grievance form will be returned unanswered to the offender along with a note indicating that the form can be resubmitted if written respectfully and/or appropriately. When a concern or grievance form is returned for any of these stated reasons, the return itself shall not constitute the offender using a 'no response' action as described in the below subsections to begin the grievance process.

Note: The DAGs who represent the IDOC are not a part of the offender concern or grievance process, and offenders must not be allowed to submit an *Offender Concern Form* **or** a *Grievance/Appeal Form* to the DAGs. Staff may (a) return the form to the offender citing the appropriate person to address the form to, or (b) forward the form to the appropriate person for a response.

Offender Concern Forms

The *Offender Concern Form* (appendix A) will be a half (½) sheet printed on three (3)-part 'no carbon required' (NCR) paper using the following colors:

- **White** — This is the original and must be filed (see section 11).
- **Pink** — This copy is returned to the offender after a staff member signs it. It is the offender's proof that the staff member took receipt of the form.
- **Yellow** — This copy contains the responding staff member's response, signature, associate ID number, date, **and** is returned to the offender.

Note: NCR paper or carbonless copy paper is used to make a copy of the original document by handwriting on the top document.

Offender Responsibilities

Offenders are responsible to address their concern forms to the appropriate staff member and to use the concern/grievance system in a responsible manner.

A description of the problem must be written within the appropriate area on one *Offender Concern Form* **and** there must not be any attachments included with the form. Offender concern forms must be handwritten and legible. An *Offender Concern Form* that is difficult to read or understand may be returned to the offender with instruction to make it legible or clearly explain the issue. If staff decides it is necessary to obtain more information, a staff member may interview the offender **or** request additional explanation.

Control Number: 316.02.01.001	Version: 4.0	Title: Grievance and Informal Resolution Procedure for Offenders	Page Number: 8 of 19
---	------------------------	---	--------------------------------

Vague issues/complaints, offender personal attacks on staff (e.g., the use of profanity or name-calling), or harassment of staff will be cause for staff to not accept the *Offender Concern Form*. (Also, see the main section 5.)

Offenders must address the *Offender Concern Form* to the appropriate staff member. For example, sending the form to a facility head **or** deputy warden when it should have gone to the property officer will only delay the process.

If the issue is not confidential to the offender, the offender must deliver the *Offender Concern Form* to the unit officer. The unit officer shall acknowledge receipt of the form by signing and dating the form. The unit officer shall then give the offender the pink copy of the form.

If the issue is confidential to the offender, the issue can be reported directly to the facility head by sealing the *Offender Concern Form* in an envelope **and** placing the envelope in the designated lockbox. The offender must place his name **and** living unit information in the upper left-hand corner of the envelope.

Note: If the facility head determines the issue is not confidential, he may (a) return the *Offender Concern Form* to the offender citing the appropriate person to address the form to, or (b) forward the form to the appropriate person for a response.

Note: If the issue pertains to PREA, additional reporting options can be found in SOP 325.02.01.001, *Prison Rape Elimination*.

Note: Because offenders may only submit one *Offender Concern Form* (concerning a specific issue) to one staff member at a time, if the offender addresses the form to the incorrect staff member and the staff member directs the offender to address the form to another appropriate staff member, the offender shall be allowed to resubmit the form and not have it considered a duplicate or multiple submission.

Grievance/Appeal Forms

All offenders can use the grievance process regardless of their classification or housing status.

Offenders must avoid using grievances for problems that should be resolved informally (see section 1). Overloading the grievance system slows the process and reduces staff members' ability to consider the problems being grieved. To ensure that all offenders have timely access to the grievance process and that the grievance system is not overwhelmed and grievances can be processed within allotted timeframes, the following guidelines must be followed, or the [Grievance/Appeal Form](#) (appendix B) will not be accepted.

Note: The deputy chief of the Prisons Bureau, chief of the Operations Division, or director of the IDOC may waive any of these guidelines and order that the grievance be accepted and processed.

- Grievances must be submitted within 30 days of the incident, **and** appeals must be submitted within 14 days of the review authority's decision. The review authority may extend the 30-day time limit, and the appellant authority may extend the 14-day time limit.
- For grievances, the offender must include a copy of the processed offender concern forms (appendix A, yellow copy) that shows the responding staff

Control Number: 316.02.01.001	Version: 4.0	Title: Grievance and Informal Resolution Procedure for Offenders	Page Number: 9 of 19
---	------------------------	---	--------------------------------

member's response. If staff did not respond within the allotted time (see the subsection above 'Offender Concern Forms'), the offender must write 'no response' in the staff section of his pink copy of the form **and** attach it to the *Grievance/Appeal Form*.

- The offender must not have more than three (3) open/active grievances (including appeals) in the system at any time. For the purpose of this SOP only, 'open' means awaiting a response from the review or appellate authority. Facility heads can waive the three (3) open/active grievance limit when, in the facility head's opinion, delaying the grievance will make it difficult to resolve the issue. In addition, the review authority may extend the three (3) open/active grievance limit if the limit itself will prevent the offender from filing a grievance within the allotted timeframes described in this section.
- The offender must not raise more than one specific issue per grievance, **and** the grievance must be limited to one page of the *Grievance/Appeal Form* (i.e., multiple pages of the form will not be accepted).
- Grievance/appeal forms must be handwritten and legible. A *Grievance/Appeal Form* that is difficult to read **or** understand may be returned to the offender with instruction to make it legible **or** clearly explain the issue. As applicable, the grievance and/or appeal must (a) contain a reasonable and clear description of the problem **and** (b) contain specific information such as dates, places, and names. The description of the problem must be (a) written within the appropriate area of the *Grievance/Appeal Form*, **and** (b) civil, concise, understandable, and to the point. Vague issues/complaints, offender personal attacks on staff (e.g., the use of profanity or name-calling), or harassment of staff will be cause for staff to not accept the grievance. (Also see the main section 5.) If staff decides it is necessary to obtain more information, a staff member may interview the offender **or** request additional written explanation.
- The offender must suggest a solution to the issue.
- The offender submitting the *Grievance/Appeal Form* must sign the form.

Note: Offender grievances shall be treated as confidential and only those staff members who have a need to know may view them.

Returning a Grievance/Appeal Form to an Offender

Grievance coordinators may return grievances that do not meet the above guidelines; however, grievance coordinators must consult with the review **or** appellate authority anytime there is a question regarding the rejection of a grievance. (See process steps in section 7 or section 8, as applicable.)

Note: Grievance responses should be returned to the offender in a sealed envelope or folded and secured.

6. Protections Against Reprisal or Retaliation

Staff members are prohibited from reprisal or retaliation against any offender who discusses an issue with staff, submits an *Offender Concern Form* (appendix A) **or** *Grievance/Appeal Form* (appendix B), **or** participates in the grievance process. An offender can submit a concern or grievance form (as applicable) against any staff member who uses reprisal or

Control Number: 316.02.01.001	Version: 4.0	Title: Grievance and Informal Resolution Procedure for Offenders	Page Number: 10 of 19
---	------------------------	---	---------------------------------

retaliation against him. However, if an investigation or staff observation (that is independent of the filed concern or grievance) determines that the offender violated IDOC rules, the offender can be held accountable in accordance with SOP 318.02.01.001, *Disciplinary Procedures: Offender*.

7. Procedure for Filing an Offender Grievance

Occasionally, because of the nature of the decision, it may not be necessary for a grievance to have three (3) levels of response (responding staff member, review authority, and appellate authority). For example, if the decision was solely that of the facility head (appellate authority) then the facility head may elect to respond without the grievance receiving a 'level 1' (responding staff member) or 'level 2' (review authority) response.

Table 7-1: Filing Grievances for Issues Involving the Current Housing Facility

Functional Roles and Responsibilities	Step	Tasks CIS steps are in bold
Offender	1	If informal problem solving is unsuccessful, ensure that all of the requirements described in section 5 of this SOP are met, <u>and</u> within 30 days of the incident, do the following: <ul style="list-style-type: none"> Obtain appendix B, <i>Grievance/Appeal Form</i>, check the box next to 'grievance', <u>and</u> complete only the top section of the form. Do not complete the bottom 'appeal' section of the form. Attach all offender concern forms that were used in an attempt to resolve the issue <u>and</u> supporting documentation such as copies of property inventories. (Refer to section 5 for additional details.) After completing the <i>Grievance/Appeal Form</i>, place it in the lockbox the facility has designated for grievances, appeals, etc.
		<u>Note:</u> The review authority may agree to extend the deadline when there is proof that you have made a reasonable, ongoing attempt to resolve the issue.
Designated Staff	2	Collect the grievance/appeal forms from the lockbox <u>and</u> submit them to grievance coordinator.
		<u>Note:</u> The forms should be collected (at a minimum) Monday through Friday, except for State of Idaho-observed holidays.
Grievance Coordinator	3	<u>Note:</u> Steps 3 through 8 must be completed within five (5) business days of receiving the completed <i>Grievance/Appeal Form</i> .
		In the Corrections Integrated System (CIS), locate the 'grievance detail' screen, and make selections from the 'category' and 'grievance location' drop-down boxes.

Control Number: 316.02.01.001	Version: 4.0	Title: Grievance and Informal Resolution Procedure for Offenders	Page Number: 11 of 19
---	------------------------	---	---------------------------------

Functional Roles and Responsibilities	Step	Tasks CIS steps are in bold
Grievance Coordinator	4	<p>Determine if the <i>Grievance/Appeal Form</i> is completed correctly (see section 3, section 4, and section 5 of this SOP).</p> <ul style="list-style-type: none"> If the form is not completed correctly, proceed to step 5. If the form is completed correctly <u>or</u> after a previously incomplete form is corrected, proceed to step 6.
Grievance Coordinator	5	<p>If the <i>Grievance/Appeal Form</i> is not completed correctly, do the following:</p> <ul style="list-style-type: none"> In the CIS, 'grievance detail' screen, locate the 'comments' field; note that the grievance was returned to the offender <u>and</u> state the reason why as indicated on appendix D, <i>Grievance Transmittal Form</i>; and from the 'grievance status' drop-down box, select 'returned w/o action'. Forward the completed <i>Grievance Transmittal Form</i> <u>and</u> return the <i>Grievance/Appeal Form</i> to the offender. <p>Note: The process ends here until the <i>Grievance/Appeal Form</i> is properly completed.</p>
Grievance Coordinator	6	<p>If the <i>Grievance/Appeal Form</i> is completed correctly <u>or</u> after a previously incomplete form is corrected, do the following:</p> <ul style="list-style-type: none"> In the CIS, 'grievance detail' screen, type the offender's written statements in the appropriate fields. From the 'grievance status' drop-down box, select 'pending'. <p>Note: The offender's statement must be typed verbatim. You are not allowed to correct spelling, grammar, word choice, or punctuation. However, to make the statement easier to read, correct upper and lower case as appropriate.</p>

Control Number: 316.02.01.001	Version: 4.0	Title: Grievance and Informal Resolution Procedure for Offenders	Page Number: 12 of 19
---	------------------------	---	---------------------------------

Functional Roles and Responsibilities	Step	Tasks CIS steps are in bold
Grievance Coordinator	7	In the CIS, 'grievance detail' screen, select the appropriate response level radio button, and complete all applicable fields.
		<p><u>Note:</u> Assign the grievance to a staff member that is most capable of responding to and, if appropriate, resolving the issue (which could be the offender's previous housing facility). Examples: visiting issues go to visiting supervisor, property issues go to property supervisor, food service issues go to food service supervisor. You should discuss the assignment with the review authority as needed.</p> <p><u>Note:</u> Grievances involving healthcare issues must be assigned to the appropriate contract medical provider staff member (e.g., facility health authority, physician, or nurse).</p>
Grievance Coordinator	8	Attach a portable document format (PDF) version of the grievance to an email, <u>and</u> send the email to the staff member assigned to respond to the grievance (notifying him of the assignment).
Assigned Staff Member	9	<u>Note:</u> Within 14 days of being notified of the assignment, complete step 9. If step 9 cannot be completed within the time limit, notify the grievance coordinator so that another staff member can be assigned (if appropriate) <u>and</u> a delay notification slip (see appendix E) can be sent to the offender.
		<ul style="list-style-type: none"> Review the issue described in the PDF version of the grievance, <u>and</u> determine whether policies, SOPs, division directives, field memorandums, and best correctional practices were followed. Reply to the grievance coordinator's email by including a clear and professional response to the PDF version of the grievance.
		<u>Note:</u> The response must be in a format that will allow the grievance coordinator to copy and paste your comments into the CIS.

Control Number: 316.02.01.001	Version: 4.0	Title: Grievance and Informal Resolution Procedure for Offenders	Page Number: 13 of 19
---	------------------------	---	---------------------------------

Functional Roles and Responsibilities	Step	Tasks CIS steps are in bold
Grievance Coordinator	10	<p>Within three (3) working days of receiving the staff member's response:</p> <ul style="list-style-type: none"> • Copy and paste the staff member's response into the CIS, 'grievance detail' screen in the appropriate field. • Select the appropriate response level radio button, and complete all applicable fields. • If appropriate, notify (via email) the review authority of the grievance assignment.
		<p>Note: The staff member's response shall be copied and pasted as written. You are not allowed to correct spelling, grammar, word choice, or punctuation. However, to make the statement easier to read, correct upper and lower case as appropriate.</p> <p>Note: Placing the cursor in the 'returned from' and 'sent to' fields will auto-fill those fields with a date. Ensure the correct dates are reflected.</p> <p>Note: Based on the information provided at the beginning of section 7 of this SOP, it may be appropriate for step 11 to be performed by someone other than the deputy warden or second-in-command. See section 9 of this SOP.</p>
Review Authority (See section 9 of this SOP)	11	<p><u>Note:</u> If step 11 cannot be completed within the time limit, notify the grievance coordinator so that a delay notification slip (see appendix E) can be sent to the offender.</p> <p>Within 16 days of receiving the staff member's response:</p> <ul style="list-style-type: none"> • Enter the CIS and review the grievance, the staff response and, as needed, any applicable rules, policies, SOPs, etc. • Select the appropriate response level radio button, and complete all applicable fields. (See section 10 for decision options.) • Notify (via email) the grievance coordinator that your review has been completed.

Control Number: 316.02.01.001	Version: 4.0	Title: Grievance and Informal Resolution Procedure for Offenders	Page Number: 14 of 19
---	------------------------	---	---------------------------------

Functional Roles and Responsibilities	Step	Tasks CIS steps are in bold
Grievance Coordinator	12	<p>In the CIS, 'grievance detail' screen:</p> <ul style="list-style-type: none"> • Select the appropriate response level radio button, and complete all applicable fields. (Also see section 5 of this SOP to ensure all requirements have been met.) • Print two (2) copies of the grievance, and forward one copy of the printed grievance and the offender's original <i>Grievance/Appeal Form</i> and attachments to the offender; and • File one copy of the printed grievance and copies of the offender's original <i>Grievance/Appeal Form</i> and attachments in the facility administration area. (See section 11 of this SOP.)
		<p>Note: Placing the cursor in the 'returned from' and 'sent to' fields will auto-fill those fields with a date. Ensure the correct dates are reflected.</p>

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

Table 7-2: Filing Grievances for Issues Involving the Previous Housing Facility

Functional Roles and Responsibilities	Step	Tasks
Offender	1	Complete step 1 as described in table 7-1.
Grievance Coordinator (at the offender's current housing facility)	2	Complete steps 3 through 7 as described in table 7-1.
Grievance Coordinator (at the offender's previous housing facility)	3	Complete step 8 as described in table 7-1.
Assigned Staff Member (at the offender's previous housing facility)	4	Complete step 9 as described in table 7-1.
Grievance Coordinator (at the offender's previous housing facility)	5	Complete step 10 as described in table 7-1.

Control Number: 316.02.01.001	Version: 4.0	Title: Grievance and Informal Resolution Procedure for Offenders	Page Number: 15 of 19
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Functional Roles and Responsibilities	Step	Tasks
Review Authority (at the offender's previous housing facility) (See section 9 of this SOP)	6	<ul style="list-style-type: none"> Complete step 11 as described in table 7-1; and Notify (via email) your facility's grievance coordinator that your review has been completed.
Grievance Coordinator (at the offender's previous housing facility)	7	Notify (via email) the grievance coordinator at the offender's current housing facility that the review authority's review has been completed.
Grievance Coordinator (at the offender's current housing facility)	8	Complete step 12 as described in table 7-1.

8. Procedure for Filing an Offender Appeal

If the offender is not satisfied with the review authority's grievance decision, the offender may appeal the decision using the following process steps.

Table 8-1: Filing an Appeal for Issues Involving the Current Housing Facility

Functional Roles and Responsibilities	Step	Tasks CIS steps are in bold
Offender	1	If you are not satisfied with the review authority's decision, ensure that all of the requirements described in section 5 of this SOP are met, <u>and</u> within 14 days of the review authority's decision, do the following: <ul style="list-style-type: none"> Using the previously submitted <i>Grievance/Appeal Form</i>, check the box next to 'appeal', <u>and</u> complete the remaining bottom section of the form. After completing the bottom section of the previously submitted <i>Grievance/Appeal Form</i>, place it in the lockbox the facility has designated for grievances, appeals, etc.
		<u>Note:</u> The appellate authority may agree to extend the deadline for unforeseen circumstances that prevent you from filing within the 14-day time limit.
Designated Staff	2	Collect the grievance/appeal forms from the lockbox <u>and</u> submit them to grievance coordinator.
		<u>Note:</u> The forms should be collected (at a minimum) Monday through Friday, except for State of Idaho-observed holidays.

Control Number: 316.02.01.001	Version: 4.0	Title: Grievance and Informal Resolution Procedure for Offenders	Page Number: 16 of 19
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Functional Roles and Responsibilities	Step	Tasks CIS steps are in bold
Grievance Coordinator	3	<p>Note: Step 3 must be completed within five (5) business days of receiving the completed <i>Grievance/Appeal Form</i>.</p>
		<ul style="list-style-type: none"> • In the Corrections Integrated System (CIS), locate the 'grievance detail' screen, <u>and</u> select the appropriate response level radio button. • From the 'grievance status' drop-down box, select 'pending'. • Type the offender's written statement in the appropriate field, <u>and</u> complete all other applicable fields. • If appropriate, notify (via email) the appellate authority of the appeal assignment.
		<p>Note: The offender's statement must be typed verbatim. You are not allowed to correct spelling, grammar, word choice, or punctuation. However, to make the statement easier to read, correct upper and lower case as appropriate.</p> <p>Note: Placing the cursor in the 'returned from' and 'sent to' fields will auto-fill those fields with a date. Ensure the correct dates are reflected.</p> <p>Note: Appeals involving healthcare issues must be assigned to the health authority.</p>
Appellate Authority (See section 9 of this SOP)	4	<p>Note: If step 4 cannot be completed within the time limit, notify the grievance coordinator so that a delay notification slip (see appendix E) can be sent to the offender.</p> <p>Within 16 days of receiving the review authority's response:</p> <ul style="list-style-type: none"> • Enter the CIS <u>and</u> review the grievance, the staff response <u>and</u>, as needed, any applicable rules, policies, SOPs, etc. • Select the appropriate response level radio button, <u>and</u> complete all applicable fields. (See section 10 for decision options.) • Notify (via email) the grievance coordinator that your review has been completed.

Control Number: 316.02.01.001	Version: 4.0	Title: Grievance and Informal Resolution Procedure for Offenders	Page Number: 17 of 19
---	------------------------	---	---------------------------------

Functional Roles and Responsibilities	Step	Tasks CIS steps are in bold
Grievance Coordinator	5	<p>In the CIS, 'grievance detail' screen:</p> <ul style="list-style-type: none"> • Select the appropriate response level radio button, and complete all applicable fields. (Also see section 5 of this SOP to ensure all requirements have been met.) • Print two (2) copies of the grievance, and forward one copy of the printed grievance and the offender's original <i>Grievance/Appeal Form</i> to the offender; and • File one copy of the printed grievance <u>and</u> a copy of the offender's original <i>Grievance/Appeal Form</i> (the form that has the bottom section completed) in the facility administration area. (See section 11 of this SOP.)
		<p>Note: Placing the cursor in the 'returned from' and 'sent to' fields will auto-fill those fields with a date. Ensure the correct dates are reflected.</p>

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

Table 8-2: Filing appeals for Issues Involving the Previous Housing Facility

Functional Roles and Responsibilities	Step	Tasks
Offender	1	Complete step 1 as described in table 8-1.
Grievance Coordinator (at the offender's current housing facility)	2	<ul style="list-style-type: none"> • Complete step 3 as described in table 8-1; and • Notify the grievance coordinator at the offender's previous housing facility.
Grievance Coordinator (at the offender's previous housing facility)	3	Ensure the appellate authority at your facility is aware of the pending appeal.
Appellate Authority (at the offender's previous housing facility) (See section 9 of this SOP)	4	<ul style="list-style-type: none"> • Complete step 4 as described in table 8-1; and • Notify (via email) your facility's grievance coordinator that your review has been completed.
Grievance Coordinator (at the offender's previous housing facility)	5	Notify (via email) the grievance coordinator at the offender's current housing facility that the review authority's review has been completed.

Control Number: 316.02.01.001	Version: 4.0	Title: Grievance and Informal Resolution Procedure for Offenders	Page Number: 18 of 19
---	------------------------	---	---------------------------------

Functional Roles and Responsibilities	Step	Tasks
Grievance Coordinator (at the offender's current housing facility)	6	Complete step 5 as described in table 8-1.

9. Review and Appellate Authorities

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

For Prison and CWC Issues

Review Authority: The deputy warden **or**, in facilities without a deputy warden, the second-in-command.

Appellate Authority: The facility head.

Note: The review **or** appellate authority will forward grievances that are beyond his control to a deputy chief of the Prisons Bureau. In addition, the review **or** appellate authority will notify the IDOC Office of Professional Standards of any issue that could result in OPS' involvement (e.g., staff misconduct).

For Healthcare or Contract Medical Provider Issues

Review Authority: The contract medical provider's healthcare services administrator (HAS).

Appellate Authority: The health authority.

Note: When the **review authority** or **appellate authority** makes his grievance decision, he must return the grievance and attachments (if any) to the facility grievance coordinator. The review authority or appellate authority must also forward a copy of the grievance and any pertinent documents (summaries, healthcare records, etc.) to the health authority.

10. Review and Appellate Authority Options: Grant, Modify, or Deny

Review and appellate authorities have three (3) options: grant, modify, or deny.

Grant: The review **or** appellate authority (as applicable) determined that a change or correction is needed and that the offender's suggested solution is being approved or granted.

Modify: The review **or** appellate authority (as applicable) determined that a change or correction is warranted but that the offender's solution will not work. A modified response could include such things as staff training, even if the issue cannot be corrected.

Deny: The review **or** appellate authority (as applicable) determined that no change is justified.

Control Number: 316.02.01.001	Version: 4.0	Title: Grievance and Informal Resolution Procedure for Offenders	Page Number: 19 of 19
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11. Documentation

The grievance coordinator will enter grievance information into the Corrections Integrated System (CIS).

The grievance coordinator will maintain hard copies of grievances for five (5) years, as identified in facility field memorandum.

12. Filing Lawsuits against the IDOC

In most cases, the grievance process must be exhausted before an offender can file a lawsuit against the IDOC. Therefore, offenders cannot be disciplined for using the grievance/concern process or for the content contained therein (see section 6.)

REFERENCES

Appendix A, *Offender Concern Form*

Appendix B, [Grievance and Appeal Form](#)

Appendix C, Grievance and Informal Resolution Process for Offenders Offender Handout

Appendix D, Grievance Transmittal Form

Appendix E, *Delay Notification Form*

Standard Operating Procedure [318.02.01.001](#), *Disciplinary Procedures for Inmates*

Standard Operating Procedure [325.02.01.001](#), *Prison Rape Elimination*

Standards for Adult Correctional Institutions, Fourth Edition, Standard 4-4284

– End of Document –

**IDAHO DEPARTMENT OF CORRECTION
Inmate Concern Form**

Inmate Name: _____ IDOC Number: _____

Institution, Housing Unit, & Cell: _____ Date: _____

To: _____

(Address to appropriate staff: Person most directly responsible for this issue or concern)

Issue/Concern: _____

(Description of the issue must be written only on the lines provided above.)

Inmate signature: _____

Staff Section

(Signature of Staff Member Acknowledging Receipt) / Associate ID #

Collected/Received: _____
(Date collected or received)

Reply: _____

Responding Staff Signature: _____ Associate ID #: _____ Date: _____

Pink copy to inmate (after receiving staff's signature),
Original and Yellow copy to responding staff (after completing the reply, yellow copy returned to inmate)

This is an exact model and must be produced on three (3)-part NCR paper.

IDAHO DEPARTMENT OF CORRECTION
Grievance and Informal Resolution Process for Inmates - Inmate Handout



What if I have a problem while incarcerated?

Sometimes problems happen. If you have a problem, take the following steps.

Know the Rules

The first step is to know and follow the rules. Read standard operating procedure (SOP) 316.02.01.001, *Grievance and Informal Resolution Procedure for Inmates*. Just ask a staff member for the SOP on the grievance procedures for inmates.

In addition, the Idaho Department of Correction (IDOC) uses policies, directives, and standard operating procedures to manage inmates and staff. For now, let's just call them all rules. You can read most of the rules that affect you.

Talk to Staff

Second, talk to staff. Staff can show you the rules, answer your question, or tell you who can answer your question.

Write an Inmate Concern Form

Write your problem on an *Inmate Concern Form* and address it to the proper staff member. For example, send a property question to the property officer. Do not send multiple concern forms to different people because doing so only slows the process for everyone. Deliver the concern form to the unit officer. The unit officer will acknowledge receipt of the form by signing and dating the form. The unit officer will then give you the pink copy of the form. Keep the pink copy. (If the issue is confidential to you, you may place the concern form in a designated lockbox in accordance with the SOP 316.02.01.001.)

A staff member should respond within seven (7) days of the 'collected/received' date indicated on the form. If you think the response is wrong **or** if there is no response within the seven (7) day time limit, you can file a grievance.

File a Grievance

Grievances must be filed within 30 days of the incident. To file a grievance, fill out the top section of the *Grievance/Appeal Form*, and attach the *Inmate Concern Form* that has the staff response. If you didn't get a response write 'no response' on the pink copy of the concern form that you were given when you filed it, and attach it to the grievance form. Put the forms in the designated lockbox.

File an Appeal

If you think the answer on the grievance is wrong, you can file an appeal. After you get the *Grievance/Appeal Form* back with an answer, you must file the appeal within 14 days of the review authority's decision. Write on the bottom section of the *Grievance/Appeal Form* (the one you were given when you filed it) why you think the answer is wrong. Put the form in the designated lockbox. This is the last step in the problem-solving process.

IDAHO DEPARTMENT OF CORRECTION
Grievance Transmittal Form

Facility: _____

Date: _____

To: Inmate Name: _____

IDOC Number: _____

Institution, Housing Unit, & Cell: _____

From: _____ Grievance Coordinator Other

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

- You did not submit the grievance within 30 days of the incident.
- You did not submit the appeal within 14 days of the review authority's decision.
- The form is not handwritten (it cannot be typed).
- The form is not legible.
- You did not include with the grievance an answered or signed *Inmate Concern Form(s)* that shows your attempts to resolve the issue informally with applicable staff.
- You have three (3) open/active grievances (including appeals) in the system, which is the maximum number you are allowed.
- You have raised more than one specific issue.
- The grievance does not contain a reasonable and clear description of the problem.
- The grievance does not describe how you tried to resolve the issue informally.
- The grievance does not contain specific information such as dates, places, and names.
- Your description of the problem is not written in or within the appropriate area on the form. (Written comments must not exceed the space designated for writing comments.)
- The grievance is not written in a civil, concise, or understandable language; or it is not to the point. (Grievances cannot contain vague issues/complaints, personal attacks, or harass staff members.)
- You did not suggest a solution.
- You did not sign the form.
- You cannot submit your appeal until the grievance decision is rendered.
- The issue was previously grieved under grievance number: _____.
- The issue/complaint is not grievable as indicated in standard operating procedure 316.02.01.001, *Grievance and Informal Resolution Procedures for Inmates*, and must be addressed as follows: _____

- You cannot grieve the length of your sentence or a decision that is under the jurisdiction of the court or Idaho Commission of Pardons and Parole.
- This problem is beyond the Idaho Department of Correction's (IDOC's) control.
- Other (must be approved by the review or appellate authority): _____

IDAHO DEPARTMENT OF CORRECTION
Delay Notification Slips

Note: Print and cut this form into three (3) Delay Notification Slips.

Delay Notification Slip

To: _____ No: _____ Housing Assignment _____

From: _____ Date: _____

Grievance Grievance Appeal DOR Appeal

Has been received and logged as #_____. The response will be delayed because of the following:

Staff away from institution (vacation/sick/training, etc.)

Staff Shortage or grievance/appeal backlog

Issue requires further investigation

Other: _____

Delay Notification Slip

To: _____ No: _____ Housing Assignment _____

From: _____ Date: _____

Grievance Grievance Appeal DOR Appeal

Has been received and logged as #_____. The response will be delayed because of the following:

Staff away from institution (vacation/sick/training, etc.)

Staff Shortage or grievance/appeal backlog

Issue requires further investigation

Other: _____

Delay Notification Slip

To: _____ No: _____ Housing Assignment _____

From: _____ Date: _____

Grievance Grievance Appeal DOR Appeal

Has been received and logged as #_____. The response will be delayed because of the following:

Staff away from institution (vacation/sick/training, etc.)

Staff Shortage or grievance/appeal backlog

Issue requires further investigation

Other: _____

Appendix E

316.02.01.001

(Appendix last updated 2/14/12)