


STATE OF IOWA DEPARTMENT OF CORRECTIONS POLICY AND PROCEDURES		Policy Number IO-OR-06	Applicability <input checked="" type="checkbox"/> IDOC <input type="checkbox"/> CBC
		Policy Code 3	Iowa Code Reference N/A
Chapter 3 INSTITUTIONAL OPERATIONS	Sub Chapter OFFENDER RIGHTS	Related DOC Policies IO-RD-01	Administrative Code Reference N/A
Subject OFFENDER GRIEVANCE PROCEDURES		ACA Standards 4-4492 4-4284 4-4082 4-4344	Responsibility Larry Brimeyer Dan Craig
		Effective Date April 2006	Authority 

I. PURPOSE

To describe the grievance procedures that will be available to offenders confined in Iowa Department of Corrections (IDOC) institutions.

II. POLICY

It is the policy of the IDOC to provide to offenders confined in its institutions an internal grievance mechanism for the resolution of complaints arising from institutional matters, so as to reduce the need for litigation and afford staff the opportunity to improve institutional operations. Offenders are required to use this process in a responsible manner.

III. DEFINITIONS – As used in this document:

- A. Alternate Designee - Appointed by the Warden/Superintendent to process grievances involving the Grievance Officer or appealing authority. An alternate designee shall assume the responsibilities of the Grievance Officer in his/her absence.
- B. Grievance - A formal, written complaint, utilizing the established procedures filed by an offender.

- C. Grievance Officer - An impartial authority appointed by the Warden/Superintendent, whose responsibilities shall include: numbering each grievance, determining the process to be used, issuing a receipt of the grievance, investigating, providing initial response, and maintaining records. Grievance Officers shall be knowledgeable of investigative techniques and conflict resolution as well as institution and IDOC policies.
- D. Grievance Committee - An AD HOC Committee appointed by the Warden/Superintendent to consider special, unique, or unusual issues.
- E. Grievant - Offender filing the complaint.
- F. Informal Resolution - A genuine attempt by the grievant, with the assistance of their counselor, living unit manager, or administrative staff, to correct the perceived problem.
- G. Grievance Appeal Coordinator - The person responsible for reviewing grievances at the third step for the IDOC.
- H. Grievance Process Used:
 - 1. Non-grievable.
 - 2. Standard: Complaints, which are not an emergency.
 - 3. Emergency: Appears to be a substantial risk of physical injury or other serious and irreparable harm if regular time limits are followed.
 - 4. Other: (Incomplete forms, no informal resolution attempt, previously grieved, insufficient information, etc.).
- I. Non-grievable complaint:
 - 1. Policies/procedures, which have formal appeal mechanisms. (Parole Board, disciplinary process, classification decisions, work release decisions, publications review, visiting decisions, religious issues, etc.)
 - 2. Untimely pursuant to policy.
- J. Resolution - The decision to either deny, sustain or partially sustain an offender's suggestion, as to how his problem can be corrected. When an offender withdraws a complaint, no further action shall be taken.

1. Types of Resolution include:
 - a. Sustain- The offender's request is granted.
 - b. Partially sustained - A portion of the offender's request is granted.
 - c. Deny- The offender's request is refused.
 - d. Withdrawn- The offender has dismissed his complaint and no action is required.
 - e. Issues that have been previously grieved and a decision has been rendered may not be grieved again unless new, substantial information requires additional review. This shall be a decision of the Grievance Officer.

K. See Policy **AD-GA-16** for additional Definitions.

IV. PROCEDURES

A. General

1. Offenders, regardless of physical condition, security, or administrative status, shall follow this process to file grievances. Assistance shall be made available to offenders who cannot complete the forms themselves. Counselors shall initiate the required assistance. **(4-4284: There is a written offender grievance procedure that is made available to all offenders and that includes at least one level of appeal.)** Offenders may grieve policies, conditions, health care treatment, employees, and other offenders within the institution that affect them personally. Grievances must be filed with the Grievance Officer within 30 days of the alleged incidents.
2. Offenders or employees who appear to be involved in a complaint shall not participate in any capacity of the formal resolution process. If a complaint is filed against the Grievance Officer or appealing authority, the Alternate Designee shall respond to the complaint. The Warden/ Superintendent may appoint an Alternate Designee to serve as Grievance Officer when necessary.
3. The grievance process is confidential. Offenders are permitted to send sealed mail/letters to the Grievance Officer or appealing authority. Mail/letters must be marked as "confidential" by the sender. Staff may

search confidential mail/letter for contraband in the presence of the offender before the mail/letter is sealed. (Refer to OP-MTV-01, title.) Copies of grievance documents shall be released only upon authorization of the Warden/Superintendent or designee. **(4-4492: Written policy, procedure, and practice specify that inmates are permitted to send sealed letters to a specified class of persons and organizations, including but not limited to the following: courts; counsel; officials of the confining authority; state and local chief executive officers; administrators of grievance systems; and members of the paroling authority. Staff, in the presence of the inmate, may be allowed to inspect outgoing privileged mail for contraband before it is sealed. Mail to inmates from this specified class of persons and organizations may be opened only to inspect for contraband and only in the presence of the inmate, unless waived in writing.)**

4. Offenders are expected to use the grievance resolution procedure in good faith. Deliberate misuse, malicious, or frivolous use of the procedure may result in limitations or restrictions. Appropriate disciplinary action may be taken for repeated abuse or improper use of Offender Grievance Procedures.
5. Upon recommendation by the Grievance Officer and approval of the Warden/ Superintendent, the number of grievances that an offender or offenders can file may be limited. The Warden/Superintendent shall review these cases monthly, and the limit shall be lifted when there is no further cause. (Form F-6)
6. Offenders may, at any time, seek assistance to their problems through the Office of Citizen's Aide Ombudsman.
7. New employee training shall include written and oral instructions in the grievance resolution procedure. **(4-4082: Written policy, procedure, and practice provide that all new full-time employees must complete a formalized 40-hour orientation program before undertaking their assignments. At a minimum, the orientation program should include instruction in the following: the purpose, goals, policies, and procedures for the facility and parent agency; security and contraband regulations; key control; appropriate conduct with offenders; responsibilities and rights of employees; universal precautions; occupational exposure, personal protective**

equipment; bio-hazardous waste disposal; and an overview of the correctional field.)

8. Offender admission procedures shall include written and oral instructions in the grievance resolution procedure. **(4-4344: Upon arrival at the facility, all offenders are informed about how to access health services and the grievance system. This information is communicated orally and in writing, and is conveyed in a language that is easily understood by the offender.)**
9. Grievances shall be filed under a unified and confidential system to be kept separate from the offender's master file. At a minimum, these records must include: complaint form, investigation, initial Grievance Officer response or Committee's response, and appeal responses. These records shall be kept for five years.
10. This policy will be posted and accessible to offenders.

B. Process

1. Offenders must attempt to resolve the grievance informally prior to filing a written grievance. Where additional informal resolutions are available, the offender may be required to seek further informal resolution before filing the grievance.
2. Offender Grievance Complaint (Form F-1) and Grievant Appeal (Form F-4) must be used. Forms are available in living units, libraries, or through the Grievance Officer. Only one issue may be grieved per form.
3. Within seven days of receipt, the Grievance Officer will:
 - a. Number each grievance (including incomplete and non-grievable)
 - b. Determine the process to be used (standard, emergency, non-grievable, other)
 - c. Notify the offender in writing of:
 - 1) Receipt of each grievance (Form F-2)

- 2) Process to be used (standard, emergency, non-grievable, other)
 - a) If an emergency is declared by the grievant, but not determined to be as such by the Grievance Officer, the denial shall be explained in writing.
 - b) If the Grievance Officer determines upon initial review that an emergency grievance exists, the grievance shall be investigated immediately and corrective action, if indicated, shall be initiated.
 - c) If the Grievance Officer determines that a grievance is not grievable, written notice shall be sent to the grievant stating the reasons (Form F-2).
 - d) If the Grievance Officer determines that the offender did not attempt informal resolution or the form is incomplete, the grievance shall be returned to the offender to be completed properly and resubmitted.

4. Within 21 days, the Grievance Officer shall provide a written response (Form F-3) and a recommendation based upon the grievance investigation.
5. If a response cannot be given within 21 days, the offender shall be notified, in writing, that the investigation is continuing and an extension will be given.
6. If more than one offender files a grievance concerning the application of general institution policies, practices, health care treatment, or conditions, the Grievance Officer may process these grievances as a group, therefore, providing the same response to each grievant.

C. Grievance Committee

1. If a grievance concerns the application of general institution policies, practices, or conditions, the Grievance Officer may refer the grievance to a hearing before a Grievance Committee, which will respond within seven days.

2. If a grievance is heard by a Grievance Committee, the offender shall be notified in writing and given seven days to submit comments of other offenders, other evidence, or affidavits. The Committee may limit comments, evidence, or affidavits to a point at which a decision can be reached.
3. When a Grievance Committee hears a grievance, the Committee will determine the manner in which testimony will be given. Testimony may include the grievant's personal appearance, written comments or other offenders, and other evidence or affidavits.

D. Appeals

1. The grievant must appeal the decision within the stated time limits of the policy. Offender appeals received after the policy time limit expires will not be heard and the prior decision will be upheld.
2. The grievant may appeal the initial response of the Grievance Officer or Committee in writing (Form F-4) and the appeal must be received by the Warden/Superintendent within 15 days of the date of the Grievance Officer's response. **(4-4284: There is a written offender grievance procedure that is made available to all offenders and that includes at least one level of appeal.)**
3. The Warden/Superintendent or designee shall respond in writing (Form F-3) to the appeal within 15 days of receipt. The appeal response shall include the reasons for the decision.
4. The grievant may appeal the Warden's/Superintendent's response in writing (Form F-4) and the appeal must be received by the Grievance Appeal Coordinator within 15 days of the date of the Warden's/Superintendent's response (Form F-4). Correspondence with any officials outside the institution shall be at the offender's expense.
5. The Grievance Appeal Coordinator shall ensure response to appeals (Form F-5) from the appropriate source within 30 days of receipt. The appeal response shall include reasons for the decision. This is the final appeal step.
6. Expiration of a time limit at any step entitles the grievant to move to the next step unless a written extension has been given.

7. The maximum period between receipt of a grievance and the final appeal response will not exceed 103 days unless extensions have been given.