

# **grievance procedure**

## **for action against Prison Staff or Facility Manager**

AKDOC Policy 808.03

### **Against Prison Staff Members**

**Step 1:** Within 30 days of the incident or learning of the incident, **you must file a written** Prisoner Grievance Form (Form 808.03C) & include up to two pages of narrative.

**Step 2:** If a staff violation of Policy 202.01 is alleged, **the Facility Standards Officer should record and forward the grievance to the Facility Manager.** Within 15 days, the Facility Manager should: 1) Investigate and provide a written decision to you through the Facility Standards Officer OR 2) Promptly return the grievance for informal resolution.

If you get no response within 15 working days, it is considered denied.

If you get a timely response (after 15 days), it is accepted. If you get a late response, it is accepted.

### **Against Facility Manager (Superintendent/ Warden)**

**Step 1:** Try to resolve the issue informally with the Facility Manager. Then submit a completed Prisoner Grievance Form (Form 808.03C) & include up to two pages of narrative. Submit through the Facility Standards Officer.

**Step 2:** The Facility Standards Officer should forward the grievance to the Director of Institutions for investigation or assign it to an impartial investigator. If assigned to an investigator, the recommendation (Form 808.03C, Pt. II) is due to the Director of Institutions within 10 days.

**Step 3:** Within five days of the Director receiving the Investigator's findings, the Director will issue a written decision, sent to you through the Facility Standards Officer. **You may appeal this decision.**

**Step 4:** Within 20 days of receiving your appeal, the Standards Administrator will issue a determination to you directly. It is final and unappealable.

#### **HOW TO APPEAL**

You may appeal within two working days of receiving the decision. File (Form 808.03D) with the Facility Standards Officer. Only address the initial grievance. Place the completed Prisoner Grievance Appeal in the appropriate locked box.

#### **HOW TO APPEAL**

Within 20 days of receiving the Director's decision in Step 3 above, write a letter of no more than two pages long. Send the letter in a sealed envelope to the Standards Administrator.

**IMPORTANT:** You should attempt to complete all steps before you file a lawsuit for most issues. Failing to complete any of these steps may result in your lawsuit being dismissed for failure to exhaust your administrative remedies.

## Sample Language

**Review the sample language below to get an idea of how to write your own grievance.** A good grievance is one that specifies why you are making the request and states exactly what you want. We have provided a good example and a bad example of two common situations.

### **Religious harassment situation**

- Bad example: *"I want the COs to stop harassing me for my religion."*
- Good example: *"On March 18, 2018, CO Smith and CO Jones called me derogatory names and took my Qur'an away from me. This is impeding my ability to practice my religion. I want to receive my Qur'an back and be protected from harassment from these officers."*

## **Emergency grievance**

**What is an emergency?** An emergency involves issues that threaten life or facility security or may cause harm to an individual.

**If your issue is an emergency:** You should file a written Prisoner Grievance Form (Form 808.03C) or verbally notify the Facility Standards Officer, the Facility Manager, or their designee (e.g., the Shift Supervisor during nights, weekends, and holidays).

**If the issue is deemed an emergency,** the facility shall investigate and resolve the emergency grievance the same day or before the end of the shift. The facility should provide a written decision to the prisoner as soon as possible.

**If the issue is deemed not an emergency,** the Facility Manager will inform the Facility Standards Officer in writing of the decision. The Facility Standards Officer will then process your grievance as a Standard Grievance. You cannot appeal the Department's determination about whether the issue grieved is an emergency.

## **Standard grievance**

**Step 1:** First, try to informally resolve the issue as soon as possible after the action/incident. If verbal attempts fail, complete a Request for Interview Form (RFI) (Form 808.11A) and place it in the appropriate locked box.

**Step Two:** Wait 7 working days to receive a response. If you do not receive a response within this time or are unhappy with the response, file a written Prisoner Grievance Form (Form 808.03C). This must be completed within 30 days after the original incident, so do not delay. Fully complete page 1 on the form, and you may complete up to two more pages of narrative

If you received a response to the RFI (808.11A), attach this response to Form 808.03C. If you did not receive a response to your RFI, write on Form 808.03C that you tried to resolve informally via the RFI and did not receive a response. Place the grievance packet in the appropriate locked box.

You should receive a response to your grievance within 15 working days.

## **HOW TO APPEAL**

**If your grievance is denied or you do not receive a response, you can appeal.** Within two days of receiving a decision, or if 15 working days have passed since you submitted your grievance and you have not received a response, complete and file a Prisoner Grievance Appeal Statement (Form 808.03D) with the Facility Standards Officer. Place in the appropriate locked box.

**If your grievance appeal (Form 808.03D) is denied or you do not receive a response, you can seek final review.** If your appeal is denied or you do not receive a response within 15 working days, you can seek final review by writing a letter (not to exceed two pages) and sending it in a sealed envelope to the Standards Administrator. You should do this within 20 working days after receiving the decision about your grievance appeal, or the period for responding to your appeal is passed and you did not receive a response.

**IMPORTANT:** You should attempt to complete all steps before you file a lawsuit for most issues. Failing to complete any of these steps may result in your lawsuit being dismissed for failure to exhaust your administrative remedies.