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POLICY AND ADMINISTRATIVE PROCEDURE Manual of Policies and Procedures				

Title OFFENDER GRIEVANCE PROCESS
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Legal References (includes but is not limited to) IC 11-11-1-1	Related Policies/Procedures (includes but is not limited to) 02-04-101 02-01-101 01-04-101	Replaces: 00-02-301 (10-1-2017 / ED # 17-42)
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I. PURPOSE:

The purpose of this policy and administrative procedure is to provide a process where offenders committed to the Indiana Department of Correction may resolve concerns and complaints relating to their conditions of confinement.

II. POLICY STATEMENT:

The offender grievance process is to provide a mechanism for every offender to express complaints and topics of concern for the efficient and fair resolution of legitimate offender concerns and for facility and Department management to be better informed and better able to fulfill the Department's mission and goals. The offender grievance process is not intended to interfere with or replace existing channels of communication. Both staff and offenders are to attempt to resolve matters through open and courteous discussion before turning to the grievance process.

Staff are expected to provide a good faith effort toward the resolution of legitimate offender concerns.

III. DEFINITIONS:

For the purpose of this policy and administrative procedure, the following definitions are presented:

- A. **APPEAL:** A request for review of a facility-level response to a grievance by the Warden/designee (first level) or the Department Offender Grievance Manager (second level).

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- B. **BUSINESS DAY:** Monday through Friday, excluding weekends, State holidays, and declared facility emergencies.
- C. **DEPARTMENT:** The Indiana Department of Correction.
- D. **DEPARTMENT OFFENDER GRIEVANCE MANAGER:** The staff person in the Department's Central Office designated by the Commissioner as overseeing the offender grievance process and who is responsible for ensuring that second-level appeals are investigated and a response is made in the designated time frame.
- E. **DIRECT INVOLVEMENT:** Being the subject of the complaint or grievance at issue, being personally involved in the alleged conduct or incident at issue, or being a witness to the conduct or incident.
- F. **EMERGENCY GRIEVANCE:** The resolution of a grievance that, if subjected to the normal time limits, could cause the grievant substantial risk of personal injury or irreparable harm.
- G. **FRIVOLOUS / ABUSE / OR MULTIPLE GRIEVANCES:** The use of the offender grievance process in a manner other than in good faith, such as the filing of frivolous, repetitive, or retaliatory grievances. Repetitive grievances or multiple grievances occur when the same issue has been addressed and where sufficient time for a response has not elapsed or where a response has been provided.
- H. **GRIEVANCE:** A formal written complaint or concern submitted on State Form 45471 in compliance with this policy and administrative procedure, and logged by the Offender Grievance Specialist.
- I. **IDOC RECORDS MANAGEMENT SYSTEM (IRIS):** The electronic storage system used by the Department for the storing and maintenance of offender records.
- J. **OFFENDER GRIEVANCE SPECIALIST:** The staff person(s) designated by, and reporting directly to, the Warden/designee. The Offender Grievance Specialist oversees the operation of the offender grievance process at the facility and is responsible for receiving, reviewing, recording, assigning a case number, ensuring an investigation is conducted, and a proper response and resolution is made to each grievance.
- K. **PRISON RAPE ELIMINATION ACT (PREA):** The federal law establishing a standard of zero tolerance for incidents related to sexual abuse of offenders.

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- L. REMEDY: Any action taken in response to a complaint or concern, or to a grievance.
- M. REPRISAL: Any act or threat of action against anyone for the use of, or participation in, the offender grievance process.

IV. USE OF THE OFFENDER GRIEVANCE PROCESS:

The Department recognizes only one (1) grievance process. The grievance process described in this policy and administrative procedure is the only administrative remedy officially recognized by the Department for the resolution of offenders' grievable issues. The complete offender grievance process consists of the following steps:

1. A formal attempt to solve a problem or concern following unsuccessful attempts at informal resolutions;
 2. A written appeal to the Warden/designee; and,
 3. A written appeal to the Department Grievance Manager.
- A. Matters Appropriate to the Offender Grievance Process:
- Examples of issues which an offender may initiate the grievance process include, but are not limited to:
1. The substance and requirements of policies, procedures, and rules of the Department or facility (including, but not limited to, correspondence, staff treatment, medical or mental health, some visitation, and food service);
 2. The manner in which staff members interpret and apply the policies, procedures, and/or rules of the Department or of the facility.
 3. Actions of individual staff, contractors, or volunteers;
 4. Acts of reprisal for using the Offender Grievance Process;
 5. Any other concerns relating to conditions of care or supervision within the Department, or its contractors, except as noted in this policy and administrative procedure; and,
 6. Prison Rape Elimination Act (PREA).
- B. Matters Inappropriate to the Offender Grievance Process:

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Examples of non-grievable issues, but not limited to:

1. Federal, State, and local law;
2. Court actions and decisions, including pre-sentence investigation reports, pending charges, and jail time credit;
3. Indiana Parole Board Actions or Decisions;
4. Parole Agent recommendations to the Indiana Parole Board;
5. Classification actions or decisions, which include loss of a job, change in security level, facility transfers, and bed moves (a separate classification appeals process is in place for this purpose);
6. Disciplinary actions or decisions (a separate disciplinary appeal process is in place for this purpose);
7. Contents of grievance or appeal responses from the Warden / designee or the Department Offender Grievance Manager;
8. Complaints on behalf of other offenders, class action complaints, or third party individuals;
9. The denial of a sex offender's visits with minors based upon the results of the Department's case review (Review of this type of visiting restriction is found in Policy and Administrative Procedure 02-01-102, "Offender Visitation");
10. Any matter over which the Department has no control, such as the actions of persons outside the Department who are not operating under contract with the Department;
11. Decisions by Wardens to designate an offender as an abuser of the offender grievance process and, thereby, restrict the offender's access to the offender grievance process;
12. Tort Claims seeking monetary compensation; and,
13. Staff discipline, staff assignment, staff duties, and/or staff training.

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When an offender submits a grievance concerning a non-grievable issue, such as listed above, staff shall complete State Form 45475, "Return of Offender Grievance," retain copies on file according to record retention guidelines, return both (the documented grievance and return of offender grievance form) to the offender within two (2) business days, and scan into IRIS with copies to the offender packet.

C. Emergency Grievances:

An offender may submit an emergency grievance to the nearest staff member, who shall immediately submit the grievance to the Offender Grievance Specialist. The Offender Grievance Specialist shall immediately bring an emergency grievance to the attention of the Warden / designee for review and response within one (1) business day of recording the emergency grievance. The action on any emergency grievance may be appealed by the offender within one (1) business day of receiving the response. Upon the receipt of the appeal, the Offender Grievance Specialist shall notify, via email, the Department Offender Grievance Manager that the appeal has been submitted. The Department Offender Grievance Manager shall issue a final Department decision within five (5) business days of the offender filing the grievance. The initial response and final Department decision shall document the Department's determination whether the offender is in substantial risk of imminent danger and the action taken in response to the emergency grievance. The facility may discipline an offender for filing an emergency grievance in bad faith. The determination that a grievance is not an emergency may be appealed through the normal grievance procedures as directed in this policy and administrative procedure.

D. PREA Grievances:

When receiving an emergency grievance alleging an offender is a victim of an incident of sexual abuse, the receiving staff member shall immediately forward the grievance, or any portion of the grievance that alleges the substantial risk of imminent sexual abuse, to the Warden. The Warden shall take immediate corrective action. The Warden shall forward the emergency grievance to the Offender Grievance Specialist, who shall provide an initial response within forty-eight (48) hours of the offender filing the emergency grievance. The Warden shall also forward the emergency grievance to the Department's Offender Grievance Manager, who shall issue a final Department decision within five (5) calendar days to the offender who filed the grievance. The initial response and final Department decision shall document the Department's determination whether the offender is in substantial risk of imminent sexual abuse and the action taken in response to the emergency grievance. The facility may discipline an offender for filing a grievance related to alleged sexual abuse only where the facility demonstrates that the offender filed the grievance in bad faith. The determination that a grievance is not an emergency may be appealed through the normal grievance procedures as directed in this policy and administrative procedure.

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This subsection presents guidelines for the filing of grievances alleging that an offender is subject to a substantial risk of imminent sexual abuse, and removing the standard time limits on submission for a grievance regarding an allegation of sexual abuse. Standard time limits may apply to any portion of a grievance that does not allege an incident of sexual abuse. The Department shall not require an offender to use any informal grievance process, or to otherwise attempt to resolve with staff, an alleged incident of sexual abuse. Nothing in this subsection shall restrict the Department’s ability to defend against an offender lawsuit on the grounds that the applicable statute of limitations has expired.

An offender who alleges sexual abuse may submit a grievance without submitting it to a staff member who is the subject of the complaint at any time after the alleged incident. Sexual abuse as defined in Policy and Administrative Procedure 02-01-115, “Sexual Abuse Prevention,” consists of non-consensual sex acts, abusive sexual contact, and staff sexual misconduct. Such a grievance shall not be referred to a staff member who is the subject of the complaint. The Department shall issue a final decision on the merits of any portion of a grievance alleging sexual abuse within ninety (90) days of the initial filing of the grievance. Determination of the ninety (90) day time period shall not include time consumed by the offender in preparing any administrative appeal. The Department may claim an extension of time to respond, of up to seventy (70) days, if the normal time period for response is insufficient to make an appropriate decision. The Department shall notify the offender in writing of any such extension and provide a date by which a decision will be made.

At any level of the administrative process, including the final level, if the offender does not receive a response within the time allotted for response, including any proper extension, the offender may consider the absence of a response to be a denial at that level. Third parties, including other offenders, staff members, family members, attorneys, and outside advocates, shall be permitted to assist offenders in filing requests for administrative remedies relating to allegations of sexual abuse, and shall also be permitted to file such requests on behalf of offenders. If a third party files such a request on behalf of an offender, the facility may require, as a condition of processing the request, that the alleged victim agree to have the request filed on his/her behalf, and may also require the alleged victim to personally pursue any subsequent steps in the administrative remedy process. If the offender declines to have the request processed on their behalf, the Department shall document the offender’s decision.

V. USE OF OFFENDER GRIEVANCE PROCESS WITHOUT FEAR OF REPRISAL:

Reprisal against an offender for filing a grievance is strictly prohibited. The prohibited reprisal includes, but is not limited to, disciplinary action against the offender for filing a grievance.

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Any offender who believes that they has been the subject of reprisal/retaliation for using the offender grievance process may file a grievance explaining what action or threat of action has been taken against them as a direct result of using the offender grievance process. The Offender Grievance Specialist shall ensure that grievances related to reprisal/retaliation shall be thoroughly investigated and, if found to be accurate, appropriate action shall be taken against staff or offenders involved in the reprisal/retaliation.

An offender's restriction in the use of the offender grievance process for misuse or abuse of the process shall not be considered a reprisal for use of the offender grievance process and no grievance may be filed regarding this action.

VI. REMEDIES:

If a grievance is decided in favor of an offender, the Offender Grievance Specialist shall ensure that the appropriate remedy or resolution to the grievance is provided in a timely manner. The remedy may not directly benefit the offender and may not be the remedy the offender seeks. No grievance shall be rejected because an offender seeks an improper or unavailable remedy, except that a grievance shall be rejected if the offender seeks a remedy to a matter that is inappropriate to the offender grievance process.

The Department may, at its discretion, provide one or more of the following remedies:

- A. Provide or replace State-issued items that have been lost, stolen, or damaged through the negligence of staff;
- B. Review and/or revise Department or facility procedures or practices, if necessary;
- C. Correct Department records; or,
- D. Provide other remedies as deemed appropriate by the Warden.

VII. COMMUNICATION OF THE OFFENDER GRIEVANCE PROCESS:

Intake/receiving facilities shall include the offender grievance process in the Offender Admission and Orientation phase (A & O).

Upon an offender's entry into the Department and when transferred to receiving facilities during incarceration, each offender shall be advised of the offender grievance process during the offender admission and orientation (A & O). Staff shall ensure that each offender is made aware of the offender grievance process and how they may obtain access to a copy of this policy and administrative procedure. Each offender shall be provided with a copy, or provided access to a copy, of the Department's Offender Handbook which includes a section on the offender grievance process.

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The Warden/designee shall ensure that the offender grievance process is explained to offenders whose primary language is other than English, or has a visual, hearing, or mental impairment. There shall be mechanisms in place to ensure that the offender grievance process is understood by all offenders.

VIII. INVOLVEMENT OF STAFF IN THE OFFENDER GRIEVANCE PROCESS:

A. Participation of Person Involved in the Matter

Any staff person directly involved in the situation giving rise to an offender's complaint or grievance shall not participate in the investigation or resolution of the complaint or grievance other than to provide necessary information during the investigation. Direct involvement does not include routine administrative actions. If the Warden is directly involved in the current issue, the Warden shall appoint a designee to resolve the issue.

B. Assistance with Preparation of Grievance

In restrictive status housing units or other units where an offender does not have access to other offenders, the complaining offender may request that a staff person in the unit assist in the preparation of a grievance or an appeal. The complaining offender must sign the grievance or appeal and submit it personally. An offender cannot submit an offender grievance or appeal on behalf of another offender.

C. Warden/designee:

If the Warden has designated an individual to fulfill the duties listed in this policy and administrative procedure as Warden/designee duties, the designee and the Warden shall meet monthly to discuss issues relevant to the grievance process.

D. Health Services:

The Grievance Specialist shall inform the Health Services Administrator (HSA) and the Health Services Quality Assurance Manager of each medical grievance once it has been properly logged.

IX. OFFENDER ABUSE OF GRIEVANCE PROCESS:

Offenders shall not be allowed to abuse or misuse the offender grievance process by attempting to flood the process with excessive numbers of grievances or frivolous grievances. The determination as to whether an offender is attempting to abuse the process shall not be based solely

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on the quantity of grievances, but shall also include the types of grievances and the subject matter of the grievances. The grievances submitted to satisfy the order of a court shall not be included in documentation alleging abuse of the offender grievance process.

An offender who appears to be abusing the offender grievance process shall not be automatically referred to the Warden as an alleged abuser, but shall first be interviewed by the Offender Grievance Specialist to determine the rationale and need of the offender to file the amount and type of grievances currently under consideration. The Offender Grievance Specialist shall be the one interviewing the offender and shall document in a recommendation to the Warden that the offender has been interviewed and if they refuse to comply with the offender grievance process.

The Warden or designee shall determine whether the offender is an abuser of the offender grievance process and may place the following restrictions on the offender:

- A. First instance: No additional grievances filed for thirty (30) days.
- B. Second instance: No additional grievances filed for sixty (60) days.
- C. Third instance: No additional grievances filed for ninety (90) days.

Emergency, PREA, and court-remanded grievances shall not be restricted.

X. OFFENDER FILING A GRIEVANCE:

An offender wishing to submit a grievance shall submit a completed State Form 45471, "Offender Grievance," no later than ten (10) business days from the date of the incident giving rise to the complaint or concern to the Offender Grievance Specialist.

The Offender Grievance Specialist must either return an unacceptable form or provide a receipt for an accepted form within ten (10) business days of receipt. If an offender does not receive either a receipt or a rejected form from the Offender Grievance Specialist within ten (10) business days of submitting it, the offender shall notify the Offender Grievance Specialist of that fact (retaining a copy of the notice) and the Offender Grievance Specialist shall investigate the matter and respond to the offender's notification within ten (10) business days.

- A. Each completed State Form 45471, "Offender Grievance," must meet the following standards:
 - 1. Each part of the form shall be completed;
 - 2. It shall be written legibly;
 - 3. It shall avoid the use of legal terminology;
 - 4. It shall relate to only one event or issue;

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5. It shall be signed, dated, and submitted by an offender on their own behalf, although it can be written by another offender or staff member if the offender is unable to do so due to a physical impairment, language impairment, or other obstacle;
6. It shall explain how the situation or incident affects the offender; and,
7. The offender shall suggest appropriate relief or remedy.

B. Screening the Grievance:

The Offender Grievance Specialist shall review the grievance form within ten (10) business days of receiving it and shall either accept it and record it, or reject it. State Form 45475, "Return of Grievance," shall be used for this purpose. It shall be the responsibility of the offender to make the necessary revisions to the grievance form and to return the revised form to the Offender Grievance Specialist within five (5) business days from the date that it is returned to the offender.

The Offender Grievance Specialist may reject the grievance form and return it to the offender unfiled if any of the standards listed in subsection A are not met. In addition, the form may be returned to the offender if it was not submitted within the ten (10) business day time limit or it is grieving a matter inappropriate to the offender grievance process.

An offender may not grieve the procedure used in disciplinary proceedings or grieve a finding of guilt. However, the offender is not barred from filing a grievance about an event that is merely related to an event that is the subject of disciplinary proceedings. For example, an offender who has been found guilty of battery on staff would not necessarily be barred from filing a grievance that the staff member had treated him or his property improperly in the same course of events.

The Offender Grievance Specialist has the discretion to consider a grievance that does not conform to the rules if there is good cause for the violation. An example of good cause is an inability to comply for reasons outside of the offender's control.

C. Response to Grievance:

If the matter is not an emergency grievance, or a PREA grievance, the Offender Grievance Specialist has fifteen (15) business days from the date that the grievance is recorded to complete an investigation and provide a response to the offender, unless the time has been extended.

The Grievance Specialist shall use State Form 56892, "Record of Grievance Evidence," to track any physical evidence the offender requests, or the Grievance Specialist determines is necessary to investigate the alleged grievance. Evidence shall be stored and maintained

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in a designated, secure area with the Office of Investigations and Intelligence in accordance with Policy and Administrative Procedure 00-01-103, "Investigations and Intelligence." State Form 56892 may be used by the Grievance Specialist for the entire length of the grievance process.

Within one (1) business day of recording (subsection B) a completed State Form 45471, "Offender Grievance," the Offender Grievance Specialist shall submit State Form 45471 to the appropriate facility staff / supervisor for response, with a copy forwarded to the respective Quality Assurance Managers for medical grievances. Should a Grievance Specialist request additional evidence from the appropriate facility staff / supervisor, they may submit State Form 56892 with State Form 45471.

Within ten (10) business days of an offender's non-medical grievance, the facility staff / supervisor shall:

1. Investigate the grievance;
2. Prepare a written response to the offender's grievance. The written response shall include a summary of the findings, the decision, and its supporting rationale; and,
3. Forward the written response to the Offender Grievance Specialist.

Within ten (10) business days of an offender's medical grievance, the facility staff / supervisor (HSA or designee) shall:

1. Investigate the grievance;
2. Prepare a written response to the offender's medical grievance. The written response shall include a summary of the findings, the decision, and its supporting rationale;
3. Forward the written response to the respective Quality Assurance Manager for verification and approval; and,
4. If the written response is approved by the respective Quality Assurance Manager, forward the written response to the Offender Grievance Specialist.

If there is a delay in returning the response due to the need to further investigate the offender's concerns, the facility staff / supervisor must notify the Offender Grievance Specialist with a reason for the delay. The Offender Grievance Specialist must document the reason for the delay and, if requested by the staff / supervisor, an additional (5) business

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days may be allowed to complete the investigation. The Offender Grievance Specialist shall ensure the offender is notified within one (1) business day of being notified of the delay due to further investigation of the concerns in their grievance.

If the offender receives no grievance response within twenty (20) business days of the Offender Grievance Specialist's receipt of the grievance, the offender may appeal as though the grievance had been denied. If there is a delay in investigating the offender's grievance issues, the Offender Grievance Specialist may seek approval for a time extension with the request submitted to the Warden/designee, and with a responding email for file noting the approval/disapproval for the extension. The Offender Grievance Specialist shall notify the offender in writing of the number of days of the extension. In this event, the time to appeal begins on the twenty-first (21st) business day after the grievance was recorded or at the end of extension approved by the Warden/designee. This time frame may be waived and documented by the Offender Grievance Specialist if it is determined that there are valid reasons (i.e., but not limited to, Office of Investigations and Intelligence investigations) to do so.

XI. OFFENDER GRIEVANCE APPEALS:

Upon receipt of the grievance response from the Offender Grievance Specialist, the offender shall be responsible for reviewing the response and determining whether the response adequately addresses the matter in the grievance. The offender shall be permitted to appeal the response to the Warden/designee if the offender disagrees with the formal response at the institution level.

The right to appeal is absolute and the offender shall not be informed otherwise or asked to waive this right.

If the offender is dissatisfied with the grievance response, they may appeal the response by completing the appropriate sections of State Form 45473, "Grievance Appeal." The completed State Form 45473, and any additional information, shall be submitted to the Offender Grievance Specialist within five (5) business days after the date of the grievance response. The submission of State Form 45473 shall serve as notice that the offender wants to appeal to the Warden/designee's office.

Appeals must address the basic matter of the grievance. The appeal may contain additional facts or information regarding the original issue and may raise concerns regarding the response from the previous level, but it shall not raise new or unrelated issues. The offender must state why the previous response was unacceptable, thereby establishing a rationale for the appeal and the basis for a reinvestigation. The appeal must be legible, signed, and dated by the offender, unless the offender cannot sign the appeal and a staff member has indicated why the offender was not able to sign.

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Warden/designee responses to offender appeals shall be completed within ten (10) business days of receipt of the appeal. The Offender Grievance Specialist shall record the date they received the appeal, forwarded the appeal to the office of the Warden, and generate a receipt for the appeal and forward a copy to the offender.

If, after receipt of the appeal response, the offender is still dissatisfied, or no response is received within the time frame, they may appeal to the Department Offender Grievance Manager.

XII. DEPARTMENT OFFENDER GRIEVANCE MANAGER APPEALS:

If the offender wishes to appeal the Warden’s/designee’s appeal response, the offender shall check the “Disagree” box, sign, and submit the completed State Form 45473, “Offender Grievance Appeal,” and any additional, pertinent documentation to the Offender Grievance Specialist within five (5) business days of the Warden’s/designee’s appeal response.

The Offender Grievance Specialist shall scan and enter the completed State Form 45473 and any additional pertinent information received from the offender into the grievance database, within five (5) business days of receipt for the Department Offender Grievance Manager’s review.

The Department Offender Grievance Manager shall complete the investigation on a non-medical grievance appeal and submit a response to the appeal within ten (10) business days from the date of receipt, unless the Department Offender Grievance Manager notifies the offender and the facility housing the offender in writing within that ten (10) business day period that the appeal response will take additional time to complete.

The Department Offender Grievance Manager shall work in conjunction with the Chief Medical Officer or designee to investigate a medical grievance appeal and submit a response to the appeal within ten (10) business days from the date of receipt, unless the Department Offender Grievance Manager notifies the offender and the facility housing the offender in writing within that ten (10) business day period that the appeal response will take additional time to complete.

The Department Offender Grievance Manager may take one (1) extension of ten (10) additional business days to respond to the appeal. If no appeal response is received after the ten (10) business days, the appeal shall be considered as denied.

The decision of the Department Offender Grievance Manager shall be final. Once the response is completed, it shall be returned to the Offender Grievance Specialist electronically. It shall be the responsibility of the Offender Grievance Specialist to review the response, print a copy of the response, and ensure that the offender receives the response within five (5) business days from the

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date that the Offender Grievance Specialist receives the response from the Department Offender Grievance Manager.

XIII. TIME LIMIT EXTENSIONS:

A. For an offender:

An offender who does not follow the established time limits in this procedure may have their grievance or appeal denied for failure to comply to the time frames unless they are able to show good cause. If there are extenuating circumstances which caused the offender a delay in submitting the grievance form within the time frames, the offender must document and submit the reason for the delay on a separate piece of paper with signature and date, and include with the appropriate appeal form or make a request for the specific form to the Offender Grievance Specialist for review. The Warden/designee shall approve or deny such offender delay requests.

B. Extensions That Can Be Considered by the Warden/designee or the Department Offender Grievance Manager:

The Warden/designee or Department Offender Grievance Manager may extend the deadline once, for ten (10) business days in the case of the Warden/designee and for ten (10) business days in the case of the Department Offender Grievance Manager. This shall be done by notifying the offender of the extension. If there is a need to delay beyond the ten (10) business days due to additional information before making a decision on the offender's grievance at the institution level or the Department Offender Grievance Manager, the offender shall be notified of the second delay that may go beyond ten (10) business days.

When there has been delay in responding to a request for grievance, or an appeal that goes beyond the second ten (10) business days, the result shall be that the complaint, the grievance, or the appeal is deemed to have been denied and the offender is permitted to proceed to the next step of the grievance process, if any step remains. If no step remains, the offender has exhausted all remedies at the Department level.

C. Emergency extensions:

When the Warden declares a facility emergency in accordance with Policy and Administrative Procedure 02-03-102, "Emergency Response Operations," all time limits shall be suspended. During facility lockdowns that last for an extended period of time, the Warden may elect to allow offenders to submit grievances. In such cases, the time limits shall apply unless the Warden designates in writing an extension for a fixed period. PREA

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and emergency grievances must be processed immediately and with a suspension of time limits. Grievances that concern life threatening situations shall not be subject to a suspension of the time frames.

XIV. TRANSFER OR RELEASE FROM SUPERVISION:

An offender may pursue or originate a grievance at a facility from which they have been transferred or released from supervision only under the following conditions:

- A. If a grievance was initiated prior to the offender’s transfer or release, the offender may exhaust the administrative remedies available through the grievance process at the former facility.
- B. A new complaint against a former facility regarding transfer of property or funds may be initiated within twenty (20) business days from the date of transfer or release. The offender shall work cooperatively with the receiving facility’s Offender Grievance Specialist to forward all necessary documentation to the sending facility’s Offender Grievance Specialist.

XV. STAFF TRAINING:

Each facility shall ensure that the offender grievance process is included in the orientation given to new staff. Each new employee shall receive training on the Offender Grievance Process during the New Employee Training Process, and subsequent In-Service Training.

All staff shall be provided annual refresher training on the offender grievance process via on-line eLearning Model Training, which may include updates on the Department’s offender information system, how to address specific issues, proper methods of communication, and dispute resolution.

All Grievance Specialists and staff assigned to oversee the Offender Grievance Process shall complete On-the-Job Training in the process, which will include training on the offender information system and grievance database.

XVI. APPLICABILITY:

This policy and administrative procedure is applicable to all adult offenders, staff, and facilities housing adult offenders.

signature on file
Robert E. Carter,
Commissioner

Date