



Offender Grievance Procedure Notification

This document serves to notify offenders of the grievance procedure which is available to address complaints within the Virginia Department of Corrections (DOC).

Operating Procedure 866.1 *Offender Grievance Procedure* outlines statewide provisions for grievance processes in DOC facilities. Each facility has an Implementation Memorandum which outlines how the grievance process operates at that facility. Each facility also employs an Institutional Ombudsman/Grievance Coordinator who is responsible for the day to day operation and overall monitoring of the facility's Offender Grievance Procedure.

Federal and state laws require offenders to exhaust available administrative processes prior to filing lawsuits concerning conditions of incarceration. An offender must complete the REGULAR grievance procedure prior to initiating such litigation; the filing of an emergency grievance does not satisfy the exhaustion requirement.

Each offender is entitled to use the Offender Grievance Procedure. All offenders are to receive an explanation of the facility's Offender Grievance Procedure during orientation.

Offenders are advised they are accountable for how they use the grievance process. Using threatening or vulgar/insolent language against employees may be dealt with under Operating Procedure 861.1, *Offender Discipline*. Additionally, offenders using the process other than in good faith may be limited by the Facility Unit Head.

In accordance with Operating Procedure 866.1 *Offender Grievance Procedure*:

- Grievable issues include:
 - Procedures of the facility, region, division and department which affect the grievant personally
 - Actions of individual employees and/or offenders which affect the grievant personally, including any denial of access to the grievance procedure
 - Reprisals against the grievant for filing a grievance or appeal
 - Issues concerning the Department's administration of the Interstate Compact Agreement which affect the grievant personally
 - Any other matters relating to the conditions of care or supervision within the authority of the Department which affect the grievant personally
- Non-grievable issues include:
 - Disciplinary hearing decisions, penalties, and/or procedural errors which may be appealed in accordance with Operating Procedure 861.1, *Offender Discipline*.
 - State and Federal court decisions, laws, and regulations
 - Policies, procedures and decisions of the Parole Board, Board of Corrections, Virginia Department of Transportation (VDOT), and other agencies
 - Other matters beyond the control of the Department
- An offender must try to informally resolve the issue prior to filing a regular grievance. The attempt at informal resolution must be documented by an *Informal Complaint* or other acceptable documentation submitted with the grievance.
- Regular grievance forms are available to all offenders during waking hours.
- An offender has 30 calendar days from the date of incident/occurrence to file a regular grievance with the facility where the incident occurred.
- All regular grievances should be submitted by the offender to the Facility Unit Head's Office in accordance with the facility's Implementation Memorandum.
- A grievance regarding an allegation of sexual abuse is exempt from informal resolution requirements, exempt from 30 day filing deadline, and may be initiated by a third party on the victim's behalf.
- There is an emergency grievance procedure for situations which may subject the offender to immediate risk of serious personal injury or irreparable harm. Emergency grievance forms are available on a 24 hour basis. There is an eight (8) hour time limit on this type of grievance due to the serious nature of the complaint.
- Operating Procedure 866.1 and the Implementation Memorandum are available for review in locations accessible to offenders. For details of the grievance process at any facility, please review the Implementation Memorandum and/or consult with the Institutional Ombudsman/Grievance Coordinator.