



## Inmate Grievance Procedure Notification

All inmates incarcerated in Department of Corrections' (DOC) institutions are entitled to a grievance process in order to resolve their issues and/or complaints related to their conditions of incarceration. A complete explanation of the grievance process is available in Operating Procedure 866.1, *Inmate Grievance Procedure*, which outlines the statewide provisions for all DOC institutions. Each institution also maintains an Implementation Memorandum that outlines specific information on how the grievance process operates at that facility.

This notification provides a brief summary of the grievance process and does not provide a complete review of the *Inmate Grievance Procedure*. Inmates are encouraged to read Operating Procedure 866.1, *Inmate Grievance Procedure*, and the institution's Implementation Memorandum which is available for your review in designated locations.

The Institutional Ombudsman is responsible for the day-to-day operation and overall monitoring of the grievance process at the institution and can answer questions on the grievance procedure and/or assist inmates in accessing the operating procedure and Implementation Memorandum.

- ❖ Federal and state laws require inmates to exhaust or use available administrative processes prior to filing a lawsuit on their conditions of incarceration. However, not all issues are grievable. Grievable and Non-Grievable issues are described below.
    - Grievable issues include:
      - Substance or administration of operating procedures.
      - Actions of staff, contractual staff, volunteers, interns, and inmates.
      - Retaliation against the inmate for using the *Inmate Grievance Procedure*.
      - DOC's administration of the Interstate Compact Agreement.
      - Conditions of care under the authority of the DOC.
    - Non-Grievable issues include:
      - Disciplinary hearing decisions, penalties, and/or procedural errors which may be appealed in accordance with Operating Procedure 861.1, *Inmate Discipline*.
      - Regular Grievance Intake Decisions must be appealed through the established process.
      - Limitation Decisions must be appealed to the Regional Administrator through the established process.
      - State and Federal laws, regulations, and court decisions.
      - Policies, procedures, and decisions of other agencies including the Parole Board, the Board of Local and Regional Jails, and the Virginia Department of Transportation (VDOT).
      - Issues yet to occur.
      - Other issues beyond the control of the DOC.
  - ❖ Inmates must first try to resolve their issue through the informal complaint process by discussing their issue with staff for a quick resolution. If the issue is not resolved, a *Written Complaint* 866\_F3 may be submitted within 15 days of the original incident or discovery of the incident. A *Written Complaint* is not required when an inmate alleges sexual abuse or sexual harassment and when other documentation satisfies the informal complaint process, such as for classification hearings, disapproved correspondence/ publications, and confiscated property.
  - ❖ If the issue on the *Written Complaint* is not resolved or staff fail to provide a response within 15 days, inmates may submit a *Regular Grievance* 866\_F1. The *Regular Grievance* must be received by the Institutional Ombudsman within 30 days from the date of the original incident or discovery of the incident. *Regular Grievances* are only available during waking hours.
  - ❖ If an inmate does not agree with the response, disposition, or remedy to their *Regular Grievance*, the inmate has 5 days to submit an appeal.
  - ❖ Inmates are accountable for how they use the grievance process. An inmates use of the grievance procedure to resolve their issues is not normally cause for disciplinary action unless the written grievance document or related inmate actions are subject to disciplinary action in accordance with Operating Procedure 861.1, *Inmate Discipline*. The Facility Unit Head can limit any inmate who does not use the grievance process in good faith.
- An inmate must complete the *Regular Grievance* process to include submission of an *Appeal* prior to initiating litigation. The filing of an *Emergency Grievance* does not satisfy the exhaustion requirement.
- ❖ A grievance regarding an allegation of sexual abuse or sexual harassment is exempt from the informal complaint process, as well as the 30-day filing deadline and may be initiated by a third party on the inmate's behalf.

There is an emergency grievance process for situations that may subject the inmate to an immediate risk of serious personal injury or irreparable harm. *Emergency Grievances* 866\_F4 are available on a 24-hour basis. There is an eight-hour or less time limit for staff response to protect the inmate from serious personal injury or irreparable harm.

