

CHAPTER: 800

Inmate Management

DEPARTMENT ORDER:

802 – Inmate Grievance Procedure

**OFFICE OF PRIMARY
RESPONSIBILITY:**

**OGC
OPS
HS**

Department Order Manual



Effective Date:

May 12, 2025

Amendment:

N/A

Supersedes:

DO 802 (3/2/22)

Scheduled Review Date:

2028

ACCESS

☐ **Contains Restricted Section(s)**

A handwritten signature in black ink, appearing to read 'Ryan Thornell', written over a horizontal teal line.

Ryan Thornell, Director

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PURPOSE

The Prison Litigation Reform Act of 1996 (PLRA), requires inmates to completely exhaust the Department's administrative remedies prior to filing any complaint with respect to prison conditions under 42 U.S.C. § 1983 or any other Federal law. This Department Order (DO) contains the Department's administrative remedies, except for DOs with an independent appeals process outlined in Section 1.6.

The Department provides inmates with access to an Inmate Grievance Procedure for informal resolution and a formal review of any inmate complaints related to any aspect of institutional life that directly and personally affects the inmate, including written instructions, procedures, conditions of confinement, or staff actions.

RESPONSIBILITY

All Department employees will promote meaningful dialogue and timely written communication with inmates to resolve inmate grievances at the lowest possible level and at the earliest possible opportunity.

Under the direction of the General Counsel, the Appeals Unit is responsible for monitoring the effectiveness and overall operation of the Inmate Grievance Procedure, in collaboration with the Chief of Prison Operations. Wardens are responsible for ensuring Department employees follow the procedures outlined in this DO.

PROCEDURES

1.0 GENERAL INFORMATION

- 1.1 Inmates are responsible for using the Inmate Grievance Procedure in good faith and in an honest, respectful, and straightforward manner.
- 1.2 Abuses of the grievance process may subject inmates to disciplinary action per DO #803, Inmate Disciplinary Procedure.
- 1.3 Grievances from inmates designated as a Vexatious Grievant under DO #803, Inmate Disciplinary Procedure, shall be filed and reviewed as outlined in Section 8.0.
- 1.4 The following issues cannot be grieved:
 - 1.4.1 Actions of the Governor or State Legislature
 - 1.4.2 Decisions of the Arizona Board of Executive Clemency
 - 1.4.3 Judicial proceedings or decisions of the courts directly or indirectly related to an inmate
- 1.5 Unprocessed Informal Grievance(s), Formal Grievance(s), or Appeal(s)
 - 1.5.1 Any of the following Informal Grievance(s), Formal Grievance(s), or Appeal(s) shall be rejected and returned to the inmate as unprocessed:
 - 1.5.1.1 Threatening serious bodily harm to staff, inmates, or the general public.
 - 1.5.1.2 Multiple unrelated issue(s), i.e., non-medical and medical, raised on a single form.
 - 1.5.1.3 Issues previously addressed and adjudicated through the grievance process.

- 1.5.1.4 Grievances filed past the time frame requirement, unless there are extenuating circumstances (i.e., inmates not aware of property losses until after returning from court, a hospital, or a Detention Unit).
 - 1.5.1.5 Exceeds the quantity limitation without exigent circumstances.
 - 1.5.1.6 A grievance of an inmate designated as a Vexatious Grievant that is not completed on the proper form, i.e., Vexatious Inmate Grievance Request, Form 802-13.
 - 1.5.1.7 Grievances with an independent appeal process identified in Section 1.6.
- 1.5.2 Prior to returning unprocessed Informal Grievances, Formal Grievances, or Appeals, the Correctional Officer (CO) IV Grievance Coordinator shall note in the Arizona Correctional Information System (ACIS) the specific reason for the rejection.
 - 1.5.2.1 A grievance returned as unprocessed under Section 1.5.1 may be resubmitted if the date of occurrence has not exceeded the 10 calendar day time frame for submission outlined in Section 4.2.
- 1.6 This Inmate Grievance Procedure does not serve as a duplicate or substitute appeal process for DOs with an independent appeal processes. This includes:
 - 1.6.1 DO #803, Inmate Disciplinary Procedure
 - 1.6.2 DO #914, Inmate Mail
 - 1.6.3 DO #805, Protective Custody
 - 1.6.4 DO #806, Security Threat Groups (STG)/Criminal Street Gangs (CSG)/Disruptive Groups/Terrorist Monitoring
 - 1.6.5 DO #801, Inmate Classification
- 1.7 Appeals on actions outlined in Section 1.6 may only be considered if the primary issue is outside the scope of the established appeals process.
- 1.8 Inmates may use the Inmate Grievance Procedure regardless of their disciplinary status, housing location, or classification.
 - 1.8.1 Wardens shall prohibit discrimination and make appropriate provisions to ensure inmates who are not fluent in English, persons with disabilities, inmates with low literacy levels, the elderly, and the mentally ill have access to the Inmate Grievance Procedure.
- 1.9 Wardens shall ensure there are no unreasonable barriers for inmate access to the Inmate Grievance process and that inmates have the ability to file grievances and appeals in a timely and confidential manner.
- 1.10 Inmates may file grievances and appeals directly to the Warden or designee when the content of the grievance would pose a threat to the safety of the inmate, staff, or other inmates if it were filed in accordance with this DO.
- 1.11 Unless notified of a time extension, expiration of any time limit for a written response in the Inmate Grievance Procedure allows the inmate to move to the next grievance step.

- 1.11.1 Except for unprocessed grievances outlined in Section 1.5, in order to proceed to a subsequent grievance step, an inmate must submit the next form within one business day of when the original written response was due to the inmate.
- 1.12 All written responses to non-medical and medical grievances shall include:
 - 1.12.1 A summary of the inmate's complaint.
 - 1.12.2 A description of what investigative actions occurred, including the date and content of any in-person meeting(s) with the inmate.
 - 1.12.3 A summary of the findings.
 - 1.12.4 The decision and supporting rationale.
- 1.13 All grievance and appeal documents related to an inmate's grievance are confidential and shall not be shared with any anyone outside of the investigative and appeal process.
- 1.14 All grievance and appeal documents shall not be included in the Inmate Master File or any institutional file. Once uploaded into ACIS, all forms and supporting documents shall be returned to the inmate.
- 1.15 All response documents generated through the Inmate Grievance Procedure at each level shall be sent electronically to the inmate's tablet and delivered in-person upon receipt by the CO IV Grievance Coordinator or designee.
 - 1.15.1 The CO IV Grievance Coordinator may assign any unit staff member as a designee who aided in the investigation to deliver the response, but shall not utilize the inmate mail system.
 - 1.15.2 The CO IV Grievance Coordinator or staff designee delivering these documents shall notate the date, time, rank, and name on a copy of the documents.
 - 1.15.2.1 The return documents shall be uploaded to ACIS by the CO IV Grievance Coordinator or staff designee.
- 1.16 Inmates are required to exhaust all administrative remedies before filing a complaint with the boards listed in Arizona Revised Statute (A.R.S.) § 31-241, Inmate Complaints to Boards; Procedure.
- 1.17 Staff responses to inmate Grievances and Appeals shall be thorough and appropriate, and not include any demeaning or degrading language or inappropriate remarks.
- 1.18 Extensions at any step in the grievance process shall not exceed 15 business days.
 - 1.18.1 Extensions for responses to Informal Grievances are not authorized.
 - 1.18.2 Extensions for responses to Formal Grievances must be in writing and approved in writing by the CO IV Grievance Coordinator, Deputy Warden, or Warden.

2.0 ORIENTATION AND TRAINING

- 2.1 The Inmate Grievance Procedure shall be made available to all new staff at Employee Orientations and shall be included in the Correctional Officer Training Academy (COTA) curriculum.

- 2.2 All CO IVs shall complete Inmate Grievance Coordinator training by the Office of the General Counsel prior to assuming the responsibilities of a unit Grievance Coordinator.
- 2.3 Inmates shall receive a written and oral explanation of the Inmate Grievance Procedure at Reception Centers Intake and as part of the orientation process in any subsequent facility.

3.0 PROTECTION AGAINST REPRISAL

- 3.1 Retaliation or the threat of retaliation for use of the Inmate Grievance Procedure is strictly prohibited.
- 3.2 Inmates may pursue any alleged or threatened retaliation through the Inmate Grievance Procedure. An inmate retaliation hotline shall be accessible to all inmates through the Inmate Telephone System.
- 3.3 Employees in violation of this section shall receive disciplinary action as outlined in DO #601, Internal Affairs Investigations and Employee Discipline.
- 3.4 Failure of an inmate to substantiate their grievance allegations shall not, by itself, be grounds to initiate disciplinary action. If an inmate intentionally falsified information in the Informal Grievance, Formal Grievance, or Appeal, the CO IV Grievance Coordinator may initiate disciplinary action after consultation with the Office of the General Counsel Appeals Administrator or designee.

4.0 INFORMAL GRIEVANCE PROCESS (NON-MEDICAL)

- 4.1 Inmates may attempt to resolve their complaints through informal means. If an inmate cannot resolve their complaints through informal means, an inmate shall submit an Inmate Informal Grievance, Form 802-11, to their CO IV Grievance Coordinator.
- 4.2 The Inmate Informal Grievance form must be submitted within 10 business days from the date of the action that caused the complaint.
 - 4.2.1 Time limits do not apply and will not be imposed for a grievance regarding an allegation of sexual abuse. See also DO #125, Sexual Offense Reporting.
 - 4.2.1.1 The unit CO IV Grievance Coordinator shall ensure an inmate who alleges sexual abuse may submit a grievance without submitting it to a staff member who is the subject of the complaint; and such grievance is not referred to a staff member who is the subject of the complaint.
- 4.3 Only one Informal Grievance may be submitted per seven calendar days.
 - 4.3.1 Quantity limitations do not apply to Healthcare/Medical, Americans with Disabilities Act (ADA), or Prison Rape Elimination Act (PREA) complaints.
 - 4.3.2 The CO IV Grievance Coordinator may accept Informal Grievances in excess of the quantity limitation if exigent circumstances exist.
 - 4.3.2.1 Questions regarding the suitability of exigent circumstances shall be addressed with the Office of the General Counsel Appeals Unit.
- 4.4 The inmate shall provide copies of all documentation to support their complaint.
- 4.5 The CO IV Grievance Coordinator shall:

- 4.5.1 Submit the Inmate Informal Grievance, Form 802-11, into the Grievance Module in ACIS.
- 4.5.2 Return the Informal Grievance to the inmate if it meets the categories identified in Sections 1.5.1, 1.6, and 4.3.
- 4.5.3 Log the grievance in the Unit Coordinator Grievance Log, Form 802-9, using the assigned case number.
- 4.6 The role and responsibilities of the CO IV Grievance Coordinator shall not be delegated to any lesser ranking staff or subordinate.
- 4.7 The staff member designated to respond to the Informal Grievance shall investigate and attempt to resolve the complaint, and provide a written response, in accordance with Section 1.12, to the inmate within 15 business days using ACIS.

5.0 FORMAL GRIEVANCE PROCESS (NON-MEDICAL)

- 5.1 If the inmate is unsatisfied with the informal response, the inmate has five business days from receipt of the response to submit a Formal Grievance.
 - 5.1.1 The Formal Grievance shall be submitted to their CO IV Grievance Coordinator using the Inmate Grievance, Form 802-1, and the Inmate Grievance - GF Supplement, Form 802-7.
- 5.2 The CO IV Grievance Coordinator shall:
 - 5.2.1 Enter the date the Formal Grievance was submitted on the Unit Coordinator Grievance Log, Form 802-9.
 - 5.2.2 Upload the grievance and any supporting documentation into ACIS.
 - 5.2.3 Ensure review of inmate grievance files and obtain any necessary documentation.
 - 5.2.4 If appropriate, request additional investigation into the grievance.
 - 5.2.4.1 The CO IV Grievance Coordinator may assign any unit staff member to the investigation to aid in the resolution of the grievance.
 - 5.2.5 Notify the inmate in writing of any extensions.
- 5.3 The CO IV Grievance Coordinator shall compose a written response, in accordance with Section 1.12, and submit it in ACIS to the Deputy Warden for approval. Once approved by the Deputy Warden, the response shall be returned to the inmate no later than 15 business days from the date the Formal Grievance was received.
 - 5.3.1 The decision of the facility level shall be marked as "Resolved" or "Not Resolved" in ACIS.
 - 5.3.2 If the written response indicates the grievance is "Not Resolved" due to a Department written instruction, the specific DO or Post Order, or other written instruction or directive shall be noted in the response.
 - 5.3.3 The Deputy Warden shall sign the written response in ACIS.

6.0 APPEALS TO THE CENTRAL OFFICE ADMINISTRATOR (NON-MEDICAL)

- 6.1 If the inmate is unsatisfied with the formal decision, the inmate has five business days from receipt of the response to submit a Central Office appeal, through their CO IV Grievance Coordinator, using Inmate Grievance Appeal, Form 802-3.
- 6.2 Inmates may not file a Central Office appeal until the facility level Inmate Grievance Procedure is exhausted.
- 6.3 The CO IV Grievance Coordinator shall:
 - 6.3.1 Upload the completed appeal packet to ACIS within five business days of receiving the inmate appeal.
 - 6.3.2 Enter the date the appeal was submitted on the Unit Coordinator Grievance Log, Form 802-9.
- 6.4 A Central Office Appeals Coordinator shall review the packet and forward it to the appropriate Administrator or designee for investigating and preparing a response. (See Attachment A, Grievance Categories)
 - 6.4.1 Based on the subject matter of the grievance, appeals may be assigned to any other Administrator not listed in Attachment A, as necessary.
- 6.5 The Central Office Appeals Coordinator shall return the appeal to the CO IV Grievance Coordinator if the grievance does not meet the requirements of this DO or for additional investigation.
- 6.6 Within 30 calendar days after receiving the appeal, an Administrator or designee shall prepare a response and submit it in ACIS. The response shall be returned to the CO IV Grievance Coordinator in ACIS.
 - 6.6.1 The CO IV Grievance Coordinator shall provide the completed response to the inmate.
 - 6.6.2 No response shall be returned to an inmate unprocessed or with an explanation that there was no response by the Administrator or designee.
 - 6.6.2.1 If no response is provided by the Administrator or designee within 30 calendar days, the CO IV Grievance Coordinator will notify the inmate of a five business day extension for further investigation.
 - 6.6.2.1.1 If the Administrator or designee continues to be unresponsive to the inmate grievance after an additional five business days to investigate and respond, the Central Office Appeals Coordinator shall notify the Deputy Directors.
 - 6.6.2.1.2 If after a five day extension there is no response, the inmate will be advised they can move to the next step of the grievance process as outlined in Section 1.11.
 - 6.6.2.2 If an Administrator or designee has three or more instances of failing to review, investigate, and respond to an inmate's grievance, the Central Office Appeals Coordinator shall notify the Director.

7.0 APPEALS TO THE GENERAL COUNSEL (NON-MEDICAL)

- 7.1 If the inmate is unsatisfied with the Administrator's response, the inmate has five business days from receipt of the response to submit a General Counsel appeal by using an Inmate Grievance Appeal, Form 802-3, to the CO IV Grievance Coordinator.
- 7.2 Inmates may not file a General Counsel appeal until all prior grievance steps are exhausted.
- 7.3 The CO IV Grievance Coordinator shall:
 - 7.3.1 Enter the date the appeal was submitted on the Unit Coordinator Grievance Log, Form 802-9.
 - 7.3.2 Within five business days, upload the completed appeal packet in ACIS in the Supporting Information section, and email the packet to the Office of General Counsel Grievance Appeal inbox.
- 7.4 The Central Office Grievance Coordinator may return the Inmate Grievance Appeals to the CO IV Grievance Coordinator for further investigation or when they do not meet the requirements of this DO.
- 7.5 Within 30 calendar days of receiving the Inmate Grievance Appeal, the General Counsel or designee shall prepare a response and submit it in ACIS.
- 7.6 Once signed by the General Counsel or designee, the response shall be returned to the CO IV Grievance Coordinator in ACIS.
 - 7.6.1 The CO IV Grievance Coordinator shall provide the completed Inmate Grievance Appeal Response to the inmate.
- 7.7 The decision of the General Counsel or designee is final and constitutes exhaustion of the Department's administrative remedies.

8.0 VEXATIOUS GRIEVANCES (NON-MEDICAL) – Grievances of inmates designated as a Vexatious Grievant per DO #803, Inmate Disciplinary Procedure, shall be filed and reviewed as outlined in this section.

- 8.1 The filing of informal or formal grievances that meet any of the criteria of Vexatious Conduct, as defined in the Glossary of Terms, may subject inmates to disciplinary action per DO #803, Inmate Disciplinary Procedure.
- 8.2 To file a Formal Grievance, inmates designated as vexatious shall submit a Vexatious Inmate Grievance Request, Form 802-13, to their CO IV Grievance Coordinator.
 - 8.2.1 The CO IV Grievance Coordinator shall upload the Grievance Request form to ACIS and submit it to the Warden for decision. Vexatious Grievance requests not submitted on the Vexatious Inmate Grievance Request form shall be returned as unprocessed.
- 8.3 The Warden shall review the Grievance Request and all other documentation related to the grievance to determine whether the grievance meets the criteria of Vexatious Conduct.
- 8.4 The Warden's decision to allow or deny the grievance shall be entered into ACIS.

- 8.4.1 If the grievance is allowed, the decision shall be noted in ACIS within five business days. The grievance will then be accepted and processed in accordance with Section 4.0.
- 8.4.2 If the grievance is denied, the form shall be returned to the inmate within five business days with the reason for the denial noted in ACIS.
- 8.5 If the inmate appeals the decision of the Warden, they shall submit the Inmate Grievance Appeal, Form 802-3, to the CO IV Grievance Coordinator within five business days of receipt.
 - 8.5.1 The CO IV Grievance Coordinator shall:
 - 8.5.1.1 Enter the date the Grievance Appeal was submitted on the Unit Coordinator Grievance Log, Form 802-9.
 - 8.5.1.2 Upload the completed appeal packet in ACIS.
- 8.6 Within 15 business days of receipt of an Inmate Grievance Appeal, Form 802-3, the General Counsel or designee shall note their decision to allow or deny the appeal in ACIS.
 - 8.6.1 The CO IV Grievance Coordinator shall print and forward the completed Grievance Appeal Response to the inmate.
- 8.7 The General Counsel or designee's decision is final and constitutes an exhaustion of the Department's administrative remedies related to this section.

9.0 REPORTING AND RECORDS REQUIREMENTS (NON-MEDICAL)

- 9.1 The CO IV Grievance Coordinator at each unit and the Central Office Appeals Coordinator shall maintain all Inmate Grievance records, including any unprocessed grievances, in a confidential and secure storage area.
- 9.2 Inmate Grievance records not previously uploaded into ACIS shall be maintained for five years following the date of the last appeal response.

10.0 INFORMAL GRIEVANCE PROCESS (MEDICAL)

- 10.1 The CO IV Grievance Coordinator shall:
 - 10.1.1 Upload the Inmate Informal Grievance, Form 802-11, into the ACIS Grievance Module, and assign it the Contract Healthcare Provider (CHP) Assistant Director of Nursing.
 - 10.1.2 Return to the inmate any Informal Grievances meeting the criteria in Sections 1.5.1 and 1.6.
 - 10.1.3 Log the Informal Grievance on the Unit Coordinator Grievance Log, Form 802-9, using the case number assigned by ACIS.
- 10.2 Within 15 business days of the upload, the CHP Assistant Director of Nursing shall:
 - 10.2.1 Investigate the complaint.
 - 10.2.2 Respond to the inmate's Informal Grievance using ACIS.

- 10.3 The CO IV Grievance Coordinator shall use ACIS and the date of the typed response to close out their tracking log, and print and forward the completed Inmate Informal Grievance Response to the inmate.
- 10.4 Emergency Grievance(s) (Medical) - For emergency complaints, inmates shall seek emergency medical attention as outlined in DO #1101, Inmate Access to Health Care.

11.0 FORMAL GRIEVANCE PROCESS (MEDICAL)

- 11.1 If the inmate is unsatisfied with the response, the inmate has five business days from receipt of the response to submit a Formal Grievance through the CO IV Grievance Coordinator, using the Inmate Grievance, Form 802-1, and the Inmate Grievance - GF Supplement, Form 802-7.
- 11.2 Upon receipt of any Medical Grievance, the CO IV Grievance Coordinator shall immediately:
 - 11.2.1 Upload the Formal Grievance form into ACIS.
 - 11.2.2 Return to the inmate any Informal Grievances meeting the criteria in Sections 1.5.1 and 1.6.
 - 11.2.3 Log each Inmate Grievance, using the date the Formal Grievance is uploaded, on the Unit Coordinator Grievance Log, Form 802-9.
- 11.3 Within 15 business days of uploading the grievance, the CHP Director of Nursing shall:
 - 11.3.1 Investigate the complaint.
 - 11.3.2 Respond to the inmate's Formal Grievance.
- 11.4 The decision from the facility level shall either be "Resolved" or "Not Resolved."
- 11.5 The CO IV Grievance Coordinator shall use ACIS and the date of the response to close out their tracking log and print and forward the completed Formal Grievance Response to the inmate.

12.0 APPEALS TO THE CHP FACILITY HEALTH ADMINISTRATOR (MEDICAL)

- 12.1 If the inmate is unsatisfied with the formal response, the inmate has five business days from receipt of the response to submit an appeal, through the CO IV Grievance Coordinator, using the Inmate Grievance Appeal, Form 802-3.
- 12.2 Inmates may not file an appeal to the CHP Facility Health Administrator until the Inmate Grievance Procedure within their assigned unit is exhausted.
- 12.3 After receipt of any appeal, the CO IV Grievance Coordinator shall:
 - 12.3.1 Immediately enter the appeal into ACIS, and notify the CHP Facility Health Administrator and the Department's Healthcare Services Division designee via email.
 - 12.3.2 Return to the inmate any appeals meeting the criteria in Sections 1.5.1 and 1.6.
 - 12.3.3 Log each appeal, using the date the email notification is sent to the CHP Facility Health Administrator, on the Unit Coordinator Grievance Log, Form 802-9.

12.4 Within 30 calendar days of receiving the Inmate Grievance Appeal, the CHP Facility Health Administrator shall:

12.4.1 Respond using the Inmate Grievance Response, Form 802-2, and upload it into ACIS.

12.4.2 Notify the CO IV Grievance Coordinator and the Department's Healthcare Services Division designee, via email, that a written response was submitted.

12.4.2.1 Upon receipt, the Healthcare Services Division designee shall review, log, and track all written responses to medical grievances.

12.5 The CHP Facility Health Administrator's decision is final and constitutes exhaustion of the Department's administrative remedies.

12.6 The CO IV Grievance Coordinator shall use ACIS and the date the response email notification to close out their tracking log, and print and forward the completed Appeal Response to the inmate.

13.0 REPORTING AND RECORDS REQUIREMENTS (MEDICAL) – The CO IV Grievance Coordinator shall email the previous month's Unit Coordinator Grievance Log, Form 802-9, to the Healthcare Services Division designee no later than the 25th day of each month.

14.0 AMERICANS WITH DISABILITIES ACT (ADA) GRIEVANCE

14.1 Staff receiving a complaint at any level that alleges inmate rights under the ADA were violated shall immediately notify the Facility ADA Coordinator.

14.2 Grievances must be submitted within 180 calendar days of the alleged violation or discrimination.

14.3 Grievances alleging violation of an inmate's ADA rights shall be categorized as Policy/ADA.

14.4 An inmate who believes their ADA rights were violated shall submit an Inmate Informal Grievance, Form 802-11, to the CO IV Grievance Coordinator. The inmate shall:

14.4.1 Identify their disability.

14.4.2 State the nature of the alleged ADA violation.

14.4.3 State the specific accommodation and resolution sought.

14.4.4 Provide documentation to support the complaint.

14.5 The CO IV Grievance Coordinator shall:

14.5.1 Enter the date the appeal was submitted on the Unit Coordinator Grievance Log, Form 802-9.

14.5.2 Adhere to the prescribed procedure for non-medical grievances.

14.5.3 Email the grievance directly to the Facility ADA Coordinator.

14.6 The Facility ADA Coordinator shall provide a written response within 15 business days from receipt of the Informal Grievance.

- 14.7 If the inmate is unsatisfied with the response to the Informal Grievance, they may appeal the decision within five business days of receipt by submitting a Formal Grievance to the CO IV Grievance Coordinator.
- 14.8 The CO IV Grievance Coordinator shall enter the complaint into ACIS and notify the ADA Administrator via email.
 - 14.8.1 The ADA Administrator is the designated responder and shall respond with a decision within 15 business days of receiving the grievance.
 - 14.8.2 The ADA Administrator shall prepare a written response in ACIS and provide a copy of the decision to the inmate in an accessible format. The written response shall conform to the requirements in Section 1.12.
- 14.9 The decision of the ADA Administrator is final and constitutes exhaustion of all the Department's administrative remedies related to this section.

15.0 INTERSTATE COMPACT AND CONTRACT BEDS FACILITIES GRIEVANCES

- 15.1 Inmates housed out-of-state through Interstate Compact Agreements shall follow all Inmate Grievance and Appeal procedures at the facility where they are housed. Inmates housed in Contract Beds facilities within Arizona shall follow the Contract Beds grievance process.
 - 15.1.1 Arizona inmates who are housed out-of-state through the Interstate Corrections Compact (ICC) may utilize the Department's grievance process solely for grievances pertaining specifically to the Department. All documents shall be submitted to the Intergovernmental Liaison for review and processing.
- 15.2 Contract Beds Wardens shall notify the Contract Beds Bureau Monitor of all Formal Grievances regarding issues specifically related to an action by the Contract Beds facility, and how they were resolved. Documentation shall be maintained as part of the Inmate Grievance record.
- 15.3 Inmates Assigned to Contract Beds Facilities – For inmates housed in Contract Beds facilities, whether in-state or out-of-state, the Contract Beds Warden shall ensure the Contract Beds facility has a meaningful grievance procedure that mirrors the Department's grievance process.
 - 15.3.1 The Contract Beds Program Supervisor or designee shall act in the capacity of the CO IV Grievance Coordinator.
 - 15.3.2 The Contract Beds Warden or designee shall:
 - 15.3.2.1 Act in the capacity of the Deputy Warden.
 - 15.3.2.2 In consultation with the Contract Beds Deputy Warden Monitor, provide written Formal Grievance response to the inmate.
- 15.4 The General Counsel or designee will review and respond to all second-level appeals regarding both Interstate Compact and Contract Beds facility grievances. The General Counsel or designee response is final.

IMPLEMENTATION

The Office of General Counsel or designee shall ensure an appropriate level of training is conducted for all staff involved in the Inmate Grievance process.

DEFINITIONS/GLOSSARY

Refer to the Glossary of Terms for the following:

- Contract Healthcare Provider (CHP) Facility Health Administrator
- Emergency
- Grievance
- Informal Grievance
- Medical Grievance
- Unprocessed
- Vexatious Grievant

ATTACHMENT

Attachment A – Grievance Categories

FORMS LIST

802-1, Inmate Grievance
802-2, Inmate Grievance Response
802-3, Inmate Grievance Appeal
802-7, Inmate Grievance - GF Supplement
802-9, Unit Coordinator Grievance Log
802-11, Inmate Informal Grievance
802-12, Inmate Informal Grievance Response
802-13, Vexatious Inmate Grievance Request

RELATED POLICIES

DO #125, Sexual Offense Reporting
DO #601, Internal Affairs Investigations and Employee Discipline
DO #801, Inmate Classification
DO #803, Inmate Disciplinary Procedure
DO #805, Protective Custody
DO #806, Security Threat Groups (STG)/Criminal Street Gangs (CSG)/Disruptive Groups/Terrorist Monitoring
DO #914, Inmate Mail
DO #1101, Inmate Access to Health Care

AUTHORITY

A.R.S. § 31-241, Inmate Complaints to Boards; Procedure
28 C.F.R. § Part 40, Order 957-81, Standards for Inmate Grievance Procedures
34 U.S.C. § 3031-3039, Prison Rape Elimination Act
42 U.S.C § 1997e, Suits by Prisoners
Americans with Disabilities Act (ADA), PL. 101-336
Prison Litigation Reform Act of 1996 (PLRA)

ATTACHMENT A

GRIEVANCE CATEGORIES

<p>Central Office Administrator for Prison Operations Division</p> <ul style="list-style-type: none">• Conditions of Confinement• Escorted Visits• Mail• Phone• Property• Staff• Visitation
<p>Central Office Administrator for Education, Programs and Community Reentry Division</p> <ul style="list-style-type: none">• Community Corrections• Counseling/Treatment• Education• Faith-Based Activities/Religion• Program Access• Work Pay
<p>Central Office Administrator for Financial Services Division</p> <ul style="list-style-type: none">• Inmate Trust Accounts• Commissary/Store• Food Service
<p>Central Office Administrator for Facilities Management Division</p> <ul style="list-style-type: none">• Facilities
<p>Central Office Administrator for Classification, Records and Population Management</p> <ul style="list-style-type: none">• Release Eligibility• Transfer Requests (Inmates are not permitted to request elective transfers per DO #801, <u>Inmate Classification</u>.)
<p>Office of General Counsel</p> <ul style="list-style-type: none">• Americans with Disability Act• Department Orders• Legal Access
<p>Office of Inspector General</p> <ul style="list-style-type: none">• Interstate Compact• Sexual Offense/PREA (Per this policy these are responded to within 48 hours and the Warden is the final.)
<p>Appropriate Central Office Administrator based on subject matter:</p> <ul style="list-style-type: none">• Procedures• Safety