



## Alaska Prisoners' Rights Guide

### The Grievance Process

This summary deals with the standard grievance process only. There are important procedures, including special procedures that apply to emergency and health care grievances, and grievances against staff, that are not included here.

You should read DOC Policy 808.03 in its entirety to make sure that you are properly following all of the procedures. This policy must be made available in the law library.

You may grieve any alleged action violating DOC regulations, statutes, policies, or procedures stated in the prisoner handbook that does not already have a separate appeal process.

You may *not* file a grievance concerning: classification or disciplinary decisions; medical charge disputes; transfers; any administrative procedure that has its own appeal process; Alaska Parole Board procedures or decisions; court procedures or decisions; issues that you are actively litigating in court; or a decision disputing whether an emergency grievance is an emergency.

#### **Basic Information**

A grievance must be filed within 30 days of the date the incident occurred or from the date you had knowledge of the incident. Filing a Request for Interview Form for informal resolution (Step 1) *does not* satisfy this requirement.

Keep a detailed record of your grievance filings and, if you can, make copies of all grievance forms you file.

To file grievances and grievance appeals, you must give the appropriate forms to the Facility Standards Officer (FSO), or place the forms in the designated locked box.

An emergency grievance may be made by notifying orally or in writing the FSO, Facility Manager (FM), or the FM's designee. Emergency grievances involve issues that threaten life or the security of the facility, or may cause harm to any individual.

There are 4 steps to the grievance process. All 4 steps must be completed before you can take any action in court.

#### **Step 1. INFORMAL RESOLUTION**

You must first try to resolve the grievance informally by speaking with the staff member aware of or directly involved with the incident. If this does not work, you must then fill out and file a Request For Interview Form (Form 808.11A). Go to Step 2 if you are not satisfied with the results of this informal resolution process.

## **Step 2. FILING A GRIEVANCE**

### **(“Level 1” in Policy 808.03)**

Fill out a Prisoner Grievance Form (Form 808.03C), attach it to the response to your Request For Interview Form (if the facility provided you with a copy of it), and file it in the locked box.

**Remember:** You must file a Prisoner Grievance Form within 30 days of the date the incident occurred or from the date you had knowledge of the incident.

If you did not receive a copy of the response to the Request For Interview Form, you must write on your grievance form who you spoke with, when and the results of your attempt to informally resolve the issue.

You should receive a written decision from the FM or Director within 15 working days after you file your grievance. If you do not receive a response within this time frame, you should consider your appeal denied and move on to Step 3.

Screened Grievances: Your grievance may be “screened,” meaning denied because of a technicality such as the form not being filled out clearly or because the complaint is about something that cannot be resolved through the grievance process. If you can correct the deficiency, you have 2 working days after you receive the screening form (Form 808.03A) to refile your corrected grievance.

If you believe the grievance screening decision is incorrect, you may appeal by explaining this on a Request For Interview Form (Form 808.11A) and attaching this form to your initial grievance form and the screening form. This appeal must be returned to the FSO within 2 working days after you receive the screening decision. If you do not receive a response within 10 working days after you filed it, consider your appeal denied.

If you lose your screening decision appeal, there is no further step. You can file a separate grievance, though, about the screening process if you believe your grievance was screened improperly. If you win the screening decision appeal, go to step 3.

## **Step 3. APPEAL OF A GRIEVANCE DECISION**

### **(“Level 2” in Policy 808.03)**

If you lose your grievance, you may appeal this decision by filling out the Prisoner Grievance Appeal Statement (Form 808.03D) and the “Prisoner Response” section on page 2 of the Prisoner Grievance (Form 808.03C). You must file your appeal within 2 working days of receive the FM’s or Director’s decision.

You will receive another decision from the FM or Director within 15 days of filing your appeal. If you do not receive a decision within this time frame, consider your appeal denied.

#### **Step 4. STANDARDS ADMINISTRATOR REVIEW**

##### **(“Level 3” in Policy 808.03)**

If you disagree with the FM’s or Director’s decision, you may appeal to the Standards Administrator (SA). There is no form to fill out. You may request review by writing a letter, no longer than 2 pages, directly to the SA within 20 days after you receive the decision on your appeal. The SA will respond to your request within 20 days.

If you do not agree with the SA’s decision, you may file a compliance motion in state court under the *Cleary* Final Settlement Agreement (FSA) or you may file a lawsuit in state or federal court. You may only file a compliance motion under the *Cleary* FSA if your grievance is an issue addressed in the *Cleary* FSA and it involves a violation of a state or federal right. A copy of the *Cleary* FSA should be available in the law library. Remember that you must first complete all 4 steps of the grievance process before filing a motion under *Cleary* or before filing a lawsuit.