

# **State of Iowa Department of Corrections**

## **Policy and Procedures**

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Applicability: Institutions, CBC

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Chapter 3: Institutional Operations

Sub Chapter: Offender Rights

Related DOC Policies:

Administrative Code Reference:

Subject: Incarcerated Individual/Client Grievance Procedures

PREA Standards:

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### **1. PURPOSE**

To describe the grievance procedures available to incarcerated individuals confined in Iowa Department of Corrections (IDOC) institutions, clients housed in District residential facilities and Community-Based Corrections' field service clients.

### **2. POLICY**

It is the policy of the IDOC to provide incarcerated individuals/clients an internal mechanism designed to resolve legitimate complaints and improve institutional/district operations.

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### **3. DEFINITIONS – As used in this document:**

- A. Grievance - A formal, written complaint, utilizing the established procedures filed by an incarcerated individual/client.
- B. Grievance Officer - The institutional/district/designee whose responsibilities shall include: investigation of incarcerated individual/client complaints, determination of the validity of the complaint and provision of response to the incarcerated individual/client.
- C. Grievant - Individual filing the complaint.
- D. Informal Resolution - A genuine attempt by the grievant to correct the perceived problem with the appropriate staff member.
- E. Resolution - The decision to deny, sustain or sustain with modification on resolution of an incarcerated individual/client's suggestion as to how his/her problem can be corrected.
- F. Working Days - Based on days worked by the designated Grievance Officer, typically, Monday through Friday, 8:00 a.m.-4:30 p.m., excluding holidays.

### **4. PROCEDURES**

#### **A. General**

- 1. Incarcerated individual/client grievances and information obtained in any step of the process are confidential. Local procedures shall outline steps to secure this confidentiality.
- 2. Incarcerated individuals/clients, regardless of physical condition, security, or administrative status, shall follow this process to file grievances.

3. Assistance shall be made available to incarcerated individuals/clients who cannot complete the forms themselves. Counselors/designated staff shall initiate the required assistance.
4. Incarcerated individuals/clients may grieve the following that affect them personally: policies, CBC Non-Board of Parole (BOP)/Court-ordered rules, facility conditions, loss or damage of personal property with value of less than \$100.00 (with proof of purchase/ownership), health care treatment/access, employees, and other incarcerated individuals/clients within the institution/residential facility.
5. Grievances must be filed with the Grievance Officer/designee within 30 calendar days of the alleged incident. Complaints must be filed using *Incarcerated Individual/Client Complaint form IO-OR-06 F-1* available from any IDOC staff member.
6. Stated time limits for the grievance procedure may be expanded by the Warden/District Director/Designee if exigent circumstances arise, such as disturbances, riots or natural disasters.
7. Staff who appear to be involved in a complaint shall not participate in any capacity of the formal resolution process. If a complaint is filed against the Grievance Officer/designee or appealing authority, an alternate may be appointed by the Warden/District Director/Designee to serve as Grievance Officer/designee or appealing authority when necessary. (Note: While the informal resolution process is outside of the formal process, any staff member involved in an informal resolution attempt shall also not be involved in any part of the formal process.)
8. The grievance process is confidential. Incarcerated individuals/clients are permitted to send sealed mail/letters to the Grievance Officer/designee or appealing authority. Mail/letters must be marked as "confidential" by the sender. Staff may search confidential mail/letter for contraband in the presence of the incarcerated individual/client before the mail/letter is sealed. (Institutions refer to **OP-MTV-01** *Incarcerated Individual Correspondence*.)
9. Incarcerated individuals/clients are expected to use the grievance resolution procedure in good faith. Deliberate misuse, malicious, or frivolous use of the procedure may result in limitations or restrictions. Appropriate disciplinary action may be taken for repeated abuse or improper use of incarcerated individual/client grievance procedures.
10. Upon recommendation by the Grievance Officer/designee and approval of the Warden/District Director/Designee, the number of grievances that an

incarcerated individual/client or incarcerated individuals/clients can file may be limited. On a monthly basis the Grievance Officer/designee shall forward the names and relevant information to the Warden/District Director for review. Removal of the restriction is at the sole discretion of the Warden/District Director. **(IO-OR-06 F-6)**.

11. Incarcerated individuals/clients may, at any time, seek assistance to their problems through the Office of Ombudsman.

Office of Ombudsman  
1112 E. Grand Avenue  
Des Moines, IA 50319  
(515) 281-3592

12. New employee training shall include written and oral instructions in the grievance resolution procedure and may be completed via eLearning.
13. Incarcerated individual/client admission procedures shall include written and oral instructions in the grievance resolution procedure. **IO-OR-06 Attachment A** *CBC Client Grievance Process Acknowledgement* to be provided for all clients under field and residential supervision.
14. Grievances shall be filed under a unified and confidential system to be kept separate from the incarcerated individual/client's master file. At a minimum, these records must include: complaint form, investigation, initial Grievance Officer/designee response, appeals and appeal responses.
15. Expiration of a time limit at any step entitles the grievant to move to the next step unless a written extension has been given.
16. This policy shall be posted and accessible to incarcerated individuals/clients.

## **B. Process**

1. Incarcerated individuals/clients must attempt informal resolution, unless the subject is regarding an allegation of sexual abuse. See definition on page two.
2. The *Incarcerated Individual/Client Grievance Complaint* **(IO-OR-06 F-1)** and *Grievant Appeal* **(IO-OR-06 F-4)** must be used for filing grievances or appealing decisions. Forms are available in living units, libraries, or through the Grievance Officer/designated staff. Only one issue may be grieved per form.

3. Within seven working days of receiving the grievance, the Grievance Officer/designee will:
  - a. Number each grievance (including incomplete and non-grievable).
  - b. Determine the process to be used:
    1. **Emergency:** Appears to be a substantial risk of imminent sexual violence, physical injury or other serious and irreparable harm if regular time limits are followed.
    2. **Non-grievable:** policy/procedure which have formal appeal mechanisms. (For example: Parole Board, court-ordered sentences/conditions, disciplinary process, classification decisions, work release decisions, publication review, visiting decisions, religious issues, STG Designations, etc. or untimely pursuit to policy). Issues that have been previously grieved and a decision has been rendered may not be grieved again unless new, substantial information requires additional review. This shall be a decision of the Grievance Officer/Designee.
    3. **Not Processed:** Incomplete forms (must use appropriate form and complete all information), have not followed proper procedure, no informal resolution attempt, insufficient information, no appeal to Warden, District Director, valid appeal response previously completed, etc.
    4. **Standard:** Complaints, which are not an emergency.
    5. Allegations of incarcerated individual/client on incarcerated individual/client sexual abuse or sexual assault or staff, contractor or volunteer sexual misconduct or sexual harassment, or retaliation are not processed as a grievance and therefore do not require an attempt at informal resolution. However, if an incarcerated individual/client submits a complaint to the grievance officer/designee, it will be sent to the Division of Investigative Services (DIS) in Central Office for investigation. Institutions refer to IDOC Policy **PREA-01** *Incarcerated Individual PREA Information* and Community-Based Corrections refer to IDOC Policy **PREA-CBC-03 F-1** *Staying Safe: A Guide for Client Conduct* for reporting processes.
  - c. Notify the incarcerated individual/client in writing of:

- 1) Receipt of each grievance.
- 2) Process to be used (emergency, non-grievable, not processed and standard).
  - a. If an emergency is declared by the grievant, but not determined to be as such by the Grievance Officer/Designee, the denial shall be explained in writing.
  - b. If the Grievance Officer/Designee determines upon initial review that an emergency grievance exists, the grievance shall be investigated immediately and corrective action, if indicated, shall be initiated.
  - c. If the Grievance Officer/Designee determines that a grievance is not grievable, written notice shall be sent to the grievant stating the reasons. If the incarcerated individual/client disputes the determination that the issue is not grievable, that determination may be appealed. If appealed the appeal authority shall rule only on the matter of grievability.
  - d. If the Grievance Officer/Designee determines that the incarcerated individual/client did not attempt informal resolution or the form is incomplete, the grievance shall be returned to the incarcerated individual/client to be completed properly and resubmitted.
  - e. Utilize the ICON Grievance module; **IO-OR-06 F-2** *Grievance Acknowledgement and Receipt*.
4. Within 21 working days of receiving the grievance, the Grievance Officer/Designee shall provide a written response and a recommendation based upon the grievance investigation. Utilize ICON Grievance module; **IO-OR-06 F-3a** *Grievance Response*.
5. If a response cannot be given within 21 working days of receiving the grievance, the incarcerated individual/client shall be notified, in writing, that the investigation is continuing and of the time extension. Utilize ICON Grievance module; **IO-OR-06 F-5** *Grievance Notification*.
6. If more than one incarcerated individual/client files a grievance concerning the application of general policies, practices, health care treatment/access, specific staff member's actions or conditions, the Grievance Officer/Designee may

process these grievances as a group, therefore, providing the same response to each grievant.

7. Reasoned, Written Responses to Incarcerated Individual/Client Grievances

- a. Each incarcerated individual/client grievance shall be responded to in writing at each level of decision and review.
- b. The response shall state the reasons for the decision reached and shall include a statement that the incarcerated individual/client is entitled to further review (appeal), if such is available, and shall contain simple directions for obtaining such review (appeal).
- c. If the response is sustained with modifications, the author must specifically state exactly which part of the requested action/remedy ("Action Requested by Incarcerated Individual/ Client") was sustained and why (do not disclose confidential information).
- d. If the response is sustained with modifications, the author must specifically state what parts of the requested action/remedy ("Action Requested by Incarcerated Individual/Client") was not sustained and state why (do not disclose confidential information).

8. Remedies available through the grievance system include, but are not limited to:

1. Change or modification to departmental and/or facility policy, procedure or practice.
2. Restoration or reimbursement of confiscated property.
3. Referral to Tort Claim procedure for possible award of monetary damages.
4. Investigation of alleged employee, contractor or volunteer misconduct.
5. Change in current medical care, change of medication or diet.
6. Any other relief within the power of the Grievance Officer, Warden, District Director, or Deputy Director.

### C. Types of Resolution

1. Sustain - The incarcerated individual/client's request is granted.
2. Sustain with modifications on resolution - A portion of the incarcerated individual/client's request is granted.
3. Deny - The incarcerated individual/client's request is refused.
4. Withdrawn - The incarcerated individual/client has dismissed their complaint and no action is required.

### D. Appeals

1. The grievant must appeal the decision within the stated time limits of the policy. Incarcerated individual/client appeals received after the policy time limit expires will not be heard and the prior decision will be upheld.
2. The grievant may appeal the initial response of the Grievance Officer/Designee in writing (**IO-OR-06 F-4**) and the appeal must be **received** by the Warden/District Director/Designee within 15 calendar days of the date of the Grievance Officer/Designee's response.
3. The Warden/District Director/Designee shall respond in writing to the appeal within 15 working days of receipt using the response form in ICON; **IO-OR-06 F-3**. The appeal response shall include the reasons for the decision and address only the issues brought up in the original complaint. New issues not related to the original grievance shall not be heard.
4. The grievant may appeal the Warden/District Director/Designee's response in writing to the Deputy Director of Institution/Community-Based Corrections Operations using IO-OR-06 F-4. The appeal must be **postmarked** within 15 calendar days of the date of the Warden/District Director/Designee's response (**IO-OR-06 F-4**). Correspondence with any officials outside the institution/district shall be at the incarcerated individual/client's expense. Indigent incarcerated individuals/clients shall be provided for as per policy **IO-OR-05** *Incarcerated Individual Legal Activities*.

The Deputy Director of Institution Operations/Community-Based Corrections/Designee shall respond in writing within 30 working days of receipt using the *Central Office Grievance Appeal Response form* in ICON Grievance



module; **IO-OR-06 F-3c**. The appeal response shall include reasons for the decision. This is the final appeal step.

5. The maximum period between receipt of a grievance and the final appeal response will not exceed 103 working days unless extensions have been given.

#### **E. Records Retention**

Grievances recorded in ICON will remain in the system.