

INMATE GRIEVANCE PROGRAM

STANDARD NO(S):

NYSSA #

DATE:

June 1, 2007

REVISED: 04/22/2011

REFER TO:

Roger O. Ward

I. POLICY:

It is the policy of the Seneca County Correctional Facility to provide an effective and impartial procedure for the timely resolution of inmate complaints.

II. DETAILS:

A. Definitions:

1. Grievance – A written inmate complaint concerning either written or unwritten facility policies, procedures, rules, practices, programs, or the action or inaction of any person within the facility. Dispositions, surcharges, and sanctions resulting from disciplinary hearings and administrative segregation housing decisions will not be the subject of a grievance.
2. Grievant – An inmate who has filed a grievance pursuant to this policy.

B. Procedure:

1. Inmate Problem Resolution –
 - a. Housing Unit Officers will attempt to resolve inmate complaints in an informal manner. Should a Housing Unit Officer be confronted with a problem or complaint they will attempt to have it resolved by the end of their shift.
 - b. Should a Housing Unit Officer be unsuccessful in resolving an inmate complaint the Shift Supervisor will interview all the persons involved, in an attempt to resolve the matter. Such interview and resolution will be conducted within twenty-four (24) hours.
 - c. Should the Shift Supervisor be unsuccessful in resolving the complaint the matter will be referred to the Grievance Program.

Note: Housing Unit Officers cannot require inmates to participate in an informal process. However, all Housing Unit Officers should encourage inmates to resolve problems informally.

2. Grievance Coordinator Responsibilities –

- a. The Chief Administrative Officer will designate officer(s) to act as Grievance Coordinator.
- b. The Grievance Coordinator will act as a liaison between the grievant, the Chief Administrative Officer, and the Commission of Correction in all matters that pertain to the inmate Grievance Program.

3. Inmate Grievances –

- a. Upon completion of the aforementioned procedures, an inmate remaining dissatisfied with the Shift Supervisor's response regarding the complaint will be given Form SCOC 7032-1.
- b. If a grievant is non-English speaking, illiterate, or the complexity of the issue makes it unlikely that the inmate will be able to adequately present the substance of the grievance, the Grievance Coordinator will upon the grievant's request, ensure that the grievant is assisted in preparation of the written grievance and at any other stages of the grievance process in which assistance is needed. A grievant may seek the assistance of other inmates with the approval of the Chief Administrative Officer.
- c. Inmates will not be subjected to any type of reprisals whatsoever for having filed a grievance.
- d. A supply of Form SCOC 7032-1 will be maintained in each housing unit, but will not be distributed without approval from the Shift Supervisor or the Grievance Coordinator. Each housing unit will have a grievance binder with pre-numbered forms available for distribution. The Housing Unit Officer will give the inmate the next available SCOC 7032-1 form within twenty-four (24) hours of the initial request for the form and document such number, the date, the time, and the grievant on the Grievance Number Allocation Work Sheet.
- e. The inmate must file the grievance within five (5) days of the date of the act or occurrence giving rise to the grievance. The inmate will return the SCOC 7032-1 form to their Housing Unit Officer, to be forwarded to the Grievance Coordinator.
- f. Once the Grievance Coordinator has received the completed SCOC 7032-1 form, they will ensure the grievance is investigated

- g. A grievance that is too vague to understand or fails to set forth supporting evidence or information will be returned to the inmate. A written explanation of why the grievance is being returned will accompany the SCOC 7032-2. Failure by the inmate to then supply sufficient information or evidence within two days will be cause for the Grievance Coordinator to deny the grievance.
- h. Grievances regarding dispositions or sanctions from disciplinary hearings, administrative segregation housing decisions, issues that are outside the authority of the Chief Administrative Officer to control, or complaints pertaining to an inmate other than the inmate actually filing the grievance are not grievable and may be returned to the inmate by the coordinator and may not be appealed to the Chief Administrative Officer or the Citizen's Policy and Complaint Review Council.
- i. At a minimum, each investigation of a grievance will include gathering and assessing the following information:
 - a. A description of the facts and issues underlying the circumstances of the grievance;
 - b. Summaries of all interviews held with the grievant and with all parties involved in the grievance;
 - c. Copies of all pertinent documents, such as copies of log book entries, disciplinary records, or officer statements; and
 - d. Any additional relevant information
- j. Within five (5) days of the receipt of the grievance, the Grievance Coordinator will issue a written determination. Such determination will specify the facts and reasons underlying the coordinator's determination. A copy of the determination will be reviewed with grievant. If the grievant accepts the findings, they will sign the appropriate acknowledgement on Form SCOC 7032-2, and a copy will be provided to the grievant.
- k. Within two (2) business days after the receipt of the Grievance Coordinator's written determination, the grievant may appeal to the Chief Administrative Officer in writing.
- l. Within five (5) business days after receipt of a grievance appeal, the Chief Administrative Officer will issue a determination on the

- m. If the Chief Administrative Officer finds merit in a grievance, he will issue a written directive that appropriate remedies or meaningful relief be provided to the grievant and for all other similarly situated inmates.
- n. Within three (3) business days of the receipt of the Chief Administrative Officer's determination, any grievant may appeal any grievance, in whole or in part to the State Commission of Correction by indicating their desire to appeal on Form SCOC 7032-2 in the space provided for such purpose. Such SCOC 7032-2 will be given to the Housing Unit Officer and forwarded to the Grievance Coordinator.
- o. Within three (3) business days after receipt of the grievant's notice of appeal, the Grievance Coordinator will mail a copy of the appeal, the accompanying investigation report and all other pertinent documents to the Commission's Citizen's Policy and Complaint Review Council (CPCRC).
- p. The Grievance Coordinator will provide the grievant with a receipt indicating the date the appeal was submitted to the CPCRC.
- q. The Citizen's Policy and Complaint Review Council will issue a written determination to the appeal within 45 business days of receipt, copies of which will be sent to the grievant, Chief Administrative Officer and Grievance Coordinator. If such determination is in favor of the grievant as a matter of law, the chairperson of the CPCRC will direct the Chief Administrative Officer to comply with the grievance and provide an appropriate remedy.
- r. The Chief Administrative Officer will submit verification of compliance with the CPCRC's determination as directed by such council. Such verification will be filed with the grievance.
- s. If a grievant is released or transferred from the Seneca County Correctional Facility prior to the resolution of a grievance, the Chief Administrative Officer will cause a determination to be made on the grievance pursuant to the requirements of this section.
- t. If the Chief Administrative Officer denies a grievance after an inmate is released or transferred, he will submit the grievance to the CPCRC as set forth in this section.

- u. Should the grievant wish to make a complaint outside of the grievance process, the Housing Unit Officer will advise the Shift Supervisor who will follow procedures as outlined in the policy entitled “Professional Conduct”.

4. Record Keeping –

- a. The Chief Administrative Officer will maintain a record of all grievances in an exclusive file within the Correctional Facility. The record of information will include, but not be limited to the following:

1. Name of the grievant
2. Date grievance received
3. Identification number of grievance
4. Nature of grievance
5. Name of officer conducting investigation
6. Date of grievance investigation
7. Summary of investigation report
8. Date and summary of coordinator’s determination
9. Date of appeal to the Chief Administrative Officer
10. Date and summary of Chief Administrative Officer determination
11. Date of appeal to the Citizen’s Policy and Complaint Review Council
12. Postal receipt from mailing CPCRC appeal
13. Date and summary of CPCRC’s determination
14. Copy of verification of compliance with CPCRC determination
15. Date and summary of specific action taken by the facility

5. Annual Review –

- a. Correction Supervisors and the Grievance Coordinator will review the Grievance Program annually. The annual review will ensure policies and procedures remain consistent with changes in facility operations pursuant to the New York State Minimum Standards.

6. Officer Orientation –

- a. All Correction Officers will receive an orientation to the Grievance Program by the Grievance Coordinator.