

8-04/030.00 Appeals Process and Structure

Inmates who are not satisfied with the disposition, or with the action(s) taken to address their grievance may appeal to the next level of review.

Inmates may only initiate one (1) appeal process per grievance. An appeal by an inmate must be submitted within fifteen (15) calendar days of receiving the written results and disposition regarding the grievance, or the appeal will be denied as a late submission. If an inmate receives a written response to his or her grievance while in disciplinary segregation, and is not satisfied with the disposition, or with the action(s) taken to address the grievance, the inmate shall have fifteen (15) calendar days after release from segregation to file the appeal.

An appeal shall be submitted on the appropriate appeal form, which shall be provided by any custody personnel making the required notification to an inmate of any disposition of a grievance or appeal.

If the Department fails to notify the inmate of the disposition or status of a grievance or appeal within the requisite response time, the inmate may consider the grievance or appeal as denied and may request an appeal form for submission to the next level of review.

The appellant shall sign and date the appeal form. An inmate shall not submit an appeal on behalf of another inmate.

An appeal of a group grievance shall not be accepted or processed if the matter for which the appeal is being filed requires a response to a specific set of facts that are not the same for all participants in the appeal. In such cases, the group grievance appeal shall be returned to the filing inmates with directions to submit individual grievances regarding their separate issues.

Personnel receiving any appeals related to healthcare shall deliver them to an on-duty supervising staff nurse to be processed in accordance with procedures set forth by Correctional Health Services (CHS).

Command staff conducting reviews of inmate grievance appeals shall ensure a thorough investigation has been conducted and an appropriate disposition has been rendered.

With the exception of appeals related to healthcare, the Department's appeal process for grievances shall be composed of a two-level structure as specified in sections 8-04/030.05, "Appeals of Grievances – Not Against Staff," 8-04/030.10, "Appeals of Grievances Against Staff," 8-04/030.15, "Appeals of Emergency Grievances," and 8-04/030.20, "Appeals of Emergency Grievances Against Staff."

After reviewing the inmate's grievance documentation and the Department's previous decision(s) and response(s), respective command staff shall render a decision and indicate if the inmate appeal will be upheld or denied.

Unit Inmate Grievance Coordinators shall be responsible for ensuring that decisions rendered during appeal reviews are updated in the Custody Automated Reporting and Tracking System (CARTS) and the aggrieved inmate is provided a CARTS-generated Notification of Appeal Disposition, and a blank appeal form for the next level of review, as applicable.

Unless otherwise provided by this policy, an appeal shall not be accepted at the second level for review without first having been reviewed at the first level.

New issues raised by an inmate on an appeal form shall not be addressed, and any decision rendered will pertain only to the present appeal issue.

The appeals process shall only be applicable to inmates still in custody.
