

8-04/040.10 Late Submissions of Grievances

A grievance submitted fifteen (15) calendar days after the event upon which it is based shall be considered late and denied, absent exceptional circumstances. This type of grievance shall receive a disposition of "Denied - Late Submission (Closed)" in the Custody Automated Reporting and Tracking System (CARTS). Within fifteen (15) calendar days of receipt, the inmate shall be notified in writing that the grievance was submitted late and denied. No further notification to the aggrieved inmate is required.

Any grievance against staff, which includes allegations of retaliation or use of force, received more than thirty (30) calendar days after the event upon which the grievance is based will be considered late and denied. This type of late grievance shall be updated in CARTS as "Denied - Late Submission (Investigation Ongoing)" within the Interim Status Response field, and shall be thoroughly investigated. An Interim Status Notification Form shall be generated in CARTS and given to the inmate notifying him or her the grievance was submitted late and denied, but the Department will nonetheless conduct an investigation and take appropriate action in response to the grievance. No further notification to the aggrieved inmate shall be provided. The decision to conduct any investigation after the expiration of the thirty (30) calendar day deadline shall not invalidate the denial of an untimely grievance or confer any rights on the involved inmate.

If the date of receipt of a grievance comes into question, the assigned sergeant shall review the electronic Uniform Daily Activity Log (e-UDAL) and confirm that the forms had been retrieved on a daily basis. If the forms were not collected daily, an adjustment shall be made to allow for the fifteen (15) calendar days.

Under exceptional circumstances, the Unit Inmate Grievance Coordinator has discretion to accept a grievance beyond the time frames established in this section.

The basis of this discretion shall be compelling evidence or receipt of new information. An example of a situation which may be subject for consideration would be such as when it is established that an inmate was medically incapacitated and unable to file the grievance in a timely manner.

There shall be no deadline for filing Prison Rape Elimination Act (PREA) grievances by inmates.
