INFORMATION ABOUT GRIEVANCES

- Unfortunately, the law requires that you "exhaust" your administrative remedies before bringing a lawsuit. This means that you must: 1) file an Informal Complaint; 2) file a Notice of Grievance; and 3) Appeal the decision of your grievance to the Chief Inspector.

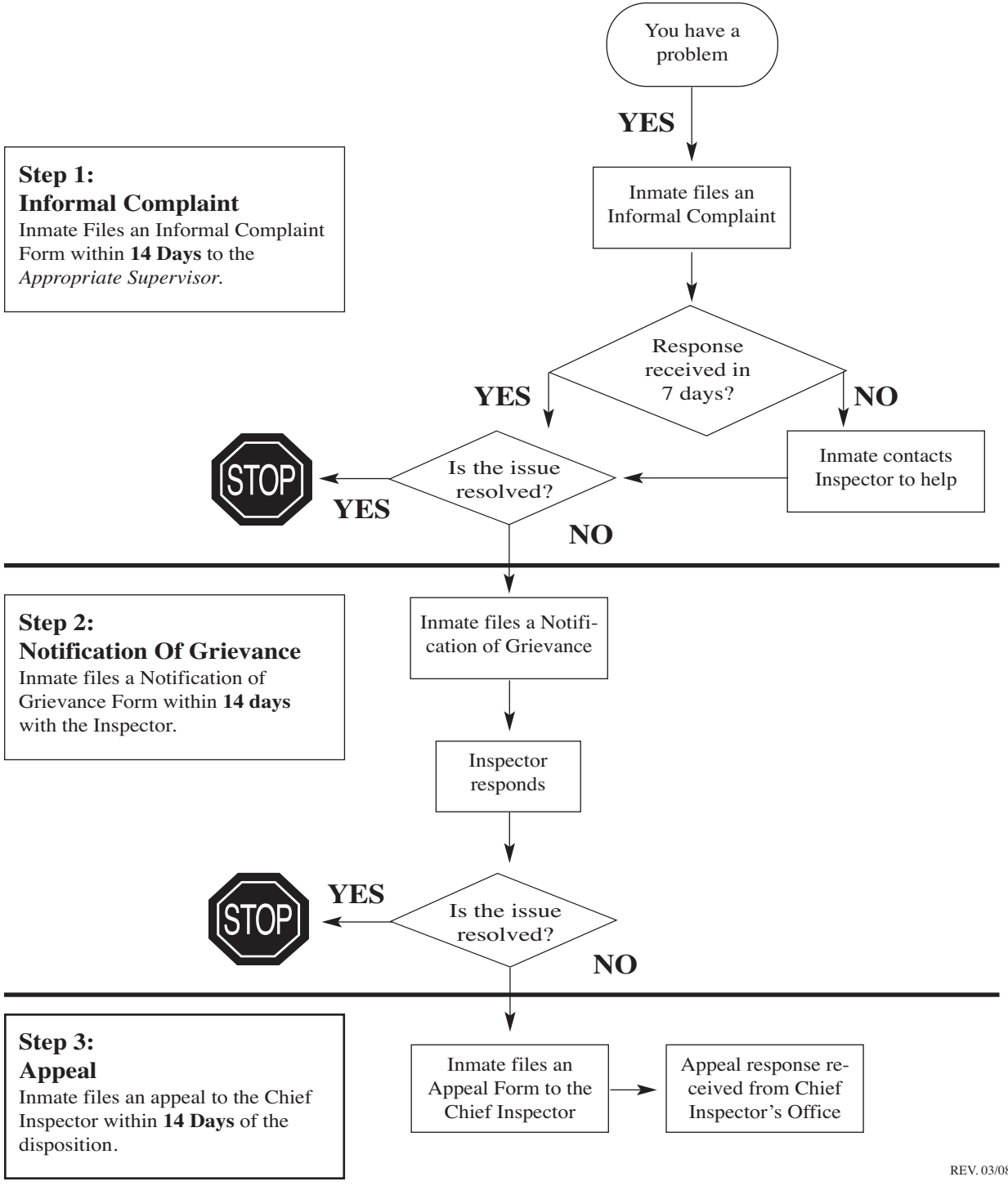
- Sometimes, you may attempt to file an informal complaint on your tablet, but it gets turned into a kite. A kite does NOT exhaust your remedies. If you notice that something you meant to send as an informal complaint appears as a kite on your tablet, file another informal complaint referencing the kite and explain that it was intended to be an informal complaint.

- The fact that the grievance procedure often yields no relief to incarcerated people is not a valid reason to decline to use the grievance procedure under the Prison Litigation Reform Act. You should use it regardless of whether you think it will help.

- If you do not have access to your tablet, request paper forms from officers.

- If the grievance procedure is not available to you because you are unable to obtain the proper forms, try your best to request them. When you actually cannot file a grievance or otherwise use the procedure, you should try to gather evidence that it was not available to you.

- "Direct grievances" against the warden or inspector are rarely applicable to an issue because you must prove that the warden or inspector was personally involved in a violation of law or policy.



REV. 03/08

Ohio Department of
Rehabilitation and Correction

Inmate Grievance Procedure

The Inmate Grievance Procedure is explained in Administrative Rule 5120-9-31 of the Ohio Revised Code, which is available in the Library.

BEFORE USING THE INMATE GRIEVANCE PROCEDURE

When you have problems or questions about daily prison life there are employees who can help. You should contact an employee who works in the area where you are having a problem. You can either talk to the staff person or kite them. For example, if your property is stolen, your correction officer and unit staff are there and can help you. Talking to or kiting a staff person is not a step in the inmate grievance procedure, and it does not extend the time limits of the grievance procedure. If you have talked to or sent a kite to a staff member and your problem is not completely solved, you should immediately start STEP ONE of the grievance procedure. You must begin the grievance procedure within 14 days from the date the problem happened to stay within the time limits. The three steps of the inmate grievance procedure are described below.

INSPECTOR OF INSTITUTIONAL SERVICES

Each prison has an inspector of institutional services. The inspector watches prison operations to make sure that rules are being followed. The inspector also runs the inmate grievance procedure and investigates inmate grievances. The inspector takes action to correct problems, talks with both staff and inmates, and lets the warden know what changes are needed. Ask the inspector any questions you may have about the inmate grievance procedure.

NON-GRIEVABLE

Some things can not be grieved. This is because they already have a separate appeal process. Information about these processes can be found in the Administrative Rules and policies, which are available in the library. Some examples are:

- Hearing officer and RIB decisions
- Local Control
- Security Classification
- Job Assignment

Some of the other things that can not be grieved are:

- State Laws
- Court Matters/Judge's Orders
- Adult Parole Authority Actions or Decisions

PURPOSE OF THE INMATE GRIEVANCE PROCEDURE

The grievance procedure is a way to voice concerns or problems that come up during your time in prison. This may include complaints about how you are treated, living conditions, staff, inmates, rules, policies and procedures. Using the grievance procedure can resolve many complaints and correct problems.

There are three steps in the procedure. It is hoped that you will be able to resolve your problem at the lowest possible step. At each step you will have the chance to voice your problem and explain what happened. If you have a problem, do not wait! Each step of the inmate grievance procedure has specific time limits.

STEP ONE: INFORMAL COMPLAINT

The filing of an informal complaint is the first step of the inmate grievance procedure.

These forms are available in your housing unit. If you have any problem getting this form you should kite the inspector.
You only have 14 days from when the problem happened to file your informal complaint. The form is easy to complete--fill in all the blanks, write neatly, and be brief. Explain who, what, where, and when. Use a new form for each problem. After you complete the form, send the white and canary-yellow copies, by kite, to the department or supervisor in charge of the area of your complaint. Your unit staff or inspector can tell you who to send it to. Send the pink copy to the inspector. The goldenrod copy is yours to keep.

When the staff member receives your complaint, they will investigate and respond within 7 days. You should receive their answer on the canary-yellow copy of the form. If you do not receive an answer within 7 to 10 days then you should contact the institutional inspector. If your concern is not taken care of, you should file a grievance.

Some types of complaints need quick action, such as if you may be physically harmed, or have experienced an unreported use of force, let a supervisor know and then tell the inspector. If you experience inappropriate supervision or retaliation, contact the inspector directly. The inspector may tell you to file a grievance instead of starting with an informal complaint.

STEP TWO: GRIEVANCE

A notification of grievance form is needed in order to file a grievance. You have 14 days from the date you received the answer to the informal complaint to file a grievance unless the inspector waives the time limit. Only the inspector can give you a grievance form so you must kite the inspector and ask for one. If you need help with the form ask the inspector or your unit staff. The form is easy to complete--fill in all the blanks, write neatly, and be brief. Explain who, what, where, and when. Stick to the facts.

After you have completed your grievance form, attach the canary-yellow copy of the informal complaint, if it was answered, and send it to the inspector. The pink copy of the grievance form is yours to keep.

DISPOSITION OF GRIEVANCE

The inspector will read your grievance form. The inspector will then investigate the grievance. The inspector may need to talk to you or other people, look at rules or other records. Most of the time the inspector will finish the investigation in 14 days. If the inspector needs more time then they will let you know. When the investigation is complete the inspector will tell you what they found on a disposition of grievance form. The inspector will send you the canary-yellow copy of the grievance you filed, the canary-yellow copy of any informal you sent and the completed disposition of grievance.

STEP THREE: APPEAL

Read the inspector's disposition. If you are not satisfied with the finding or if you feel a mistake was made then you may appeal to the chief inspector. You have 14 days from the date of the disposition to appeal to the chief inspector. Ask the inspector for an appeal form. Read the instructions on the form. Be sure to fill in all the blanks, write neatly, and be brief. Explain why you do not agree with the inspector's decision. Stick to the facts. Do not add new complaints. Mail the appeal to the chief inspector. The chief inspector's address is on the form.

OFFICE OF THE CHIEF INSPECTOR

The office of the chief inspector will read what you sent with your appeal. They may talk with the inspector, other people, or review rules. The office of the chief inspector will then make a decision on your appeal. They may find that the inspector correctly answered your complaint. This is called 'affirmed'. They may find that more investigation is needed or tell the inspector what to do or change. This is called 'modified'. They may feel that the inspector's decision was wrong. This is called 'reversed'. You will receive the decision of the chief inspector in about 30 days. If they need more time to investigate they will let you know. Decisions made by the chief inspector's office are final.

GRIEVANCES ABOUT THE INSPECTOR or WARDEN

If you believe that the inspector or warden broke a rule or let someone else break a rule, then you may file your grievance to the chief inspector. You have 30 days from the date of the incident to file your grievance. You do not need to file an informal complaint. Get a grievance form from the inspector. Fill it out like you would any other grievance. The pink copy is yours to keep. Mail the other two pages to the Chief Inspector.

The chief inspector will read your grievance and investigate. The chief inspector will make a decision in 30 days. You will be told if more time is needed to investigate. The chief inspector will send you a copy of the decision. The chief inspector's decision is final.

USE, MISUSE, AND RESTRICTIONS

The grievance procedure is there for your use. Any inmate can use the grievance procedure. If used correctly it will keep little problems from growing into big ones. Remember to follow the steps of the procedure. When writing, be respectful, don't make threats or use bad language. Tell the truth. If you tell lies on purpose, threaten people, or use disrespectful words you may receive a conduct report. Restrictions may be placed on you if you abuse or misuse the grievance procedure.

GUARANTEE AGAINST REPRISALS

Staff know that they cannot punish you just because you complained about them. If you believe that staff are treating you differently because you filed a grievance contact the inspector immediately. The inspector will investigate. Staff may be disciplined if they act against you in this way.

CONFIDENTIALITY

Records and other documents about your use of the grievance procedure are protected. The chief inspector and institutional inspector keeps all grievance records.

The inmate grievance procedure is explained in Administrative Rule 5120-9-31 of the Ohio Administrative Code. More information may be found in Administrative Rules 5120-9-29 and 5120-9-30. These rules are available in the library.