



ADMINISTRATIVE POLICIES
AND PROCEDURES
State of Tennessee
Department of Correction

Index #: 501.01

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Effective Date: September, 15, 2010

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Approved by: Gayle Ray

Subject: INMATE GRIEVANCE PROCEDURES

- I. AUTHORITY: TCA 4-3-603, TCA 4-3-606, and TCA 41-24-110.
- II. PURPOSE: To establish a standard procedure for the expression and resolution of inmate complaints.
- III. APPLICATION: To Tennessee Rehabilitation Initiative in Correction (TRICOR) employees, employees and inmates of the Tennessee Department of Correction (TDOC), and privately managed facilities, except those offenders assigned to and actively participating in a Special Alternative Incarceration Unit (SAIU) program.
- IV. DEFINITIONS:
 - A. Advocate: An inmate who is selected by a grievant from his/her peers or from those appointed by the Warden to assist in the filing and/or appeal of a grievance.
 - B. Calendar Days: A time limit that begins to run at 12:01 a.m. on the day following the date of the triggering event. Example: if an inmate files a grievance and the alleged triggering event occurred on April 1st, the seven calendar day's time limit for filing grievances set by Section VI.(C)(1) below would begin to run at 12:01 a.m. April 2nd, and end at 11:59 p.m. on April 8th.
 - C. Commissioner's Designee (CD): TDOC employee(s) authorized by the Commissioner to serve as the approving authority for specific actions occurring at privately managed facilities. In the absence of the CD, the contract monitor (CM) assigned to that facility will serve that function. In the absence of both the CD and CM at privately managed facilities, the necessary notification/request for authorization will be made by telephone to the CD. If the CD is not reachable via phone, the CM will be contacted. If both the CD and CM are unavailable by telephone, the ranking shift officer at Turney Center Industrial Complex (TCIX) shall be contacted for required authorizations or notifications.
 - D. Emergency Grievance: The resolution of a grievance that if subjected to the normal time limits could cause the grievant substantial risk of personal injury or irreparable harm.
 - E. Grievance: A written complaint concerning the substance or application of a written or unwritten policy or practice, any single behavior or action toward an inmate by staff or other inmates, or any condition or incident within the Department or institution which personally affects the inmate complainant.
 - F. Grievance Committee: A committee composed of a staff chairperson appointed by the Warden and members consisting of elected staff and inmates. This committee provides a forum for which an inmate may resolve a grievance at Level II of the inmate grievance process.

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- G. Reprisal: Any action or threat of action against anyone for the good faith use of or good faith participation in the grievance procedure.
- V. POLICY: The TDOC shall ensure that every inmate has the right to utilize the grievance procedure without fear of reprisal. All grievances shall be considered in a fair and impartial manner and resolved at the lowest possible level in the grievance procedure.
- VI. PROCEDURES:
- A. A handbook entitled *TDOC Inmate Grievance Procedures* shall provide detailed instructions for the filing and processing of inmate grievances and appeals, and for the election, appointment, and removal of grievance committee members. Copies of the handbook and any current departmental and institutional policies concerning inmate grievances will be available to inmates in the institutional legal library. Access to copies of the handbook shall be provided to all grievance committee members and alternates. All living units for housing segregated inmates shall also be provided with a copy of the handbook and policies regarding inmate grievances.
- B. Access to the grievance procedure: Inmate Grievance, CR-1394, and locked grievance depositories shall be made available for use by all inmates. Inmates shall have unimpeded access to these grievance forms. If required to ask staff for the form (i.e., an inmate in segregation), an inmate shall be given the form without question or discussion. All inmates will be informed of grievance procedures during orientation.
- C. Levels of Review
1. First Level: Grievances must be filed utilizing CR-1394 within seven calendar days of the occurrence or the most recent occurrences giving rise to the grievance, with the exception of Title VI complaints. All such complaints must be filed within 180 days of the occurrence of an alleged discriminatory act. (See Policy #103.10) Only one subject or incident shall be addressed in a grievance. All copies of the form must be legible and intact.
- Grievance forms which are improperly completed or contain insufficient information for processing shall be returned to the inmate with instructions as to proper completion. It should not be logged as received (which starts the deadline times running) until the corrected version is submitted.
- If more than one inmate files a grievance on the same incident, the hearing and responses may be consolidated. This shall be noted on the grievance response forms and on Grievance (LIBG) on the Description Detail Screen.
- The chairperson shall review all grievances and enter them on Grievance (LIBG-with a flag indicating Title VI if the grievant alleges discrimination on the basis of race, color, or national origin). The chairperson then forwards the grievances to the supervisor of the employee or the department involved for a signed, written response on CR-3148.

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Grievances allegedly involving Title VI complaints shall be simultaneously forwarded to the Title VI Site Coordinator (Deputy Warden/Assistant Warden at privately managed facilities) for review and final determination as to Title VI designation. Those deemed to be actual Title VI complaints (regardless of validity or issue) shall remain flagged as Title VI and investigated as such in accordance with policy. The Title VI Site Coordinator shall notify the grievance board chairperson to remove the Title VI flags for those complaints which he/she determines do not fall within the parameters of a Title VI issue. (See Policy #103.10) In such cases the grievance board chairperson shall remove the flag within one workday of receipt of notification.

The chairperson's response shall be written on CR-1394 following the chairperson's receipt and review of the supervisor's response. There will be a seven working-day time limit at Level I beginning on the day the grievance begins to be processed. If a grievant accepts the supervisor's response, the grievance chairperson shall enter the approval on Grievance (LIBG).

2. Second Level: Within five calendar days of being notified of the Level I response, the grievant may appeal the response to the grievance committee and Warden. A hearing shall be held within five working days of an appeal's filing. Within five working days of the hearing, the committee's proposed response shall be forwarded to the Warden. Within seven working days of receipt, the Warden shall forward his/her decision to the chairperson. Within five working days of receiving the Warden's response, the chairperson will allow the grievant to review the grievance materials and responses. If the grievant accepts the Level II response, the grievance chairperson shall enter the approval on Grievance (LIBG). The failure of staff to comply with a directive by the Warden as a result of the Warden's review of the grievance may result in disciplinary action.

If the Warden agrees to the grievant's requested solution, the grievant shall not have the right to appeal to Level III.

Grievances concerning TRICOR, over which the Warden has no line authority, shall be forwarded from the committee to the Warden for any comments. The grievance then proceeds to Level III of the process. The Assistant Commissioner of Operations/designee shall review and, if necessary, may forward the grievance for review/response of the Chief Executive Officer.

3. Third Level: A grievant may appeal the Level II response within five calendar days of receipt of that response. The chairperson shall forward one legible copy of the grievance and all documentation to the Assistant Commissioner of Operations/designee. The Level III response shall be sent to the grievance chairperson for distribution within 25 working days of the date the appeal was received. The chairperson shall enter the final decision on Grievance (LIBG). This response is final and is not subject to appeal. Failure of staff at TDOC managed facilities to comply with a directive by the Assistant Commissioner of Operations or the Assistant Commissioner of Rehabilitative Services as a result of the Level III review may result in disciplinary action. (At privately managed facilities, the Deputy Commissioner will

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make a determination as to the appropriate action to be initiated.) The Commissioner's Designee at privately managed institutions shall receive a copy of all directives issued by the Assistant Commissioner of Operations or the Assistant Commissioner of Rehabilitative Services.

- D. If a time limit expires at any stage of the process without the required response, the grievant may move the grievance to the next stage of the process, unless the inmate agrees in writing to a fixed extension of the time limit for response.
- E. Committee election and hearing procedures shall be developed at each institution and shall be forwarded to the Assistant Commissioner of Operations for review.
- F. Any subsequent revisions to said procedures shall also be forwarded to the Assistant Commissioner of Operations for approval. The Warden/designee shall enter elected committee members' names on Board/Committee Members (LIBM).
- G. The good faith use of, or good faith participation in, the grievance process will not result in formal or informal reprisals against an inmate. An inmate shall be entitled to pursue, through the grievance procedure, a complaint that a reprisal occurred as the result of the filing of a prior grievance.
- H. Matters Inappropriate to the Grievance Procedure: If the chairperson determines a matter to be non-grievable, the grievant may appeal that decision as outlined in the handbook *TDOC Inmate Grievance Procedures*. Inappropriate grievance notification, CR-3689, shall be used to inform the inmate of an inappropriate grievance. The grievance process is inappropriate for:
 1. Appealing or seeking review of procedures or punishment imposed under established disciplinary procedures of the TDOC. These issues may be appealed pursuant to Policy #502.01. When this determination is made, the chairperson shall cite the incident number associated with the disciplinary report.
 2. Appealing decisions or actions of the Board of Probation and Parole or any other agency outside the TDOC.
 3. Addressing classification matters such as institutional placement and custody level, which may be appealed through other avenues outlined in the #400 policy series, except where policy violations are alleged. Cell assignments not due to a classification or reclassification are grievable.
 4. Appealing or seeking review of any decision regarding the awarding of sentence credits. Sentence credit procedures shall be as provided in Policy #505.01.
 5. Seeking monetary compensation for injuries or property loss. Monetary claims against the TDOC or its employees based upon negligent care of persons or personal property should be filed with the Tennessee Claims Commission pursuant to TCA 9-8-101 et seq. Monetary claims by inmates against employees of privately managed facilities shall be filed with the managing company in accordance with TDOC approved CCA Policy.

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6. Addressing questions regarding sentence structures. Such problems should be addressed to the counselor, institutional records office, and Sentence Information Services (SIS) through established inmate inquiry procedures.
7. Any visitor's behavior resulting in disciplinary action is not grievable by an inmate.
8. Diagnoses by medical professionals, medical co-payments when Policy #113.15, Section VI. (G) has been adhered to, and requirements of substance abuse therapeutic programs.
9. Security Threat Group (STG) program placement which may be appealed as described in Policy #506.26.
10. Mail rejection, which may be appeal as described in Policy #507.02.

I. Abuse of the Grievance Procedure

1. Inmates shall not be permitted to submit more than one grievance arising out of the same or similar incident.
2. Inmates shall not be permitted to have more than one grievance pending at the first level of review.
3. Profanity, insults, and racial slurs, unless an alleged direct quote of another party, shall not be permitted in grievances. Threats may result in disciplinary action.

J. Emergency Grievances

1. Grievances deemed to be emergencies shall be expedited. The grievance chairperson or designee shall immediately bring emergency grievances to the attention of the appropriate person by whom corrective action may be taken. The action taken on any emergency grievance may be appealed through expedited emergency grievance procedures, as outlined in the handbook.
2. The determination that a grievance is not an emergency may be appealed through normal grievance procedures.

K. Records

1. Records concerning inmate grievances shall be kept confidential. Only the chairperson shall process grievances after they have been answered by the Warden. Grievance (LIBG) should be available only to employees who have a need for access because of their assigned duties.
2. Records shall be kept regarding inmate grievances as detailed in the handbook, *TDOC Inmate Grievance Procedures*.
3. Upon resolution, grievances shall be distributed as indicated on CR-1393 and entered on Grievance (LIBG). An extra copy of health-related grievances shall be supplied to the institutional health administrator by the chairperson.

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L. Each institution will submit an annual evaluation of the grievance procedures as outlined in the handbook, *TDOC Inmate Grievance Procedures*. Staff preparing these reports may review actual grievances.

M. Documentary Evidence: Any TDOC policy referred to in any description of problem or response shall be cited by number, paragraph and section. Copies of any institutional policies, post orders, or documents referred to, will accompany all grievances to the third level. The grievant shall be furnished with a copy of all documentation unless deemed inappropriate by the chairperson for security reasons.

VII. ACA STANDARDS: 4-4016, 4-4180, 4-4284, and 4-4344.

VIII. EXPIRATION DATE: September, 15, 2013.



TENNESSEE DEPARTMENT OF CORRECTION
INAPPROPRIATE GRIEVANCE NOTIFICATION

TO: _____ INMATE NAME (Printed) _____ TDOC NUMBER _____ HOUSING UNIT _____
FROM: _____, Grievance Chairperson
DATE: _____
SUBJECT: _____

THIS GRIEVANCE IS INAPPROPRIATE TO THE GRIEVANCE PROCEDURE. Your Grievance is being returned to you due to the following reason(s):

- 1. Disciplinary matters are inappropriate to the Grievance Procedure. [Policy #501.01 VI.(H)(1)]
2. Appealing decisions or actions of any agency outside the Tennessee Department of Correction (TDOC) is inappropriate to Grievance Procedure. [Policy #501.01 VI.(H)(2)]
3. Classification matters/institutional placement are inappropriate to Grievance Procedure. [Policy #501.01 VI.(H)(3)]
4. Appealing or seeking review of sentence credits. [Policy #501.01 VI.(H)(4)]
5. Grievance Procedure cannot award monetary compensation for injuries or property loss. [Policy #501.01 VI.(H)(5)]
6. Addressing questions regarding sentence structures. [Policy #501.01 VI.(H)(6)]
7. Visitor's behavior which results in disciplinary action. [Policy #501.01 VI.(H)(7)]
8. A diagnosis by medical professionals and medical co-pay is inappropriate. [Policy #501.01 VI.(H)(8)]
9. Security Threat Group (STG) Placement. [Policy #501.01 VI.(H)(9)]
10. Mail rejection. [Policy #501.01 VI.(H)(10)]
11. You have already filed a grievance on this issue. Inmates shall not be permitted to submit more than one grievance arising out of the same or similar incident. [Policy #501.01 VI.(I)(1)]
12. Abuse of Grievance Procedure. You can only have one grievance pending at Level 1 for review. [Policy #501.01 VI.(I)(2)]
13. Profanity, insults, and racial slurs, unless an alleged direct quote of another party, shall not be permitted. Threats may result in disciplinary action. [Policy #501.01 VI.(I)(3)]
14. Grievances must be filed within seven calendar days of the occurrence giving rise to the grievance. A complaint shall not address multiple issues. [Policy #501.01 VI.(C)(1)]

THIS GRIEVANCE IS UNABLE TO BE PROCESSED DUE TO YOU NOT FOLLOWING POLICY. Grievance forms not properly completed or contain insufficient information for processing shall be returned to the Inmate with instructions as to proper completion. [Policy #501.01 VI.(C)(1)] Your grievance is being returned to you due to the following reason(s):

- 1. No specific details, i.e. dates, times, names of persons involved as mandated in Inmate Grievance Handbook, Page 7, First Level of Review.
2. You did not: a) Sign and date, and/or b) state your "Requested Solution"
3. Grievance shall be submitted on Form CR-1394 pages 1 and 2. All copies must be legible and in tact. [Policy #501.01 VI.(C)(1)]

Reminder: You have SEVEN CALENDAR DAYS FROM THE DATE THE INCIDENT OCCURRED to submit a grievance. If you are still interested in filing this grievance, please make the necessary corrections and return to Grievance Office for further processing immediately. If you would like to appeal this response, sign the bottom of your grievance, check "yes" then date it and place (with this coversheet) back in the grievance box. If you have any questions regarding this memo, please have your Unit Officer contact me at Ext. _____ to schedule an appointment. TDOC Policy and Procedure are available in the library.

Grievance Chairperson

