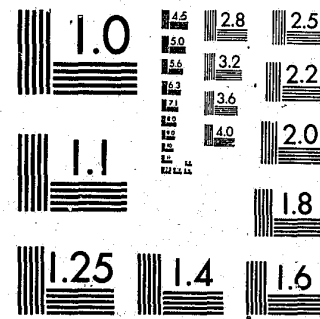


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National Institute of Justice
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DEPARTMENT OF CORRECTIONS



ASSESSMENT OF THE
WASHINGTON STATE PENITENTIARY
GRIEVANCE PROGRAM

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AUGUST 1980
THROUGH
AUGUST 1981

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Submitted by
Alice Payne
Department Grievance Coordinator

NCJRS

JAN 18 1982

ACQUISITION

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ASSESSMENT OF THE
WASHINGTON STATE PENITENTIARY
GRIEVANCE PROGRAM

I. INTRODUCTION

On June 23, 1980, the Honorable Judge Tanner ordered the Department of Corrections to establish an inmate grievance procedure at the Washington State Penitentiary. This was the result of the litigation of Hoptowit vs. Washington State. Prior to this, there had not been a means for inmates to have their complaints addressed by appropriate staff in a formal manner. It was determined that a grievance procedure would provide an administrative mechanism to remedy this condition. The court specified that the grievance procedure was to include inmate representation and be supervised and approved by a court appointed master.

The court subsequently appointed a master to supervise the development of the procedure. Penitentiary staff and inmates were selected to serve on a design committee to write the procedure. Prior to the Hoptowit vs. Washington State case, the Center for Community Justice had been contacted to assist in establishing a grievance procedure for the Penitentiary. After the court order, this agency continued to work closely with the design committee in developing the procedure. After several negotiation meetings, the approved grievance procedure went into effect on August 25, 1980. Department and institution grievance coordinators were hired to monitor the system.

This report will assess the inmate grievance procedure at the Washington State Penitentiary from August 1980 through August 1981.

II. DESCRIPTION OF PROCESS

Level I - Informal Resolution

To initiate a grievance at the Penitentiary, an inmate first filed his complaint with one of two inmate clerks. Once the inmate clerk accepted the inmate's grievance, he recorded such information as: date and time of filing, the grievant's name, his ethnic background, the type of grievance, and the nature of the grievance. The clerks were also responsible for typing the inmate's grievance on the appropriate form, obtaining proper signatures, and notifying grievants of relevant time constraints. A clerk could be removed from this position by a majority vote of the grievance committee. Likewise, an inmate clerk could only be hired by a majority vote of the grievance committee.

Once the grievance was logged, it was forwarded to the institution grievance coordinator. The coordinator assigned it to a staff/inmate team which had ten working days to investigate and attempt to resolve the grievance. Team members were chosen from the grievance committee. If the grievance was not resolved to the satisfaction of either the investigating team or the grievant, it was forwarded to the grievance committee.

Level II - Grievance Committee

The role of the grievance committee was to provide recommendations to the superintendent regarding disposition of inmate grievances. The grievance committee was composed of seven members: three staff representatives, three inmate representatives, and the institution grievance coordinator. Staff representing both custody and treatment were appointed to the committee by the superintendent. The role of staff on the committee was secondary to their regularly assigned duties. Inmates were elected by the inmate population and served a one-year term. Committee members were responsible for investigating grievances, holding hearings, and attempting to resolve issues. Committee members could be removed by a majority vote of the grievance committee. Except for this situation, the role of the institution grievance coordinator was that of a neutral chairperson. In the event of disagreement, he was to try to mediate a satisfactory resolution. The grievance committee functioned as a hearing committee and made recommendations for disposition of grievances to the superintendent. The grievant was allowed to have an inmate lay advisor at the hearing and was permitted to question witnesses. The grievance committee had to meet with the grievant within the time frame that had been established for the informal level of review. Both the informal and committee levels were to be completed within ten working days from the date the grievance was filed.

Level III - Superintendent

Once the Superintendent received a recommendation from the grievance committee, he had five working days to respond in writing. If the grievant was not satisfied with the response, he had 72 hours in which to appeal to the Secretary of the Department.

Level IV - Secretary Review

The Secretary of the Department had ten working days from the appeal filing date to respond in writing to the grievant. If the grievant was not satisfied with the Secretary's response, he had 72 hours to appeal this decision to an outside review.

Level V - Outside Review

This involved review by an entity that was not under the jurisdiction of the Department of Corrections. The American Arbitration Association was contacted to provide neutral arbitrators for this purpose. The DSHS Office of Hearings also assisted in holding outside review hearings. According to the Penitentiary procedure, the outside reviewer could not be a resident of Walla Walla County. If the grievance was appealed to this level, a hearing was scheduled involving: the grievant, the grievant appointee, the grievant lay advisor, the outside reviewer, the administrative appointee, and the administrative fact finder. This review was more structured than the grievance committee hearing, but was still considered to be an informal hearing. Like the grievance committee hearing, the objective of the outside review was to reach a resolution agreeable to both parties.

After hearing all relevant facts, the outside reviewer issued a decision regarding disposition of the case. According to the grievance procedure, the entire outside review process was to be accomplished within 15 working days. The opinion of the outside reviewer was then sent to the Secretary of the Department of Corrections for final action.

Level VI - Secretary Response

The Secretary had seven working days to respond to the grievant. As specified by the grievance procedure, the opinion of the outside reviewer was to be adhered to unless: 1) The implementation of the decision would be a threat to the security of the inmate, staff, or the public; 2) the decision violated existing state or federal law; 3) the funds were not available to implement the decision; or 4) the decision would seriously impair the proper and effective accomplishment of the duties of the Department.

Emergency Grievances

The grievance procedure also contained a section that provided for emergency grievances. By definition, an emergency grievance was a complaint alleging an immediate threat to the grievant's health or welfare, or the imminent loss of visits, furloughs, or other privileges considered to be irretrievable. The processing of an emergency grievance was to be expedited. An emergency grievance was to be filed with the institution grievance coordinator for resolution. If the grievant was not satisfied with the coordinator's resolution, he could appeal it to the superintendent for his review. The superintendent was the final reviewing authority in the processing of an emergency grievance. The emergency review was to be accomplished within 24 hours.

Special Grievances

The Penitentiary Grievance Procedure contained a separate process for grievances that alleged "reprisal for transfer", or challenged "classified" material. These grievances bypassed informal, committee, and superintendent levels, and were processed directly to outside review. For further explanation of the Penitentiary Grievance Procedure, one is referred to the appendices.

III. GRAPHICAL ANALYSIS

The following pages will provide a graphical analysis of the grievance system, as well as a brief description and interpretation of the illustrated data.

Total Grievances Filed

Inmates were allowed to file grievances concerning the following: 1) Policies, rules or procedures of the Penitentiary or the Department; 2) the lack of a policy or regulation; 3) actions by employees; 4) reprisals by staff; 5) violations of disciplinary rules or procedures; 6) case file material reviewed by the Parole Board; 7) classification committee hearings; 8) work/training release decisions; and 9) policies and procedures of Institutional Industries. Inmates were also permitted to file emergency grievances in situations where their health or welfare was in jeopardy.

From August 28, 1980 to August 31, 1981 there were 838 grievances filed by 651 inmates (some filed multiple grievances). The highest grievance load was recorded in July of 1981 (see Graph I, page H-1) when 122 grievances were filed. This coincided with a change in Penitentiary administration, and may have been partially the result of an attempt by inmates to test the responsiveness of the new administration. The next highest number of filings was for the first month of the program's implementation, when 106 grievances were filed.

Disregarding these two peaks, the number of grievances filed remained relatively stable with an average of 61 filed per month.

The dashed line on the graph represents the grievances resolved for the respective months. The discrepancy between this line and the line representing grievances filed is due to the time factor involved in the appeal process, combined with the delay illusion created by the graph (grievances filed toward the end of the month cannot possibly be resolved the same month).

Grievances Filed by Race

Graph II provides a breakdown of grievances filed by race. This is compared with the proportion of the Penitentiary population each race comprised in Graph III. The white population filed a slightly smaller proportion of grievances than would be expected according to their proportion of the population, while blacks and others filed a higher average number of complaints per capita. It might appear that the black inmates utilized the system more than other races. However, the usage figures can be significantly affected by excessive use by an individual or small group, so no specific conclusions can be drawn from the data. It would appear that all races utilized the grievance system. (See page H-2.)

Resolutions Reached

Of 655 grievances that have been resolved (see Graph IV A, page H-3), 40 percent were in the inmate's favor, 36 percent in the state's favor, and 23 percent resulted in a compromise decision. A resolution was designated "inmate favor" when the grievance was resolved by the remedy the grievant recommended. Resolution in "state favor" resulted when the issue or condition being grieved remained unchanged. A compromise resolution was one in which action was taken as a result of the grievance being filed, but not the specific action requested by the grievant.

A majority (58%) of grievances resolved at the informal level were in favor of the inmate (see Graph IV B page H-3). Graph IV C (see page H-3) shows that of the 292 grievances which were resolved at the Superintendent/Secretary level, only 29 percent won favor of inmate. This drop in pro-inmate decisions is due primarily to the fact that most of the grievances reviewed at the Superintendent/Secretary level had previously been decided in the states favor at the informal level (otherwise they would not have been appealed). Other than appeals, the only grievances to be considered at the Superintendent/Secretary level were those that did not meet informal level time constraints (discussed further in section IV).

Grievances by Category

Grievances against program comprised 38 percent of the grievances (see Graph V, page H-4). Within the category of grievances against program, the area of most common concern was medical with 65 grievances filed (20%). The second most grieved area was custody practice which had 54 grievances (17 percent of the program grievances).

Graph V shows that 33 percent of the grievances filed were against staff. Of these, 42 percent were grieving "unfair treatment". There were 277 grievances filed against staff in the 12-month period, with the heaviest load in July, when 46 or 17 percent were filed. Refer to Appendix F for further detail as to the nature of the grievances.

IV. Evaluation

The following problems were determined to exist with the Penitentiary Grievance Procedure:

Definition

The term "grievance" was defined too broadly. Grievances that addressed areas that already had appeal processes such as disciplinary hearings, classification committee hearings, and work release termination hearings, became moot after the existing appeal process was exhausted. It became redundant to provide the grievant with a response to his grievance once it had been processed through the preexisting appeal system. Effort in conducting investigations was often duplicated, which resulted in wasted staff time.

The appeal system was too loose, in that it allowed any type of grievance to be appealed through the Secretary's level. This proved expensive in both time and money (the outside review cost \$5,000 for the initial 23 grievances).

The definition of an emergency grievance was vague. This resulted in staff expediting many grievances that were not true "emergencies".

Informal Resolution

The existence of the staff/inmate resolution team did not resolve as many grievances as intended. This was due to the composition of the team. Inmates were reluctant to discuss some grievances in front of staff. Similarly, staff considered the subject of some grievances to be a threat to the security of the institution when discussed in the presence of an inmate. Oftentimes staff were not free to leave their assigned posts to conduct the informal investigation. This resulted in a back-logging of grievances. The procedure also provided that a grievance could be forwarded to the grievance committee if both parties were not satisfied with the response. This provided the opportunity for an inmate on the staff/inmate team to pursue the grievance even if the grievant did not. Therefore, some grievances were forwarded to the committee that should have been resolved at the informal level.

Confidentiality

The purpose of an inmate grievance mechanism is to provide a channel for all inmates to voice complaints to the proper authority. The nature of the system placed some inmates in a position of investigating and processing other inmates' grievances. This provided an opportunity for these inmates to prioritize which grievances were investigated first, based on inmate pressure.

Inmate clerks also had access to grievances which were filed from protective custody inmates. This placed both the grievant and the inmate clerk in a dangerous situation, and potentially restricted the use of the procedure by those housed in protective custody.

The federal standards provide that inmates should be able to file grievances against other inmates. This was not possible due to the amount of inmate involvement throughout the process.

Inmate Participation

Inmates involved in the grievance procedure occupied positions of power within the prison culture because they were elected and received salaries that were considerably higher than typical inmate earnings (inmate clerks received \$100-\$150/month and inmate grievance committee members received \$140/month). They were also placed in the position of judging other inmates due to their involvement in the intake and hearing process. An inmate who did not support another inmate could place himself in a very dangerous situation. Under these circumstances, it was unrealistic to expect an inmate to function neutrally on the grievance committee.

Role of the Institution Grievance Coordinator

The institution grievance coordinator was responsible for managing and coordinating the procedure, but was allowed limited functional power. The institution grievance coordinator was responsible for supervising the inmate clerks, but was not given hiring authority. Neither the inmate clerk nor the inmate committee members could be removed without the concurrence of the inmates and staff on the grievance committee.

Structure of the System

The informal and committee levels of the procedure were extremely cumbersome, which resulted in untimely processing of grievances. Both the informal review and the grievance committee hearing was to be accomplished within ten working days. This did not allow sufficient time for thorough investigation of the grievance. As a result, many grievances were forwarded to the committee and superintendent level without prior investigation. Because the grievance procedure limited the function of the committee to an advisory role, the superintendent was obligated to review every case not resolved at the informal level. This made it difficult to respond to grievances within the allotted time.

Originally grievances alleging staff misconduct were investigated at the informal level and were heard by the grievance committee. This resulted in open confrontation between the "accused" staff and the grievance committee. Conflict resulted since staff were placed in the position of investigating each other's behavior. This situation could potentially have resulted in problems with the union. The procedure for processing grievances alleging staff misconduct was changed to allow review only by the superintendent or his designee.

The outside review was conducted by individuals unfamiliar with institutions and the problems that faced corrections. As a result, decisions often reflected a naivety about institution realities. (For example, in one case involving the administrative segregation of an inmate, the reviewer found that an inmate's smoking a marijuana cigarette did not constitute a threat to the security of the institution.)

Time Limits

Time limits in the procedure were too stringent which resulted in untimely responses. The Secretary of the Department had ten working days to respond in writing to the grievant. In view of the mailing time between Olympia and Walla Walla, the Secretary usually had only four days to review the grievance.

The outside review had to be accomplished within 15 working days. This was virtually impossible in terms of locating and scheduling a reviewer that met the criteria outlined in the grievance procedure.

V. CONCLUSIONS

The Penitentiary Grievance Procedure was the first formalized inmate grievance procedure within the Department of Corrections. It provided inmates with an administrative mechanism to voice their complaints to appropriate staff. It required staff to respond to inmate complaints in a timely manner, and give reasons for their decisions. The grievance procedure made staff give thought to their actions and required them to review established practices and procedures for effectiveness. The grievance procedure produced positive results.

(For example: First aid kits and first aid training became available to inmate workers in Institutional Industries and procedures for terminating inmate employees became less arbitrary, which resulted in more complete documentation of employee performance.)

The Penitentiary Grievance Procedure provided corrections officials with valuable experience. After working with the procedure for one year, it became apparent that certain changes were necessary. In March of 1981, a Department Grievance Manual was published. The manual provided instructions to the institutions on how to develop a grievance procedure that would meet federal standards established by the Civil Rights of Institutionalized Persons Act of 1980, and the American Correctional Association. The problems described in this report regarding the Penitentiary Grievance Procedure have been addressed and corrected in the Department Grievance Procedure. On August 3, 1981, the remaining institutions within the Division of Prisons implemented inmate grievance procedures. At this time, the Penitentiary is in the process of converting to the Department Grievance Procedure.

APPENDIX A
WASHINGTON STATE PENITENTIARY
INMATE GRIEVANCE PROCEDURE

WASHINGTON STATE PENITENTIARY
INMATE GRIEVANCE PROCEDURE
(FINAL DRAFT)

DATE: AUGUST 9, 1980

SECTION I--DEFINITION OF A GRIEVANCE

A grievance is a complaint by an inmate about: 1) the substance or application of any written or unwritten policy, regulation or rule of the Adult Corrections Division or any of its institutions; 2) the lack of a policy, regulation or rule; 3) any behavior or action directed toward a Washington State Penitentiary inmate by anyone under the authority of the Division of Adult Corrections.

SECTION II--SPECIAL PROVISIONS

1) Because the Division has no control over Parole Board policies, procedures and decisions, THESE MATTERS ARE NOT GRIEVABLE. However, grievances may be filed about the Division of Adult Corrections input or participation in the proceedings of the Parole Board.

2) Grievances about CLASSIFICATION decisions or WORK AND TRAINING RELEASE may be filed after normal avenues of appeal have been exhausted or if no answer has been received from the decision-making authority after ten (10) working days from the date the original appeal was submitted to the Superintendent or his designee.

3) VIOLATIONS of disciplinary rules and procedures by the Hearing Committee are grievable after normal avenues of appeal are exhausted.

If the grievance should concern the "JUDGMENT" of the members of the Disciplinary Committee, which was free of procedural or policy violations, it shall not be heard by the Grievance Committee, but may be appealed through the normal appeal procedure except:

a) When it has been determined by the Grievance Committee that said "JUDGMENT" was a reprisal nature.

1) Lack of substantial evidence to support a judgment will be deemed by the Grievance Committee to be a reprisal decision.

4) Rules, procedures and policies of Institutional Industries which apply to inmates are grievable.

5) In any grievance where a Committee member is personally involved in an act resulting in a grievance, h/she shall be replaced by an alternate until the recommendation of the Committee is resolved.

THE GRIEVANCE COMMITTEE IS NOT A DECISION-MAKING BODY...

IT SHALL ONLY MAKE RECOMMENDATIONS!!!

SECTION III--GRIEVANCES--PROCEDURE

1) For the filing of a grievance, an office designated "Grievance Committee Office" shall be established which is accessible to the inmate population during normal working hours. Said office shall be equipped with all necessary equipment to adequately perform its function: including desks, electric typewriters, phone and supplies, and shall be staffed by inmate clerks trained in the Inmate Grievance Procedure.

2) Grievance forms shall be made available in all housing units including the Internal Security Unit (I.S.U.--"seg"), Protective Custody (P.C.), the hospital and other areas such as the kitchen, Recreation Department, Education Department and the Library, as well as the Grievance Committee Office and the Inmate Advisory Council office.

3) The grievant shall take h/her grievance to the Grievance Committee Office where it shall be logged and numbered. Inmates who may be physically unable to go to said office may send their grievance through the U.S. Mail to the Grievance Coordinator, or by any Unit Supervisor, or by any I.A.C. representative (EXAMPLES: I.S.U. "seg", P.C., Hospital). If any help or assistance is needed to properly complete the grievance form, a Grievance Committee Clerk shall be available to assist and ensure the information is sufficient to relate accurately the grievance and the desired action.

a) A true copy of the grievance application shall be given to the grievant at the time of filing.

4) The time limit for filing a grievance shall be seven (7) working days from the DATE OF DISCOVERY. However, there shall be no time limits on filing a grievance on policy, rules, procedures and/or regulations.

5) A grievance is filed when it has been logged and numbered by the clerk. All grievances shall be accepted by the clerk, even those beyond the specified time limits or jurisdiction of the procedure. Whether or not there is justification for accepting a grievance shall be determined by the Grievance Committee at their next scheduled session after the grievance is filed. Should the grievance be rejected, the grievant has the right to appeal the issue of jurisdiction to the next level.

6) IF the grievance warrants or could result in PUNITIVE ACTION against a staff member, the Committee shall investigate and report the facts to the Superintendent. It SHALL NOT recommend specific disciplinary action.

SECTION IV--GRIEVANCES--PROCESSING

1) One staff member and one inmate member of the Committee shall be designated by the Coordinator to handle the daily screening of all grievances informally. Any grievance which cannot be resolved informally TO THE SATISFACTION OF BOTH PARTIES shall be prepared for Committee hearing.

2) The Grievance Committee shall hear all unresolved grievances and shall respond IN WRITING within ten (10) working days from the date the grievance was filed UNLESS a time extension is granted by the grievant.

3) All grievances not resolved informally shall go before the Committee and then the Superintendent. Those grievances requiring a decision by the Director of Adult Corrections shall be forwarded THROUGH the Superintendent's Office for his input.

4) The Superintendent shall have five (5) working days from the date that the Committee's written resolutions and/or recommendations are made to render h/her response.

5) Any grievance referred to the Director of Adult Corrections shall be responded to within ten (10) working days from the date the REFERRAL IS MADE.

6) When a Hearing Body is UNABLE to make a determination within the specified time limits and an extension is NOT granted by the grievant, the grievant shall have the right to immediately appeal to the next level of review. Said appeal shall be forwarded with written statement that the time limits were not met.

7) The Coordinator shall deliver all resolutions, recommendations and appeals to the Superintendent within twenty-four (24) hours of the time they were made by the Committee or appeals submitted by the grievant. The Coordinator shall have seventy-two (72) hours on all matters to be referred to the Director of Adult Corrections and/or the Outside Review Committee, excepting as otherwise specified in this procedure.

8) Time limits at all levels of review shall begin upon receipt by the Clerk of a written grievance or appeal and end upon receipt of a written response by the Grievant.

9) Responses from all levels of review shall be adhered to within specified time limits unless the grievant shall approve a time extension.

10) Responses from all levels of review on all grievances shall be sent to the Grievance Committee, the Grievant and all other parties to the grievance unless otherwise specified in this procedure.

SUBSECTION I --APPEALS--PROCESSING OF

1) The appeal process shall begin at the Superintendent's Office.

2) An appeal of a decision and/or recommendation of the Superintendent may, at the grievant's option, be made to the Director of Adult Corrections.

3) An appeal of a decision and/or recommendation of the Director of Adult Corrections may, at the grievant's option, be made to the Outside Review Committee.

4) Decisions, recommendations, and/or awards of the Outside Review Committee shall be forwarded in writing immediately to the Director of Adult Corrections for implementation unless otherwise specified in this procedure.

5) Three working days shall be allowed for the filing an appeal.

6) Responses to appeals shall be as follows:

a) The Superintendent shall have five (5) working days from the date the appeal is submitted to make his response.

b) The Director shall have ten (10) working days from the date the appeal was submitted to make his response.

c) The Outside Review Committee shall have fifteen (15) working days from the date of appeal is submitted to hold a hearing and provide a written resolution and/or award except as otherwise specified in this procedure.

d) The Director of Adult Corrections shall have seven (7) working days from the date said resolution and/or award of the Outside Review Committee is submitted to make a final response.

e) Staff members who have been directly involved in a grievance may appeal a decision of the Superintendent to the Director of Adult Corrections.

7) Should additional evidence develop concerning a grievance, it may be added to the grievance at whatever level the grievance currently rests, unless it appears such evidence was intentionally and knowingly withheld by the party proposing to add it.

SUBSECTION II--DATES FOR IMPLEMENTATION OF GRIEVANCE RESOLUTIONS

1) All decisions, resolutions, recommendations and/or awards must have a date for implementation. Said date to be set at whatever level of review said decision, resolution, recommendation and/or award is made. Should said date for implementation be considered an excessive length of time, the grievant may appeal said date to the next level of review.

SUBSECTION III--INSTITUTIONAL EMERGENCY AND/OR GENERAL LOCKDOWN

1) The Grievance Committee shall continue to function on a regular basis as needed to handle grievances.

2) During this "special" time, only grievances directly concerning issues resulting from said emergency and/or general lockdown shall be processed.

3) Time limits on all grievances at the Superintendent's level or below which were filed prior to said emergency and/or general lockdown shall be held in abeyance until the regular procedure is restored.

4) The Grievance Coordinator and Clerks shall be allowed to collect grievances in all housing units daily during said emergency and/or general lockdown.

SUBSECTION IV--EMERGENCY GRIEVANCES

1) EMERGENCY GRIEVANCE--DEFINITION

An "emergency grievance" is a complaint alleging an immediate threat to the grievant's health, welfare or the imminent loss of visits, furloughs, rights or other privileges which may be irretrievable.

An "emergency problem" does not constitute an "emergency grievance" unless action has been denied.

2) The loss of rights or privileges suffered by a decision of a Disciplinary Hearing, said hearing to be free of procedural or policy violations, shall nullify an allegation of emergency grievance. However, extenuating circumstances, at the discretion of the Coordinator, wherein the health or welfare of the grievant is in jeopardy, may validate an emergency grievance.

3) Grievances which cannot be resolved in a timely manner through normal institutional channels, but which require immediate resolution, shall be referred to the Coordinator or his designee for priority attention, including referral to the Superintendent or his designee.

a) In the absence of the Coordinator, the Shift Commander shall become his "designee" and shall assume all duties of the Coordinator in addition to his regular duties.

4) EMERGENCY GRIEVANCE--PROCEDURE

a) After action has been denied on a request concerning an emergency, an inmate may file an emergency grievance.

b) An emergency grievance shall be immediately addressed to the Coordinator or his designee. The officer in direct charge of said grievant at the time of filing of said grievance shall be responsible for the immediate forwarding of said grievance.

c) The Coordinator or his designee shall make every effort to resolve said emergency.

d) In the event that the Coordinator or his designee is unable to reach a resolution which satisfies or is acceptable to the grievant, the grievant may, at h/her option, insist that said grievance be immediately referred to the Superintendent or his designee for resolution.

e) Should the grievant, after review by the Superintendent or his designee, be dissatisfied with said resolution, h/she may then file a grievance through the normal grievance channels.

SUBSECTION V--STATUS OF GRIEVANCE WHEN GRIEVANT TRANSFERRED, RELEASED OR PAROLED

1) Any inmate transferred to another facility may continue any appeal on Departmental matters.

a) The Coordinator shall be responsible for communication with the grievant after transfer at all levels of appeal.

b) Subsequent appeal to the Outside Review Committee shall be heard at the receiving institution, should grievant still remain in custody, or at the initiating institution should grievant be released or paroled.

2) An appeal on "institutional" matters brought by an inmate who is subsequently transferred, released or paroled may be continued ONLY if said grievant arranges for another inmate to substitute as grievant, unless:

a) The Grievance Committee shall find that said transfer, release or parole renders the grievance moot.

SECTION V--REPRISAL SAFEGUARDS--GENERAL

Any inmate who shall be a party to any grievance shall be secure against administrative reprisal for h/her involvement.

1) It shall be incumbent upon said party to show that action against h/her is of a reprisal nature.

2) A grievance alleging reprisal, except as otherwise specified in this procedure, shall be filed through normal grievance channels at the same time that an appeal of a Disciplinary and/or Classification Hearing is filed with the Superintendent's Office.

3) All reprisal grievances shall be given priority by the Grievance Committee to allow the Superintendent time to review the Committee's findings before rendering a decision.

a) Should the Committee find AGAINST a reprisal grievance, except as otherwise provided in this procedure, no further action shall be taken by the Committee. However, said findings shall be forwarded to the Superintendent.

b) Should the Committee find that a reprisal grievance is VALID, sanction(s) against the grievant shall be withheld until normal grievance appeal channels have resolved the issue to the grievant's satisfaction or a resolution is made by the Final Level of Review.

4) No reference to grievances made or attested to shall be included in an inmate's file unless it shall be a positive reference involving a work record.

SUBSECTION I--REPRISAL SAFEGUARDS--TRANSFERS

It is the intention of the Design Committee that institutional transfer shall not be implemented as an administrative reprisal for participation in any grievance.

1) When a transfer is to be implemented with any inmate who has been a party to any grievance within a ninety (90) day period prior to said transfer and unless a condition of "imminent danger" is utilized as grounds for immediate transfer, the inmate shall be immediately notified by the Coordinator and allowed time to address said transfer as an emergency grievance and to render a decision whether said transfer is of a reprisal nature and SHOULD NOT be affected.

a) A reprisal allegation shall be nullified when the administration can show to the Outside Review Committee's satisfaction that failure to transfer said inmate would cause physical harm to any inmate staff or the public or would effect a serious disruption to the institution.

b) Should the administration feel that a transfer should be immediate under provisions of an existing "imminent danger" and there is inadequate time to provide due process to the transferree, it shall be incumbent upon the administration to satisfy the Independent Arbitrator within seventy-two (72) hours that said transfer was immediately necessary.

Upon hearing the administration's presentation, the Independent Arbitrator shall issue an opinion and/or recommendation and the appropriate remedy to the Director of Adult Corrections.

1) Review of the "imminent danger" justification shall be a "paper" review where all documents used to reach said decision are related by telephone to the Independent Arbitrator, followed by the presentation of full documentation of all information utilized in said transfer.

2) Said findings of the Independent Arbitrator shall not abrogate the transferree's right to further due process under the Grievance Procedure to address the "reprisal" issue.

3) When a transfer alleging "imminent danger" occurs, the administration shall immediately notify the Independent Arbitrator and the Coordinator.

4) Before said transfer shall be made, the transferree shall be allowed time to complete a grievance application, and said application shall be forwarded to the Coordinator or his designee as an emergency grievance.

SECTION VI--GRIEVANCE COMMITTEE

The heart of the Grievance Procedure is the inmate/staff Grievance Committee. Although several levels of review exist, the key to the success of the procedure is this first level. The role of the Committee is to hold hearings on filed grievances and make recommendations for the resolution or denial of said grievances as heard. The Committee shall be able to investigate grievances as needed, including the ability to call witnesses, excepting those materials deemed "classified", to ensure sound decisions. Ideally, staff and inmate members shall approach hearings objectively and unemotionally. Efforts to influence the Committee in their findings shall be resisted, except in the hearing forum.

The Grievance Committee shall be composed of seven (7) members: three (3) staff representatives and three (3) inmate representatives and a non-voting chairperson. Each member shall be trained in the Grievance Procedure.

All findings and recommendations shall be forwarded in writing to the Superintendent.

Staff and inmate representatives shall serve for a period of one year except in the first election.

SUBSECTION--COMMITTEE MEMBERS--SELECTION

1) Inmate representatives shall be elected at large from the general prison population. A total of three (3) members and three (3) alternates shall be elected. The alternates shall sit on the Committee when a regular member is unable to do so.

a) MINIMUM QUALIFICATIONS

- 1) One year or more to G.T.R.D.
- 2) Six months or more in the institution on this sentence.
- 3) A high school diploma or equivalent (i.e., G.E.D.).
- 4) Willing and capable of giving priority to Grievance Committee meetings and duties.
- 5) The Coordinator shall investigate and validate qualifications for Committee members.

2) Staff representatives shall be chosen from a pool of nine (9) trained staff members who shall be permanent employees: three (3) Lieutenants, three (3) Sergeants or line officers, and three (3) Treatment staff members, excluding department heads. One person from each of these three groups shall sit on each Committee Hearing.

3) The Coordinator shall be responsible for scheduling all staff Committee members and the selection of two (2) Committee members to handle daily screening and the informal resolution of grievances.

SUBSECTION II--ELECTION OF INMATE MEMBERS

The first election shall be held for three (3) Committee positions and three (3) alternate positions. Inmates running for Committee membership receiving the most votes shall hold office for the following periods of time:

MOST VOTES:	16 Months
SECOND HIGHEST:	12 Months
THIRD HIGHEST:	8 Months
FOURTH HIGHEST:	16 Months--Alternate
FIFTH HIGHEST:	12 Months--Alternate
SIXTH HIGHEST:	8 Months--Alternate

1) Ties shall be resubmitted to the inmate population within 24 hours for a run-off election.

2) The above applies to the first election only. Eight months after the first election and every four months thereafter, an election shall be held to select one Committee member and one alternate--each of whom shall serve for one year.

3) INMATE ELECTION PROCEDURE

a) All inmates desiring to run for a position on the Committee shall be required to place their names on a "sign-up roster" which shall be placed on the bulletin boards in each housing unit. There shall be a 10-day sign-up period.

b) At the end of the ten (10) day sign-up period, all names listed thereon shall be placed on the election ballot. No names shall be accepted for the ballot after the ten (10) day sign-up period.

c) A campaign period of seven (7) days shall be allowed before elections. During this period, a general assembly shall be held in the Auditorium for the purpose of allowing candidates to address the total population.

d) Election ballots shall be made up by custody staff and kept in a secure area until Election Day. Ballot boxes shall be constructed for each housing unit and kept in a secure area.

e) At 8:45 p.m. on Election Day, a custody officer shall accompany an I.A.C. representative to the Control Room. The officer shall secure the ballots and the ballot boxes. They shall then proceed to the respective housing units with the officer passing out one (1) ballot to each inmate in a cell. At the end of a tier, the officer and the I.A.C. representative shall wait for approximately three (3) minutes, and then the officer shall collect all ballots from each cell and place them in the ballot box.

f) After all ballots are collected, ballot boxes shall be sealed with masking

tape and taken to the control room to be secured in the office of the Associate Superintendent of Custody until the following regular working day morning when the Chairman of the I.A.C., along with three (3) outside community citizens, shall secure the ballot boxes and proceed to the multi-purpose room. There the ballots shall be counted and inmate candidate names with total votes shall be typed and distributed to each housing unit.

g) Ties shall be resubmitted to the inmate population within 24 hours for a run-off election.

h) The first election, because of judicial expediency for implementation of the Grievance Procedure, may have different sign-up and campaign periods as designated by the Grievance Design Committee.

SUBSECTION III--RECALL OF COMMITTEE MEMBERS

1) Removal of a Committee member shall be done by a majority vote of the Committee and the Coordinator; the member being challenged shall be replaced by an alternate for said recall hearing. Staff members shall be added to their "pool" as recalled from the Committee.

a) One decision by a staff Committee member is not a grievable matter, but a pattern of decisions evading the purpose of a grievance system and demonstrating an inability to render an unbiased decision or to adequately function as a mediator shall be a grievable matter and may lead to a recommendation that the staff member be replaced.

2) Recall of an inmate Committee member may be initiated by a petition containing at least twenty-five percent (25%) of the valid signatures of the inmate population. In such cases, the Committee shall hold a recall hearing, the member being challenged being replaced by an alternate, and make a decision upholding or denying the petition.

SUBSECTION IV--RESIGNATION FROM COMMITTEE

Any Committee member or alternate wishing to resign shall give fifteen (15) days written notice to the Committee and the Coordinator.

SUBSECTION V--PAY FOR INMATE COMMITTEE MEMBERS AND ALTERNATES

1) Inmate Committee members shall receive one hundred and forty dollars (\$140.00) per month as salary.

2) Inmate Committee alternates shall receive one third of the monthly salary of a full member.

a) When an alternate member, for whatever reason, serves as a full member of the Committee for at least 50% of the regular monthly working days, h/her pay shall be adjusted to full membership pay on a per diem basis.

3) Salaries for inmate Committee members shall be adjusted regularly to remain competitive with other inmate positions in the institution at the highest level.

SUBSECTION VI--COMMITTEE MEMBERS AND ALTERNATES--JOB DESCRIPTION AND DUTIES

Committee members shall have the responsibility for investigating grievances, when possible, holding hearings and attempting to resolve issues initiated by grievance complaints. The complaint may be individual or institutional, against a specific action or a general policy, or a suggestion for change. Representatives are charged with identifying sometimes obscure issues, getting at the facts and hearing impartially the arguments from both sides.

1) DUTIES

a) To attend and to be on time for all Committee Hearings.

b) To listen attentively and impartially to all presentations.

c) To ask pertinent questions of parties and witnesses involved in the grievance to ensure that all facts and facets of both sides of the grievance are discussed and reviewed.

d) To constantly seek imaginative and responsible solutions.

e) To assist other Committee members in framing a resolution which responds to the grievance and protects the interests of BOTH inmates and staff.

2) COMMITTEE ALTERNATES

a) All alternates shall receive full training in all aspects of the Grievance Procedure. They shall be available and committed to serve as full members if needed.

b) Each alternate shall be required to attend six (6) Grievance sessions (i.e., individual grievances) per month, as logged by the Coordinator.

SUBSECTION VII--NON-VOTING CHAIRPERSON

The Institutional Coordinator shall be the non-voting chairperson.

Successful solutions to grievances require accommodation, compromise and the ability by all to recognize each others interests and needs. As a non-voting chairperson, this role is essentially that of a MEDIATOR. The chairperson has NO AUTHORITY to impose a settlement, rather the purpose is to facilitate agreement. Any attempts to "dictate" Committee recommendations will cause the value and purpose of the procedure to be discredited.

1) SPECIFIC DUTIES

a) To convene all Hearings as scheduled in such a way as to ensure required time limits are met.

b) To establish the order of business for Hearings, convening and adjourning when necessary and guiding discussions.

c) To see that all hearings are conducted in a full and fair fashion so that the rights of inmates and staff are protected and all parties have an opportunity to express themselves fully.

d) To "help" Committee members formulate reasonable solutions to problems that are responsive to the complaint and acceptable to the involved parties.

SUBSECTION VIII--TRAINING OF COMMITTEE MEMBERS

Except for the initial Grievance Committee membership whose training will be a pilot endeavor, Committee members shall receive a three-phase training program prior to service.

1) A thorough presentation of the principles and operation of the Inmate Grievance Procedure, including a review of recent grievances, the input at each level and the final resolution.

2) Training in mediation for conflict resolution and observation of the present Committee in deliberations.

3) The final stage is to work with the Coordinator in role-playing situations, perhaps dealing with a grievance that is simultaneously being heard by the Committee, being aware that the present Committee made of dealing with Grievances may need reconstruction.

4) It is understood that the Center for Community Justice shall be responsible for at least the initial training of the Committee members.

SUBSECTION IX--SPECIAL PROVISIONS

Any inmate Committee member or alternate shall retain h/her job seniority and pay scale as of the date of unassignment to join the Committee and shall receive first consideration for re-employment.

SECTION VII--OUTSIDE REVIEW COMMITTEE

It should be stated that a grievance procedure, to be credible and effective, must have a means to evaluate grievances in a manner OUTSIDE the influence of any and all parties involved. The Outside Review Committee shall thus be the final level of review in a process intended to fully explore grievances brought by an inmate within the authority of the Department of Adult Corrections.

For a Grievance Procedure to work effectively, attempts to resolve grievances

must be made at the lowest possible level. Before a grievance is appealed to the Outside Review Committee, all parties should have made a maximum sincere effort to effect a resolution. Only when such efforts fail, should the Outside Review Committee hear a grievance.

Decisions, findings, resolutions and/or awards made by the Outside Review Committee shall be submitted to the Director of Adult Corrections for implementation or denial, said denial to be based solely on the "exceptions" stated under "Authority of Committee".

SUBSECTION I--OUTSIDE REVIEW COMMITTEE--SELECTION

The Outside Review Committee shall be composed of three (3) individuals, a grievant appointee, an administration appointee and a neutral independent arbitrator.

1) The grievant appointee may be any individual who is willing and able to serve on the grievant's behalf.

2) The administrative appointee shall be any individual who is willing and able to serve on the administration's behalf.

3) The Neutral Independent Arbitrator -- Chairperson

a) H/She shall be an impartial individual selected from a pool of individuals (at least five) nominated by the American Arbitration Association or similar impartial interested group, who is willing and able to serve and...

b) Shall be an impartial individual who is not connected with the Washington State Department of Social and Health Services and has no interest in the outcome of the grievance.

(1) The arbitrator shall disclose any past and/or present relationships with the parties and/or their representatives which might indicate partiality or bias. Any question of a conflict of interest shall be resolved in favor of disclosure.

c) Shall have the knowledge and ability to conduct a full and fair hearing.

d) Shall be fully knowledgeable of the Inmate Grievance Procedure.

e) Shall have the ability to relate to all varieties of individuals regardless of sex, sexual preference, race, creed and/or political disposition.

f) Shall be capable of mediating the disputing parties to arrive at a mutually agreeable settlement of the grievance when possible.

g) Shall have the ability to make decisions, recommendations and/or awards when possible which may be sometimes unpopular with the Adult Corrections Division and/or the inmate population.

h) Shall have the ability to prepare written findings and/or awards within

specified time limits with appropriate means to accomplish same.

i) Shall not be a resident of the county wherein the institution from which the grievance originated is located.

j) The neutral arbitrator chairperson shall have final authority to decide an issue, but if the decision, resolution and/or award is not unanimous, dissenting or minority opinions may be reflected at the request of the minority in the findings of the Committee.

SUBSECTION II--AUTHORITY OF COMMITTEE

1) The Committee shall be provided the following information:

- a) A copy of the institution's Grievance Procedure.
- b) A copy of the grievance form and all responses to date.
- c) A written statement of the issues to be reviewed, as agreed by the parties, or where there is no agreement, a statement of the issues as seen by each of the parties.
- d) A written stipulation of all facts on which the parties agree.
- e) Copies of any policies, procedures or rules involved in the grievance.
- f) Any budgetary information involved in the issue.
- g) Any and all information utilized in reaching decisions at all lower levels of review except as otherwise provided in this procedure.

2) The Outside Review Committee may deny a request for Outside Review under the following circumstances:

- a) Grievant is unable to have the grievance clearly stated.
- b) Grievance is deemed to be frivolous or trivial.
- c) There has been prior Outside Review of the same or closely similar issue within a reasonable time, in which case the Adult Corrections Division may be required to follow a previous resolution and/or award.
- d) The matter is clearly outside the jurisdiction of the Grievance Procedure, i.e., Parole Board decisions or judgments of a Disciplinary Committee.

In all cases, the Independent Arbitrator shall make the final decision with proper notification to all parties, concerning the arbitrativeness or whether an issue merits a hearing by the Outside Review Committee.

3) The Adult Corrections Division shall implement all decisions of the Outside Review Committee, whether heard solely by the Independent Arbitrator, as provided in certain provisions of this procedure, or heard by the full Committee EXCEPT in the following instances and then the Director shall provide to the grievant a detailed,

written explanation for the refusal to implement:

a) When implementation would violate any existing local, state, or federal law.

1) Decisions which require changes in the Washington Administrative Code, wherein provisions of Title 34, Revised Code of Washington, concerning such changes, shall be implemented by the Director within ten (10) days of the finding.

b) When funds for said implementation are not available. However, the administration shall prepare and submit a budget for said implementation to the appropriate body.

1) There shall be a good faith effort to locate uncommitted funds or to reallocate other funds before said budget is submitted.

c) When implementation of the decision would endanger any staff, inmate or the public.

d) When the Director of Adult Corrections can show in a public document that said implementation would seriously impair the proper and effective accomplishment of the duties of the Division.

4) Decisions, recommendations, resolutions and/or awards of the Outside Review Committee as submitted to the Director of Adult Corrections shall be complete, as much as possible, to include specific goals with specific means and methods to accomplish same, including time limitations relevant thereto.

5) Failure to comply with a decision, resolution and/or award of the Outside Review Committee, except in the aforementioned instances of exceptions shall constitute Prima Facie evidence of violation of the Inmate Grievance Procedure.

SUBSECTION III--HEARING PROCEDURE

The Outside Review Hearing is generally more formal than the lower levels of review in the procedure, but should not be as formal as a court hearing. The Committee should recognize that the grievant and h/her lay advisor are generally not sophisticated in the preparation and presentation of cases before such a Committee. The Independent Arbitrator should meet briefly before the hearing with the other two panel members, when a full Committee is used, to ensure they understand their roles and what the grievance is all about. The grievant appointee and the administration appointee should understand that they need not function as advocates for the grievant, superintendent, employee or administration involved in the grievance. Each party already may be represented by a spokesperson to aid in their presentation before the Committee.

Committee members have the right to ask questions during the hearing, but should avoid arguments with the advocates. Committee members may argue on the behalf of one side or the other only in the Executive Session. The Independent Arbitrator should encourage as much informality as possible to encourage a full discussion of all issues involved.

1) HEARING PROCEDURE

- a) Brief opening remarks by each party, giving their versions of the issues and facts which they plan to provide in the hearing.
- b) Swearing of witnesses (if required by Arbitrator).
- c) Presentation of evidence or information, witnesses and documents by the grievant, and then by the administration with cross-examination by the other party.
- d) At the close of the hearing, brief closing remarks or arguments by each party.
- e) At the beginning of the hearing, the Arbitrator shall explain that the purpose of the Outside Review is to discover the facts surrounding the grievance, to determine the relative positions of the parties and to reach a mutually acceptable solution to the problem. Failing a mediated solution, the Committee will submit a written opinion and award. It should be stressed that a settlement which has been mutually arrived at and is acceptable to the parties, is far superior than any imposed determination.

1) The grievance forms and all other documents sent to the Committee shall be received as part of the "record".

2) Joint stipulations shall be obtained, if any, as to other documents which may be received into evidence or as to some of the facts relating to the grievance.

3) Any questions or concerns that either party may have regarding the hearing should be clarified.

f) POST-HEARING EXECUTIVE SESSION

At the conclusion of the hearing, the Committee shall recess into executive session and attempt to agree on a common resolution. If the Committee wishes, it may announce an immediate result orally. It is hoped that a majority recommendation can be reached, but the Independent Arbitrator may reach a decision over-riding the rest of the Committee, a minority opinion may then be issued.

SUBSECTION IV--ACTIONS WITH POTENTIAL FOR PUNITIVE ACTION AGAINST STAFF

Grievance allegations which, if true, could result in punitive action being taken against an employee of the Department of Social and Health Services shall be heard solely by the Neutral Independent Arbitrator upon appeal.

1) JURISDICTION

- a) Shall be limited to findings of fact.
- b) Shall not involve recommendations as to specific punitive action; however, the employing body shall immediately initiate corrective action with all appropriate bodies.

2) BURDEN OF PROOF

It shall be incumbent for the grievant to prove the alleged grievance.

3) SUFFICIENCY OF INVESTIGATION

The Independent Arbitrator shall determine that prior investigation was sufficient and, if not, the appropriate remedy.

4) ACCESS TO INFORMATION

All information, records, documents, and witnesses relevant to said hearing shall be made available to the Independent Arbitrator.

5) RESPONDENT

The Superintendent or his designee shall be the respondent in said actions.

6) CONFIDENTIALITY

Information submitted for the hearing, but which may have been declared "CLASSIFIED" shall be heard solely by the Independent Arbitrator. H/She may determine whether said information should remain "classified".

Grievance of the above type shall be kept in a separate confidential file by the Coordinator and destroyed after one year from the date said grievance was initiated.

7) RIGHT OF APPEARANCE

When a grievance may involve punitive action against a staff member, said staff member, in this type action only, may appeal to the Outside Review Committee.

Said staff member and h/her selected representative shall have the right to attend said hearing, but shall not be required by this procedure to do so.

SUBSECTION V--CHALLENGING AD-SEG STATUS WHEN "CLASSIFIED" INFORMATION IS USED

Grievances challenging Ad-Seg status when the administration utilizes what it has deemed "classified" information shall be heard solely by the Neutral Independent Arbitrator.

1) JURISDICTION

- a) Shall be limited to findings of fact for justifiable cause for continued incarceration under Ad-Seg status.

b) The Neutral Independent Arbitrator may address the continued use of "classified" status for the information.

2) BURDEN OF PROOF

It shall be incumbent upon the administration to show justifiable cause for continued Ad Seg status.

3) SUFFICIENCY OF INFORMATION

The Independent Arbitrator shall determine that prior investigation was sufficient and, if not, the appropriate remedy.

4) ACCESS TO INFORMATION

All relevant records and documents regarding the Ad Seg status of the grievant shall be made available to the Independent Arbitrator.

5) RESPONDENT

The Superintendent or his designee shall be the respondent in said actions.

SUBSECTION VI--GENERAL GRIEVANCES INVOLVING "CLASSIFIED" INFORMATION

General grievances addressing "classified" information, such as may be contained in the personal files of the grievant, or other information as may be included in the grievant's personal file and/or utilized as input to a Classification, Work Release and/or Parole Board Hearing shall be heard solely by the Neutral Independent Arbitrator.

1) JURISDICTION

a) Shall be limited to findings of fact.

b) The Independent Arbitrator shall be allowed access to any inmate's personal file, with the inmate's written permission, after satisfying state requirements for access (i.e., temporary employee status).

2) BURDEN OF PROOF

It shall be incumbent upon the grievant to prove that said information is erroneous and should be expunged.

3) RESPONDENT

The Director of Adult Corrections or his designee shall be the respondent in said actions.

SECTION VIII--RIGHT OF REPRESENTATION

Any inmate and/or staff party to a grievance has the right to appear before the Grievance Committee and/or the Outside Review Committee, except under special conditions such as transfer under "imminent danger" conditions or where "classified" information may be involved, to defend and/or present evidence regarding said grievance. Further, during such elected appearance(s), h/she shall, at h/her option, be allowed representation

by a lay advisor of h/her choice. Committee members or alternates shall not serve as lay advisors.

1) ADVISORS

a) The Superintendent may prohibit a person from becoming a lay advisor in a given grievance should said requested advisor be presently confined due to any form of administrative sanction.

b) The lay advisor may attend and participate in any Hearing, review or informal conference in which the grievant participates if the inmate filing the grievance desires his attendance and the advisor is willing.

SECTION IX--INSTITUTIONAL GRIEVANCE COORDINATOR

The following requirements are in addition to and should be included in, any state employment criteria:

1) Shall demonstrate ability to gain rapport with staff and inmates.

2) Shall have the ability to function as a third party mediator.

3) Shall have demonstrated knowledge and understanding of grievance design principles by oral interview to the satisfaction of the Special Master, thereafter to the Grievance Committee.

4) Shall be able to monitor time limits, performance and implementation of resolutions and/or awards and to develop monthly statistics on the Grievance Procedure.

SUBSECTION I--SELECTION PROCESS

1) The inmate population and institutional staff shall be able to give input into the selection of the first Coordinator through the Grievance Design Committee and subsequently, through the Grievance Committee.

2) When the Coordinator's performance is reviewed, the Grievance Committee shall be notified and shall submit an evaluation to the Superintendent. Should the majority opinion of the Committee be contrary to the institution's recommendations, the decision for the Coordinator to continue shall be reviewed by the Director of Adult Corrections.

SUBSECTION II--DUTIES

1) To perform as the non-voting chairperson for the Grievance Committee.

2) All other duties as described by the State Employment Register and outlined or deemed necessary by the Inmate Grievance Procedure.

SECTION X--INMATE GRIEVANCE CLERK AND ASSISTANT CLERK

A register of qualified individuals for Clerk and Assistant Clerk shall be actively solicited and maintained by the Coordinator.

The Clerk and Assistant Clerk shall be full time, paid positions.

SUBSECTION I--MINIMUM QUALIFICATIONS

- 1) One year or more to G.T.R.D.
- 2) Six months or more in institution on current sentence.
- 3) Good typing and clerical skills.
- 4) A high school diploma or equivalent (i.e., G.E.D.)

SUBSECTION II--PAY

- 1) The Clerk shall receive one hundred and fifty (\$150.00) dollars per month as salary.
- 2) The Assistant Clerk shall receive one hundred (\$100.00) dollars per month as salary.
- 3) Salaries for Clerk and Assistant Clerk shall be adjusted regularly to remain competitive with other inmate positions in the institution at the highest level.

SUBSECTION III--JOB DESCRIPTION AND DUTIES

The Grievance Clerks' primary function is to help fellow inmates make maximum effective use of the Grievance Procedure. In addition, the clerks have major responsibility for clerical administration of the procedure in h/her institution.

- 1) DUTIES
 - a) Shall assist inmates in preparing grievances.
 - b) Shall assist inmates in seeking informal resolutions to their grievances.
 - c) Shall arrange for staff/inmate advisors to the grievant.
 - d) Shall assist the Coordinator in processing the grievance through the hearing and appeal stages.
 - e) Shall inform inmates of grievance dispositions and appeal rights.
 - f) Shall maintain adequate records to insure that grievances are not "lost", time limits are followed and grievance dispositions are known to the prison community.
 - g) Shall meet with the Coordinator, the Grievance Committee and/or the Assistant Clerk to discuss problems, grievance dispositions, etc., as needed.
 - h) Any other duties as assigned by the Coordinator.

SUBSECTION IV--VACANCIES

When a vacancy occurs in the Clerk or Assistant Clerk positions, the Coordinator shall submit his recommendation(s) to the Grievance Committee. The Committee must ratify any such recommendation(s) by a majority vote for an appointment to be made. When a ratification is not given, the Coordinator shall continue to submit recommendations from the register until ratification is given.

SUBSECTION V--REMOVAL FROM OFFICE

The Clerk or Assistant Clerk may be removed from office for malfeasance and/or dereliction of duty as determined by a majority vote of the Grievance Committee and the Coordinator.

1) Charges brought against either clerk for violation(s) of the W.A.C. shall not by itself be sufficient cause for removal unless penalties for said violation(s) shall constitute an absence from employment in excess of thirty (30) days.

2) In the event of such absence, the Assistant Clerk shall assume all duties of the Clerk, or vice versa, and a new Assistant Clerk shall be hired. Should the original Clerk or Assistant Clerk be exonerated by the appeal process, h/she shall be reinstated and the new hiree returned to the register.

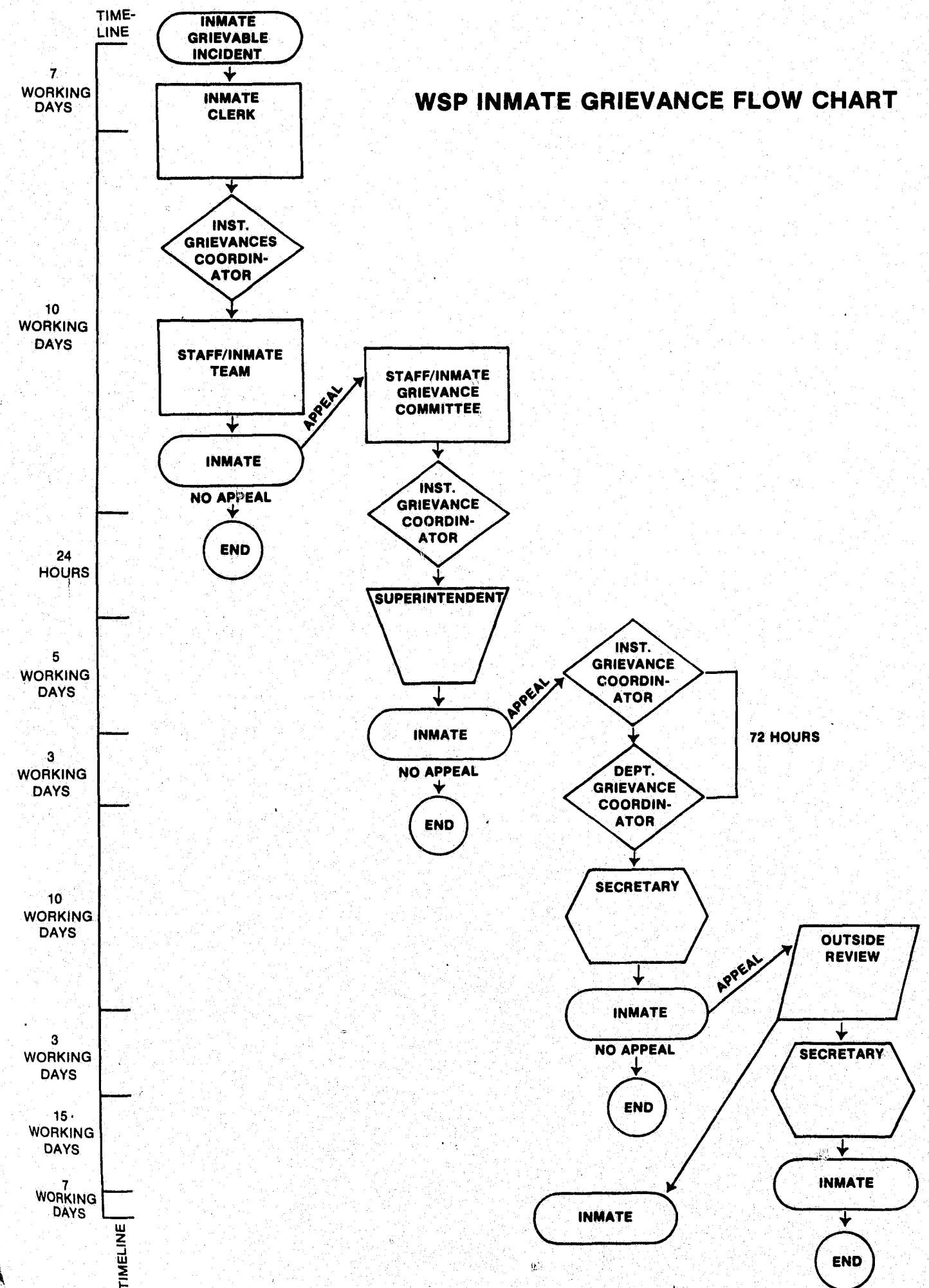
a) Any new clerk assigned under said conditions of absence shall retain job seniority and pay scale as of the date of unassignment to take this position.

SECTION X--EVALUATION AND AMENDMENT OF INMATE GRIEVANCE PROCEDURE

Temporary changes in the Grievance Procedure may be made by the Grievance Committee and the Coordinator in concert, with the approval of the Superintendent and the Coordinator of the Adult Corrections Division. At six (6) month intervals, or less if needed, the procedure shall be evaluated by a group consisting of the Design Committee, the Grievance Committee, the Clerks and the Coordinator. Any SUBSTANTIAL change in the written procedure must be approved by a two-thirds (2/3) majority of this group. Recommended changes shall be sent to the Director of Adult Corrections for his approval and input, with any comments from the Superintendent attached.

The Grievance Procedure shall not be incorporated into law, the W.A.C. or by legislation until it has been in operation at Washington State Penitentiary for at least twelve (12) months and has been evaluated at least twice.

APPENDIX B
GRIEVANCE FLOW CHART



APPENDIX C
GRIEVANCE PROCEDURE OPERATING INSTRUCTIONS

WASHINGTON STATE PENITENTIARY
INMATE GRIEVANCES

- I. FILING AN INMATE GRIEVANCE
- II. INFORMAL REVIEW
- III. GRIEVANCE COMMITTEE REVIEW
- IV. SUPERINTENDENT REVIEW
- V. DIVISION REVIEW
- VI. OUTSIDE REVIEW
- VII. EMERGENCY GRIEVANCE PROCEDURE
- VIII. REPRISAL TRANSFERS DUE TO IMMINENT DANGER
- IX. STAFF DISCIPLINE APPEAL

GRIEVANCE PROCEDURE

I. FILING AN INMATE GRIEVANCE

RESPONSIBLE PERSON	ACTION
Grievant	1 Submits grievance to Institution Grievance Clerk.
Grievance Clerk	2 Records the date and time the grievance is received on the Grievance Initiation Log.
	3 Ensures that the grievance form is complete and signed by the grievant.
	4 Aids the grievant in writing facts to describe the grievance.
	5 Provides grievant with information as to time limits, appeal rights, and right of representation.
	6 Logs daily information on Grievance Status Log.
	7 Makes four copies of grievance. Gives one to grievant, files one in grievance file according to month and log number, submits one to Institution Coordinator, and mails one to Division Coordinator.
	8 Submits daily "status sheet" to Institution Coordinator for review.
Institution Coordinator	9 Collects grievances from inmates in administrative segregation and protective custody on a daily basis.
	10 Meets weekly with inmate clerks to discuss and document work performance.
	11 Provides training for inmate clerks related to specific job tasks.

DATE _____

APPROVED _____

GRIEVANCE PROCEDURE

II. INFORMAL REVIEW

RESPONSIBLE PERSON	ACTION
Institution Coordinator	1 Maintains an updated computer printout of grievances filed and due dates.
	2 Assigns grievances to a staff/inmate team on a daily basis.
	3 Maintains monthly records of staff time spent in resolving grievances.
	4 Maintains a monthly record of staff/inmate teams assigned to grievances.
	5 Inspects each grievance and notes areas that need to be investigated.
Staff/Inmate Team	6 Researches in a team those areas pertinent to the resolution of the grievance.
	7 Obtains copies of all information needed to obtain the facts.
	8 Contacts the staff closest to the aggrieved situation before supervisors or department heads.
Institution Coordinator	9 Ensures the written response includes facts considered for resolution.
	10 Ensures response to grievant within seven working days of appeal filing date.
	11 Submits the information resolution to the clerk for filing and reproduction.
Grievance Clerk	12 Gives original copy to grievant, files one copy in grievance office, and sends one copy to Division Coordinator.
	13 Records data daily on status of informal resolution on Grievance Status Log and submits to Institution Coordinator.
Institution Coordinator	14 Reviews Grievance Status Log and submits to MIS prior to end of work shift.

DATE _____

APPROVED _____

GRIEVANCE PROCEDURE

III. GRIEVANCE COMMITTEE REVIEW

RESPONSIBLE PERSON	ACTION
Institution Coordinator	1 Schedules grievance committee hearing after 7 working days of filing date if grievant is not satisfied with informal resolution.
	2 Rotates committee members on a weekly basis.
Grievance Clerk	3 Notifies grievant, committee members, and respondents of hearing.
Institution Coordinator	4 Researches existing WAC's and/or institutional/departmental policy prior to committee hearing.
	5 Ensures that appropriate documents and/or copies of documents pertinent to the grievance are available at the committee meeting.
	6 Acts as a neutral mediator during the committee meeting.
	7 Updates committee on new information discovered during informal level.
	8 Appraises committee of current policies pertaining to the grievance.
Grievance Committee Members	9 Listens impartially to both sides of grievance, questions grievant and respondent to clarify facts and reach an equitable resolution.
Institution Coordinator	10 Records minutes of the meeting.
	11 Ensures committee response contains reasons for a favorable or unfavorable resolution, and that time limits for recommended action are stipulated.
	12 Forwards grievance to the Superintendent if the grievant does not receive a response from the committee within 10 working days of the date of filing.
Grievance Clerk	13 Obtains an extension in writing from the grievant if he agrees to this.
	14 Attaches written extension to original grievance.
	15 Logs new information on Grievance Status Log for MIS

DATE _____

APPROVED _____

GRIEVANCE PROCEDURE

III. GRIEVANCE COMMITTEE REVIEW (continued)

RESPONSIBLE PERSON	ACTION
Institution Coordinator	16 Delivers all committee resolutions, recommendations and appeals to the Superintendent within 24 hours.
Grievance Clerk	17 Logs committee decisions on Grievance Status Log and submits to MIS.
	18 Makes two copies of committee response.
	19 Files and indexes one copy according to subject and month and retains in the grievance office.
	20 Mails a copy to Division Coordinator.
Institution Coordinator	21 Monthly critiques the performance of committee members.
	22 Provides on-the-job training for committee members.

DATE _____

APPROVED _____

GRIEVANCE PROCEDURE

IV. SUPERINTENDENT REVIEW

RESPONSIBLE PERSON	ACTION
Superintendent	1 Submits a response to the grievance within 5 working days from the date of the grievance committee's written recommendations/resolutions.
	2 Submits a response to an appeal within 5 working days of the filing date of the appeal.
	3 Ensures the written response includes reasons why each issue addressed in the appeal or committee recommendations is reasonable or unreasonable to implement.
	4 Ensures the written response includes a date of time implementation for each area addressed in the grievance.
	5 References a specific policy or procedure in response where applicable.
	6 Mails original response to the grievant.
	7 Provides copies of his response to an appeal or committee recommendations to the Institution Coordinator, Grievance Coordinator, and Division Coordinator.
Grievance Clerk	8 Logs information on Grievance Status Log and submits to MIS.
Superintendent	9 Forwards all committee responses or appeals that are not responded to within 5 working days to the Division Coordinator unless the grievant has granted an extension in writing.
	10 Forwards a copy of written extension to Grievance Clerk.
Grievance Clerk	11 Logs new information on Grievance Status Log and submits to MIS.

DATE _____

APPROVED _____

C-6

GRIEVANCE PROCEDURE

V. DIVISION REVIEW

RESPONSIBLE PERSON	ACTION
Grievant	1 May file an appeal of Superintendent response within 3 working days of receipt of response, if dissatisfied.
Grievance Clerk	2 Logs grievance information on Grievance Status Log and submits to MIS.
	3 Mails grievance and all related action to Division Coordinator within 72 hours of appeal filing date.
	4 Stamps date that grievance, informal resolution, Superintendent response, or Superintendent appeal is received in the mail.
Division Grievance Secretary	5 Logs appropriate information on Grievance Status Log and submits information to MIS.
	6 Submits all grievance mail to Division Coordinator for review.
	7 Reviews all grievance material content.
Division Coordinator	8 Submits grievances, informal resolutions, and Superintendent response to Division Grievance Secretary for filing.
	9 Files grievance and related level actions according to month and grievance log number.
Division Grievance Secretary	10 Researches information for Division response if Superintendent response requests Division review/action, and when grievant appeals Superintendent's decision.
Division Coordinator	11 Contacts Institution Coordinator for clarification of issues or facts presented during grievance committee hearing.
	12 Researches existing WAC's, department policy, administrative policy, etc.
	13 Consults appropriate resource for information, i.e., Assistant Director, Attorney General's Office, etc.
	14 May contact Superintendent for additional input concerning resolution of grievance.
	15 Prepares an "executive summary" for the Director addressing significant facts of grievance.

DATE _____

APPROVED _____

C-7

GRIEVANCE PROCEDURE

V. DIVISION REVIEW (continued)

RESPONSIBLE PERSON		ACTION
Division Coordinator	16	Prepares a response to the grievance for the Director's signature.
	17	Ensures the written response includes why the issues addressed in the grievant appeal or Superintendent response are reasonable or unreasonable to implement.
	18	Ensures the written response includes a date for implementation.
Division Grievance Secretary	19	Prepares a file for the Director to review that includes the "executive summary", all file previous material related to the grievance, and a letter of response to the grievant.
Division Coordinator	20	Presents the above file to the Director within three working days of the receipt of the grievance appeal or Superintendent response.
Grievant	21	Receives a written response from the Director within 10 working days of appeal filing date, unless grievant has agreed to an extension.
Division Coordinator	22	Forwards grievance material to Outside Review if time limits are not met.
Division Grievance Secretary	23	Mails original response to grievant.
	24	Sends copies of response to Superintendent, Division Coordinator, Institution Coordinator, and Grievance Committee.
	25	Attaches Division response to original grievance.
	26	Maintains a separate copy of Division response to be indexed according to month.
	27	Maintains a tickler file of due dates of actions addressed in Director's response.
	28	Notifies Division Coordinator of due dates for response by the first of each month.
Division Coordinator	29	Notifies Director of action to be completed on grievance during each month.

DATE _____

C-8

APPROVED _____

GRIEVANCE PROCEDURE

VI. OUTSIDE REVIEW

RESPONSIBLE PERSON		ACTION
Grievant	1	May file an appeal within three working days after receiving Director response, if dissatisfied.
Grievance Clerk	2	Logs grievance information on Grievance Status Log and submits to MIS.
Institution Coordinator	3	Contacts Division Coordinator within 24 hours to notify status of grievance.
Division Coordinator	4	Notifies American Arbitration Association within 24 hours of the subject of grievance being forwarded and time limits for response (15 working days of appeal filing date).
American Arbitration Association	5	Selects arbitrator to hear grievance.
	6	Verbally notifies Division Coordinator of arbitrator selected and date of hearing within 24 hours.
Division Coordinator	7	Verbally notifies Superintendent and Institution Coordinator of hearing date within 24 hours.
Institution Coordinator	8	Verbally notifies grievant of hearing date within 24 hours.
	9	Advises grievant of right to grievant appointee and lay advisor.
	10	Interviews both parties of grievance to obtain clarification and/or new information.
	11	Attaches a written statement of the issues to be reviewed by each of the parties.
	12	Attaches a written stipulation of all facts on which the parties agree or disagree.
	13	Ensures any policies or rules used in lower level recommendations are attached.
	14	Mails original grievance and all related material to Division Coordinator within 72 hours of appeal filing date.
Division Grievance Secretary	15	Stamps date grievance packet is received.
	16	Logs information on Grievance Status Log and submits to MIS.

DATE _____

C-9

APPROVED _____

GRIEVANCE PROCEDURE

VI. OUTSIDE REVIEW (continued)

RESPONSIBLE PERSON		ACTION
Division Coordinator	17	Writes an executive summary of grievance within three working days of the receipt of the appeal.
Division Grievance Secretary	18	Mails grievance packet to American Arbitration Association within three working days of receipt of the appeal.
American Arbitration Association	19	Mails notification of hearing date and time to Division Coordinator, Superintendent, Institution Coordinator, and grievant upon receipt of grievance packet.
Division Coordinator	20	Makes two copies of grievance packet, one for Superintendent and one for division file.
	21	Prepares a memo describing characteristics of the case, and attaches to Superintendent's copy of grievance packet.
	22	Obtains signature from supervisor on financial forms #A-19, #A-20, and DSHS #9-415 and attaches to Superintendent's copy of grievance packet.
Division Grievance Secretary	23	Mails Superintendent's copy of grievance packet with attachments in #21 and #22 within three working days of appeal.
Grievant	24	Upon written notification of Outside Review Hearing by the American Arbitration Association, selects an appointee (panel member) and lay advisor.
	25	Submits names to Institution Coordinator within two days of written receipt of hearing date.
Institution Coordinator	26	Submits names to Superintendent for final approval within 48 hours of receipt from grievant.
	27	Notifies grievant of approval/disapproval of names within 24 hours of Superintendent's decision.
Superintendent	28	Coordinates transportation to and from airport for arbitrator.
	29	Secures a meeting place for Outside Review Hearing.

DATE _____

APPROVED _____

GRIEVANCE PROCEDURE

VI. OUTSIDE REVIEW (continued)

RESPONSIBLE PERSON		ACTION
Superintendent	30	Assigns a panel member for hearing.
	31	Reviews case with panel member and witnesses for hearing.
	32	Secures signature from arbitrator on financial forms #A-19, #A-20, and DSHS #9-415, and mails to Division Coordinator.
	33	Ensures approved inmates for hearing are available 30 minutes prior to hearing.
Arbitrator	34	Notifies grievant, Superintendent, Division Coordinator, Institution Coordinator, and Grievance Committee, in writing, if hearing is denied, and reasons for denial, according to stipulations in WSP Policy (p.14, 2. A-D).
	35	Conducts hearing in accordance with Washington State Penitentiary Grievance Policy.
	36	Notifies grievant of process utilized in obtaining signatures on the original copy of the award.
	37	Mails original copy of the award to Superintendent for signatures.
Superintendent	38	Ensures grievant appointee and administrative appointee sign the original copy of the award.
	39	Sends original copy of the award back to American Arbitration Association with signatures.
American Arbitration Association	40	Mails copies of award to grievant, Institution Coordinator, Superintendent, and Division Coordinator.
Division Grievance Secretary	41	Logs appropriate information on Grievance Status Log and submits to MIS upon receipt of award.
Division Coordinator	42	Submits award to Director for response.
Director	43	Responds to award within seven working days after receipt of the award.
	44	Provides grievant with reasons for refusal to implement in accordance with WSP Grievance Policy (p.15 A-D).

DATE _____

APPROVED _____

GRIEVANCE PROCEDURE

VI. OUTSIDE REVIEW (continued)

RESPONSIBLE PERSON	ACTION
Division Grievance Secretary	45 Logs appropriate information on Grievance Status Log and submits to MIS.
	46 Makes two copies of Outside Review opinion.
	47 Attaches one copy to original grievance, maintains one copy in separate "Outside Review" file.
Division Coordinator	48 Provides Director with monthly report indicating subject of cases to be heard by Outside Review.

DATE _____
APPROVED _____

GRIEVANCE PROCEDURE

VII. EMERGENCY GRIEVANCES

RESPONSIBLE PERSON	ACTION
Grievant	1 Files an emergency grievance with Institution Coordinator/designee after an action has been denied on a request within the "emergency" definition of WSP Grievance Policy.
Institution Coordinator/Designee	2 Directly receives emergency grievances.
	3 Immediately addresses emergency grievance and provides grievant with a written response, stating reasons for action
	4 Makes 3 copies of grievance and response.
Grievance Clerk	5 Forwards a copy of grievance and response to Superintendent.
	6 Forwards a copy to Grievance Clerk.
	7 Forwards a copy to Division Coordinator.
Grievant	8 Logs information on Grievance Status Log and submits to MIS.
	9 Retain grievance in a file marked "emergency grievances" for one year.
	10 May appeal resolution of Institution Coordinator/designee to Superintendent.
Superintendent	11 Immediately addresses grievance and provides grievant with written response.
	12 Ensures response contains reasons for decision.
	13 Mails original response to grievant.
Grievance Clerk	14 Provides copies of response to Institution Coordinator, Grievance Committee, and Division Coordinator.
	15 Logs appropriate information on Grievance Status Log.
	16 Files appeal response in "emergency" file.
Grievant	17 May file grievance through normal grievance process if dissatisfied with Superintendent resolution.

DATE _____
APPROVED _____

GRIEVANCE PROCEDURE

VIII. REPRISAL TRANSFERS DUE TO IMMINENT DANGER

RESPONSIBLE PERSON		ACTION
Institution Coordinator	1	Notifies Superintendent when a transfer reprisal grievance is filed.
	2	Provides Superintendent with a copy of the grievance.
Superintendent	3	Immediately notifies Division Coordinator of transfer reprisal grievance.
	4	Notifies Independent Arbitrator of facts of grievance.
Institution Coordinator	5	Provides Grievance Clerk with a copy of the grievance.
Grievance Clerk	6	Logs information on Grievance Status Log.
Superintendent	7	Prepares a paper review for Independent Arbitrator including minutes of Administrative Segregation Hearing, minutes of Classification Hearing, documentation of reasons for danger to self or others, and description of incident leading to isolation.
	8	Mails response to Independent Arbitrator and Division Coordinator within 72 hours.
Independent Arbitrator	9	Issues opinion and/or recommendation to Director of Corrections.

DATE _____

APPROVED _____

GRIEVANCE PROCEDURE

IX. STAFF DISCIPLINE APPEAL

RESPONSIBLE PERSON		ACTION
Superintendent	1	Ensures appeal response includes how the incident occurred, what took place, who was involved in the incident, where the occurred, and specific facts regarding staff conduct.
	2	Forwards staff appeal to Division Coordinator within 5 working days of the filing date of appeal.
Director	3	Responds to staff grievant within 10 working days after appeal is filed.
Division Grievance Secretary	4	Logs information on Grievance Status Log and submits to MIS.
	5	Maintains "classified" file to be destroyed after one year.
Staff Grievant	6	May appeal to Independent Arbitrator.
Division Coordinator	7	Contacts Independent Arbitrator to schedule hearing within 15 working days after the appeal is filed.
	8	Notifies Superintendent of hearing date.

DATE _____

APPROVED _____

APPENDIX D

DAILY LOG SHEETS FOR
MANAGEMENT INFORMATION SYSTEM

GRIEVANCE INITIATION LOG

DATE_

[illegible]

GRIEVANCE STATUS LOG

STATUS CHANGE

DATE

[illegible]

APPENDIX E

GRIEVANCE FORMS

WASHINGTON STATE PENITENTIARY
INITIAL GRIEVANCE FORM

NAME	NUMBER	UNIT	LOG NUMBER	DATE

Deadline Date: _____

PART A — INMATE GRIEVANCE

DATE _____

SIGNATURE OF GRIEVANT

PART B — INFORMAL RESPONSE

 I am satisfied with this grievance

_____ I wish this grievance to go to Committee

DATE _____

STAFF COMMITTEE MEMBER

INMATE COMMITTEE MEMBER

6th copy to inmate upon filing grievance; upon completion of Part A & B original copy to inmate; 2nd copy to Division Coordinator; 3rd copy to office file; 4th copy to Grievance Committee; 5th copy to Institution Coordinator:

WASHINGTON STATE PENITENTIARY
GRIEVANCE FORM — COMMITTEE AND SUPERINTENDENT ACTION

NAME	NUMBER	UNIT	LOG NUMBER	DATE
------	--------	------	------------	------

PART A — COMMITTEE RECOMMENDATIONS

DATE

INSTITUTION COORDINATOR

PART B — SUPERINTENDENT RESPONSE

DATE

SUPERINTENDENT SIGNATURE

6th COPY TO INMATE UPON RECEIPT OF COMMITTEE RECOMMENDATIONS; UPON COMPLETION OF PART A & B ORIGINAL COPY TO INMATE; 2nd COPY TO DIVISION COORDINATOR; 3rd COPY TO OFFICE FILE; 4th COPY TO SUPERINTENDENT; 5th COPY TO GRIEVANCE COMMITTEE.

WASHINGTON STATE PENITENTIARY
GRIEVANCE FORM — DIRECTOR APPEAL

NAME	NUMBER	UNIT	LOG NUMBER	DATE
------	--------	------	------------	------

PART A — APPEAL TO DIRECTOR

DATE

SIGNATURE OF GRIEVANT

PART B — DIVISION RESPONSE

DATE

SIGNATURE OF DIRECTOR

6th COPY TO INMATE UPON FILING APPEAL; UPON COMPLETION OF PART A & B ORIGINAL COPY TO INMATE; 2nd COPY TO DIVISION COORDINATOR; 3rd COPY TO OFFICE FILE; 4th COPY TO DIRECTOR; 5th COPY TO INSTITUTION COORDINATOR.

WASHINGTON STATE PENITENTIARY
GRIEVANCE FORM — REVIEW

NAME	NUMBER	UNIT	LOG NUMBER	DATE
------	--------	------	------------	------

PART A — APPEAL TO OUTSIDE REVIEW

DATE

SIGNATURE OF GRIEVANT

PART B — INSTITUTION COORDINATOR COMMENTS

ISSUES TO BE REVIEWED, AS AGREED BY THE PARTIES:

FACTS ON WHICH THE PARTIES AGREE:

ISSUES IDENTIFIED BY EACH OF THE PARTIES:

DATE

SIGNATURE OF INSTITUTION COORDINATOR

6th COPY TO INMATE UPON FILING REVIEW; UPON COMPLETION OF PART A & B ORIGINAL COPY TO INMATE; 2nd COPY TO DIVISION COORDINATOR; 3rd COPY TO OFFICE FILE; 4th COPY TO DIRECTOR; 5th COPY TO INSTITUTION COORDINATOR.

APPENDIX F
MIS CODE SHEET

MIS CODES FOR WASHINGTON STATE PENITENTIARY GRIEVANCE PROGRAM

STATUS	RESOLUTION
0 INFORMAL	1 INMATE
1 COMMITTEE	2 COMPROMISE
2 SUPERINTENDENT	3 STATE
3 DIRECTOR	4 OUT OF JURISDICTION
4 COMMITTEE APPEAL	5 NO ACTION
5 SUPERINTENDENT APPEAL	
6 DIRECTOR APPEAL	DESCRIPTIVE CODES
7 DIRECTOR'S FINAL RESPONSE	LOCATION:
8 SINGLE ARBITRATION	3 ISU
9 (OPEN)	4 WING-4
A INFORMAL (RESOLVED)	5 WING-5
B COMMITTEE (RESOLVED)	6 WING-6
C SUPERINTENDENT (RESOLVED)	7 WING-7
D DIRECTOR (RESOLVED)	8 WING-8
E COMMITTEE APPEAL (RESOLVED)	A AC SCHOOL
F SUPERINTENDENT APPEAL (RESOLVED)	B ADMINISTRATIVE AREA
G DIRECTOR APPEAL (RESOLVED)	C ADMISSIONS
H SINGLE ARBITRATION (RESOLVED)	D BARBERSHOP
J (OPEN)	E CHAPEL
K (OPEN)	F DRYGOODS
L (OPEN)	G GYM
	H HOSPITAL
TYPE	J INDUSTRY
1 NORMAL	K LAUNDRY
2 EMERGENCY	L MESS HALL
3 REPRISAL	M MOVIE
	N OTHER
ETHNIC	P RECREATION YARD
WHITE 1	Q STORE
BLACK 2	R VISITING ROOM
INDIAN 3	S VOCATIONAL SCHOOL
CHICANO 4	T WEIGHT ROOM
CHINESE 5	U LIBRARY
JAPANESE 6	
FILIPINO 7	
OTHER 8	
UNKNOWN 9	

DESCRIPTIVE CODES (CONTINUED)

CATEGORY:	SPECIFIC:	CATEGORY:	SPECIFIC:
1 GRIEVANCE AGAINST POLICY OR PROCEDURE	01 DIVISION LEVEL 02 DSHS LEVEL 03 INSTITUTION LEVEL 04 WAC 275.82 05 WAC 275.88 06 WAC 275.96	6 GRIEVANCE AGAINST SERVICE/PROGRAM	01 AC SCHOOL 02 ACCOUNTING 03 BARBERING 04 CASEWORK 05 CURIO/HOBBY 06 CUSTODY PRAC- TICE
2 GRIEVANCE AGAINST LOCAL APPLICATION OF POLICY OR PROCEDURE	01 DIVISION LEVEL 02 DSHS LEVEL 03 INSTITUTION LEVEL 04 WAC 275.82 05 WAC 275.88 06 WAC 275.96		07 DAYROOM 08 DENTAL 09 FIELD SERVICE 10 FOOD 11 INDUSTRIES 12 INMATE ACTIVITY GROUP
3 GRIEVANCE AGAINST LACK OF POLICY OR PROCEDURE	01 DIVISION LEVEL 02 DSHS LEVEL 03 INSTITUTION LEVEL		13 JOB ASSIGNMENT 14 LAUNDRY 15 MAIL 16 MEDICAL 17 OTHER
4 GRIEVANCE AGAINST IDENTIFIED PERSON	01 DEMEANOR 02 FAILURE TO PER- FORM DUTY 03 OTHER 04 PHYSICAL ABUSE 05 UNFAIR TREATMENT 06 VERBAL ABUSE		18 PHYSICAL PLANT 19 RECREATION 20 RELIGIOUS 21 SHOWERS 22 STORE 23 SUPPLY 24 TELEPHONE
5 GRIEVANCE AGAINST CLASSIFICATION UNIT	01 ADMINISTRATION 02 CUSTODY CHANGE 03 FURLOUGH 04 OTHER 05 RECOMMENDATION BPT&P 06 SCHOOL ASSIGNMENT 07 TRANSFER FROM INSTITUTION 08 TRANSFER WITHIN INSTITUTION 09 TRANSFER WITHIN WING 10 WORK ASSIGNMENT 11 WORK RELEASE		25 VISITING 26 VOCATIONAL SCHOOL 27 LIBRARY

APPENDIX G
STATISTICAL SUMMARY REPORT

WASHINGTON STATE PENITENTIARY

GRIEVANCE REPORT

SUMMARY SHEET

AUGUST 28, 1980 TO AUGUST 31, 1981

1. Total Grievances Filed 838
Total Inmates Filing 651

Ethnic of Those Filing

White	406
Black	170
Indian	23
Chicano	27
Chinese	2
Japanese	1
Filipino	5
Other	9
Unknown	8

2. Current Status of Grievances

Resolutions Reached 655

Informal Level

Inmate Favor	193
Compromise	87
State	44
Out of Jurisdiction	4
No Action Taken	1

Committee Level

Inmate	3
Compromise	3
State	3

Superintendent Level

Inmate	44
Compromise	39
State	119

Director Level

Inmate	1
Compromise	1
State	0

Superintendent Appeal Level

Inmate Favor	14
Compromise	18
State	57
No Action Taken	1

Director Appeal Level

Inmate Favor	6
Compromise	4
State	8

Washington State Penitentiary
Grievance Report
Page 2

<u>Single Arbitration</u>	
Inmate Favor	2
Compromise	1
State	5
<u>Withdrawals</u>	104
<u>Transfers</u>	22
<u>In Process</u>	
Informal Level	30
Committee Level	9
Superintendent Level	17
Superintendent Appeal	1
Director Appeal	5
<u>Extensions</u>	13
 3. Grievances Filed by Location	
ISU	102
Wing-4	55
Wing-5	127
Wing-6	112
Wing-7	48
Wing-8	135
AC School	1
Administrative Area	26
Admissions	104
Barbershop	2
Chapel	2
Drygoods	2
Gym	1
Hospital	32
Industry	18
Laundry	3
Mess Hall	11
Movie	4
Other	48
Recreation Yard	3
Store	5
Visiting Room	13
Vocational School	1
Weight Room	0
Library	4
Unknown	3

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Grievance Report
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4. Category Filed:

Grievance Against Policy or Procedure	59
Division Level	2
DSHS Level	1
Institution Level	48
WAC 275.82	1
WAC 275.88	6
WAC 275.96	1
Grievance Against Local Application of Policy or Procedure	78
Division Level	3
DSHS Level	2
Institution Level	71
WAC 275.82	1
WAC 275.88	1
WAC 275.96	0
Grievance Against Lack of Policy or Procedure	39
Division Level	4
DSHS Level	0
Institution Level	35
Grievance Against Identified Person	277
Demeanor	42
Failure to Perform Duty	48
Other	52
Physical Abuse	13
Unfair Treatment	115
Verbal Abuse	7
Grievance Against Classification Action	66
Administration	10
Custody Change	10
Furlough	2
Other	20

Washington State Penitentiary
Grievance Report
Page 4

Recommendation to BPT&P	5
School Assignment	1
Transfer From Institution	7
Transfer Within Institution	6
Transfer Within Wing	0
Work Assignment/Work Release	5

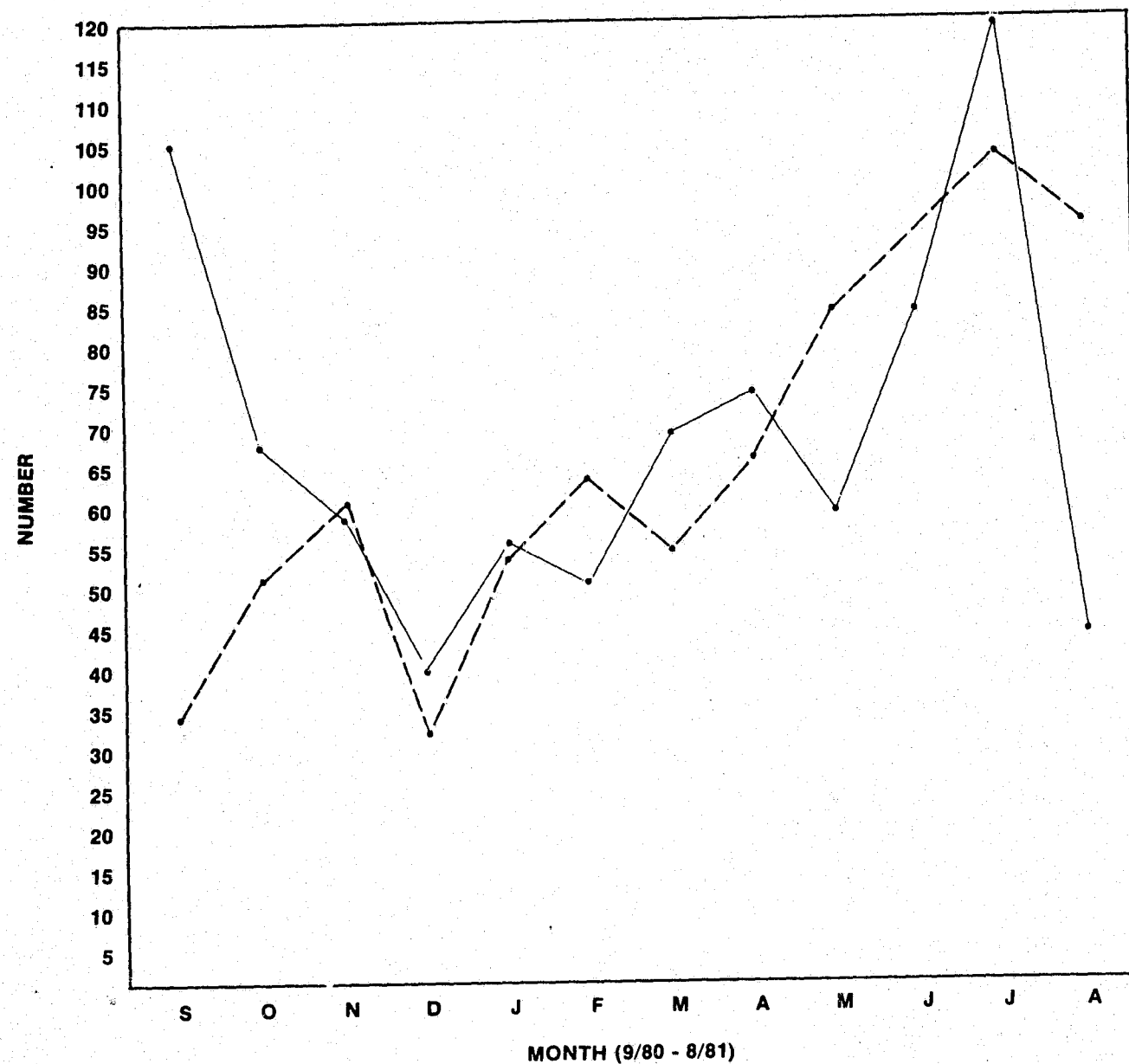
Grievance Against Service/Program	318
--------------------------------------	-----

AC School	1
Accounting	25
Barbering	0
Casework	3
Curio/Hobby	3
Custody Practice	54
Dayroom	1
Dental	3
Field Services	1
Food	5
Industries	8
Inmate Activity Group	1
Job Assignment	10
Laundry	4
Mail	24
Medical	65
Other	49
Physical Plant	10
Recreation	4
Religious	9
Showers	0
Store	7
Supply	7
Telephone	3
Visiting	14
Vocational School	1
Library	5

APPENDIX H

GRAPHS

I. TOTAL GRIEVANCES FILED

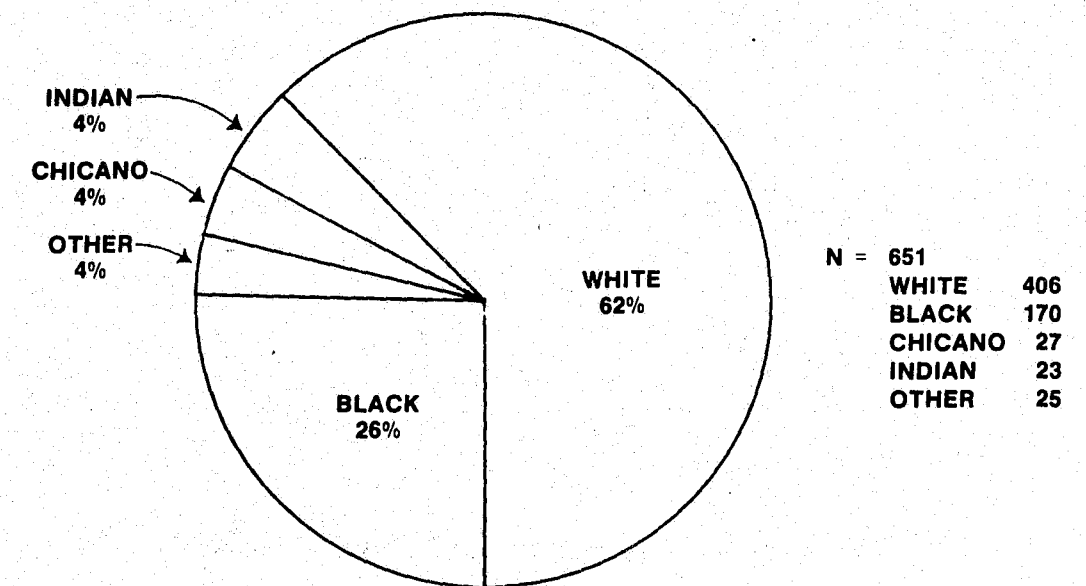


INMATES MAY FILE GRIEVANCES IN THE FOLLOWING AREAS:

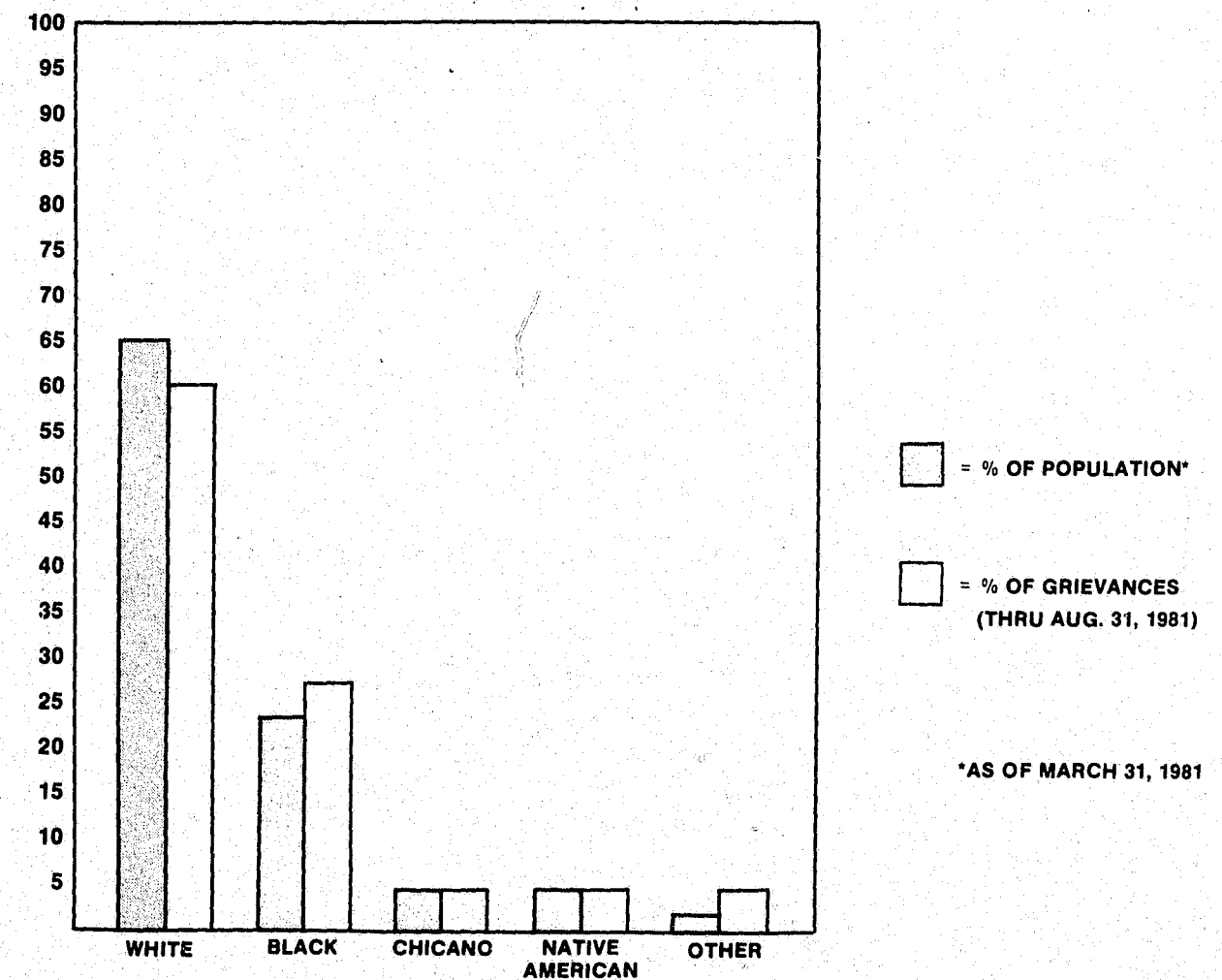
- 1) POLICIES, RULES OR PROCEDURES WITHIN THE PENITENTIARY OR THE DEPARTMENT
- 2) A LACK OF POLICY OR REGULATION
- 3) ACTIONS BY EMPLOYEES
- 4) REPRISALS BY STAFF
- 5) VIOLATIONS OF DISCIPLINARY RULES

- 6) CASE FILE MATERIAL REVIEWED BY THE PAROLE BOARD
- 7) CLASSIFICATION COMMITTEE DECISIONS
- 8) WORK TRAINING RELEASE DECISIONS
- 9) POLICIES AND PROCEDURES OF INSTITUTIONAL INDUSTRIES
- 10) EMERGENCY SITUATIONS WHERE THE HEALTH OR WELFARE OF THE INMATE WAS IN JEOPARDY

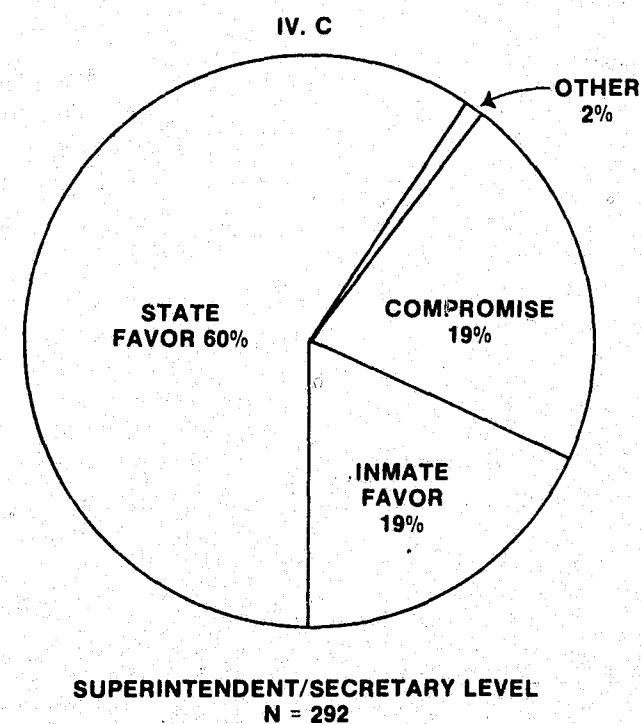
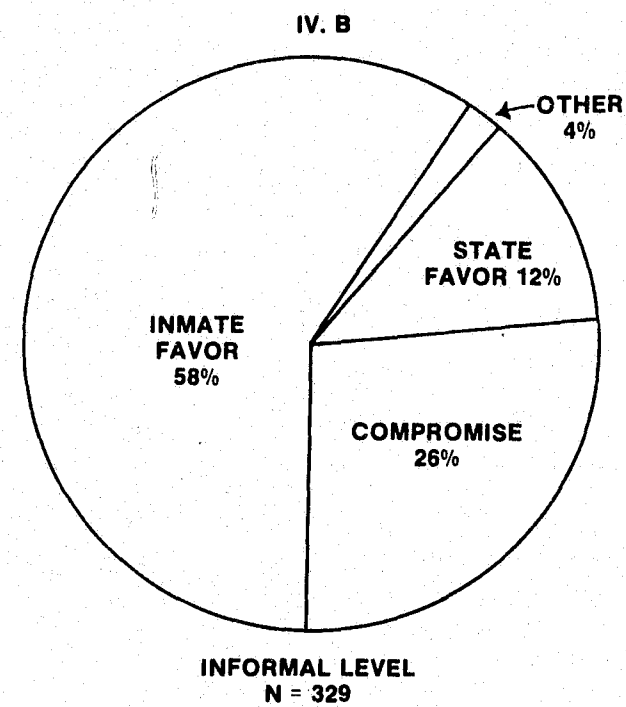
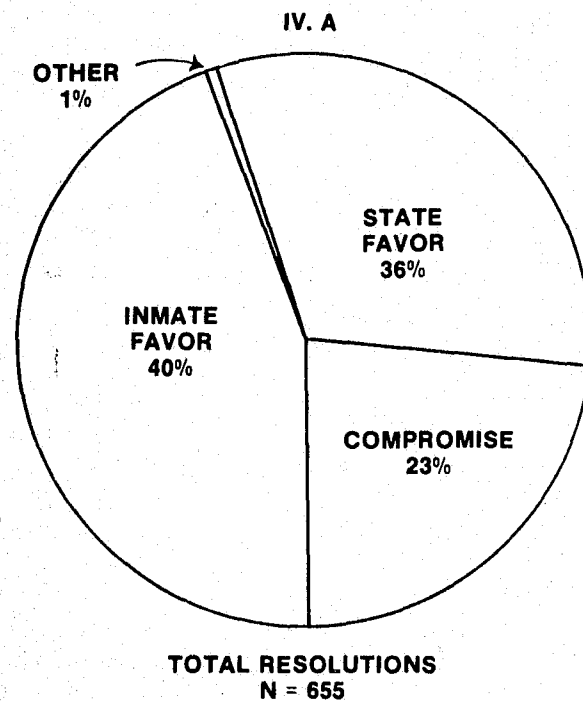
II. GRIEVANCES FILED BY RACE



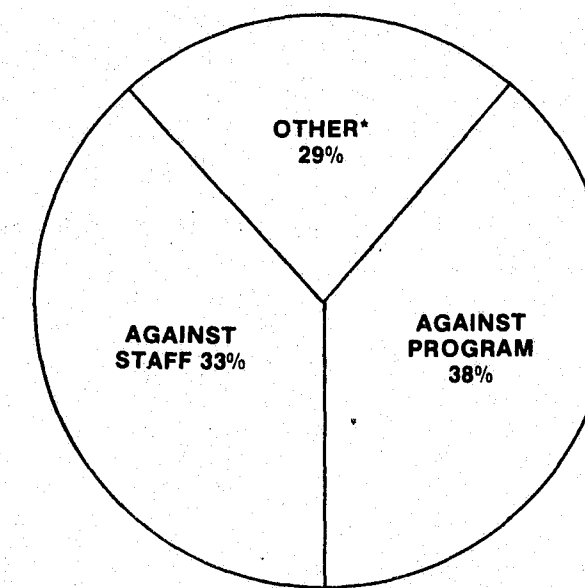
III. POPULATION BY RACE/GRIEVANCE



IV. RESOLUTIONS REACHED



V. GRIEVANCES FILED — BY REASON



N = 838

*OTHER: GRIEVANCE AGAINST POLICY OR PROCEDURE
LOCAL APPLICATION OF POLICY OR PROCEDURE
LACK OF POLICY OR PROCEDURE
CLASSIFICATION ACTION

END