



WYOMING DEPARTMENT OF CORRECTIONS

Policy and Procedure #3.100

Inmate Communication and Grievance Procedure

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Authority: Wyoming Statute(s): 25-1-104; 25-1-105 ACA Standard(s): 4-4284	Effective Date: April 15, 2007 Revision/Review History: Summary of Revision/Review: Revises previous WDOC regulations and establishes a uniform WDOC policy and procedure for the inmate grievance system.	
Cross Reference of Policy:	Supersedes Existing Policy : <i>AR #2.501, Inmate Grievance Procedure; DEO 99-005, Extension of Timeline for Informal Grievance Response; DD 95-002, Informal Grievance Form</i>	
Approved: _____ /s/ R.O. Lampert Robert O. Lampert, Director		_____ 2/28/07 Date

REFERENCE

1. ATTACHMENTS

- A. **WDOC Form # 320: Inmate Communication Form**
- B. **WDOC Form # 321: Inmate Grievance Form**
- C. **WDOC Form # 322: Inmate Grievance Appeal Form**
- D. **WDOC Form # 323: Time Schedule For Grievance Procedure**
- E. **WDOC Form # 324.1: Notice for Permanent Posting – Inmate Grievance**
- F. **WDOC Form #328: Grievance Response Form**
- G. **WDOC Form #331: Inmate Grievance Receipt**

2. OTHER

- A. **Civil Rights of Institutionalized Persons Act, Pub. L. 96-247, 94 Stat. 399 (42 U.S.C. § 1997)**
- B. **Title 28, Code of Federal Regulations, Part 40**
- C. **Department of Justice Information Handbook for certification of inmate grievance procedures pursuant to the Civil Rights of Institutionalized Persons Act (April 14, 1992)**



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I. PURPOSE

- A. Inmate Communication and Grievance Review.** The purpose of this policy is to establish a uniform set of guidelines and procedures to direct proper and effective communication between Wyoming Department of Corrections staff and inmates and for the administration of the department's internal grievance review and appeal system for inmates confined in WDOC correctional facilities. This policy and procedure is intended to establish an administrative process to resolve valid and justified inmate grievances without involvement of the courts. It also provides the courts with a written record of the grievance and administrative action taken, if the matter should reach the courts. Accordingly, this policy establishes the available administrative remedies that the courts may require to have been exhausted prior to proceeding in an action brought under 42 USC § 1983.

II. POLICY

- A. Effective Communication and Informal Resolution.** It is the policy of the Wyoming Department of Corrections (WDOC) to promote and encourage proper and effective communication between staff and inmates and to encourage inmates to address their concerns informally through either dialog or the use of written inmate communication forms where possible.
- B. Fair and Equitable Treatment of Inmates.** Within the inherent limitations of resources and the need for facility security, safety, health and good order, it is the policy of the WDOC that all inmates be treated fairly and equitably, and that staff actions and decisions be consistent with the rules, policies and procedures of the department.
- C. Inmate Grievance Review and Appeal System.** Recognizing that due to the complex nature of the correctional setting some issues/disputes between staff and inmates may not be readily resolved at the informal level, it is the policy of the WDOC to permit and encourage inmates to seek resolution of issues/disputes, which cannot be resolved informally through a dialog with staff or by written communications, by using the department's internal inmate grievance review and appeal system established in this policy and procedure.
- D. Official Communications and the Inmate Grievance System.** It is the policy of the WDOC that the availability of this policy and procedure does not prohibit inmates from writing to WDOC officials, the Governor, the Attorney General, or any other official. However, letters to state officials regarding issues subject to this policy and procedure may be responded to with



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instructions to utilize the inmate communication and grievance procedure if the inmate has not done so beforehand.

- E. **Retaliation Prohibited.** It is the policy of the WDOC that participation in the inmate grievance review and appeal system shall not result in formal or informal reprisal. Any action or threat of action against anyone for the good faith use of or good faith participation in the inmate grievance review and appeal system is prohibited, and any such actions shall constitute a basis for an additional grievance.

III. DEFINITIONS

- A. **Chief Executive Officer (CEO):** A CEO is identified, but not limited to, the following positions: Director, Deputy Director, division administrators, deputy administrators, wardens, district supervisors, adult community corrections coordinator, and adult community corrections directors.
- B. **Communication:** A process by which information is exchanged between individuals, usually through verbal or written message.
- C. **Communication Continuum:** *(For this policy only.)* A system of communication in which each inmate is required to attempt to informally resolve issues/disputes at the lowest level possible before advancing to the next level.
- D. **Correctional Facility:** Any adult correctional facility operated by the Wyoming Department of Corrections or correctional facilities and county jails under contract with the Wyoming Department of Corrections.
- E. **Department of Corrections Employee:** Any person employed full-time, part-time, or under temporary appointment by the Wyoming Department of Corrections; any person under contractual arrangement to provide services to the Wyoming Department of Corrections; any person employed by private or public sector agencies who is serving under department-sanctioned special assignment to provide services or support to Wyoming Department of Corrections' programs.
- F. **Director:** The individual appointed by the Governor as Chief Administrative Officer of the Wyoming Department of Corrections, pursuant to W.S. § 9-2-1706.



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- G. **Emergency:** Any condition or situation where life, health, or safety may be threatened or where time frame considerations necessitate an immediate response or remedial action.
- H. **Emergency Grievance:** *(For this policy only.)* A grievance involving a problem which results from an unforeseen combination of circumstances, or the resulting state of those circumstances, and which calls for immediate action. If disposition of the grievance according to the regular time limits would subject the inmate to a substantial risk of personal injury, or cause other serious or irreparable harm to the inmate, then it will be considered an emergency.
- I. **Frivolous Grievance:** *(For this policy only.)* Any grievance that the inmate knows or reasonably should know is without merit, is irresponsible, or has no rational basis in fact or law; any grievance written in bad faith.
- J. **Grievance Manager:** *(For this policy only.)* The individual designated by the correctional facility Chief Executive Officer to investigate grievances and/or coordinate grievance responses.
- K. **Inmate:** Any person under the supervision of the Wyoming Department of Corrections who is not on parole or probation status. An inmate is a person who is incarcerated in any Wyoming Department of Corrections' correctional facility, county jail, municipal jail or in-state/out-of-state contract facilities, to include adult community corrections centers, who is committed to the custody and supervision of the Wyoming Department of Corrections.
- L. **Inmate Communication Form:** *(See WDOC Form #320.)* A form designed for inmate use in communicating with Department of Corrections' employees and in which employees can respond to the inmate; commonly referred to as a "kyte" or "kite".
- M. **Malicious Grievance:** *(For this policy only.)* Any grievance in which the inmate willfully falsifies information with the intent to annoy, slander, or injure a correctional facility staff member, inmate, or any other person.
- N. **Policy:** *(For this policy only.)* A written policy and procedure, regulation, rule or standard which personally affects a grievant.
- O. **Practice:** *(For this policy only.)* A course of action or conduct which, although not written, is generally recognized and applied within a correctional facility, program, or office as the standard operating procedure for equal application among offenders in similar circumstances and which personally affects a grievant. An isolated course of action or conduct which is applied



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only to the grievant and not to the general inmate population is not a practice within the meaning of this definition.

- P. Staff Member:** Wyoming Department of Corrections' employees (temporary and permanent), contractors, volunteers, on-site vendors, and persons from other agencies, organizations and businesses whose work is performed primarily on or within Wyoming Department of Corrections correctional institutions or facilities.
- Q. Working Day:** (*For this policy only.*) Monday through Friday, excluding weekends and holidays.

IV. PROCEDURE

A. Notification to Inmates and Employees About This Policy and Procedure

- 1.** Chief Executive Officers (CEOs) shall ensure that every inmate and every Department of Corrections employee has ready access to this policy and procedure regarding the inmate communication and grievance system.
 - i.** A copy of this policy and procedure shall be made available to all inmates who are under the authority of WDOC through individual distribution or posting. This policy and procedure shall be explained to inmates when necessary.
 - ii.** Each inmate, upon being newly received into the WDOC, shall receive a copy of this policy and procedure for their personal use and shall receive an oral explanation of the procedure, including the opportunity to have questions regarding the inmate communication and grievance procedure answered orally.
 - iii.** Legal library/library holdings shall include at least five (5) copies of this policy and procedure for reference.
 - iv.** Each Department of Corrections employee shall receive written notification and oral explanation of this policy and procedure during new employee orientation and/or during the pre-service training academy and shall have the opportunity to have questions regarding the inmate communication and grievance procedure answered orally. This policy shall also be made part of a policy manual accessible to staff.



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2. At this time, the inmate communication and grievance procedure will only be available in the English language. If at any time a significant portion of the population in a correctional facility is non-English speaking, the procedure will also be made available in the predominant foreign language.
3. Inmates who need assistance reading and/or understanding this policy and procedure because they do not speak English, because they are impaired or handicapped, or for any other reason, shall be afforded assistance by their assigned counselor, case manager, or assigned interpreter, who may arrange for further assistance as indicated.

B. Implementation of This Policy and Procedure

1. Each CEO shall develop internal correctional facility operating guidelines to:
 - i. Repeal any correctional facility guidelines pertaining to the applicability of the grievance procedure existing under Administrative Regulation #2.501, *Inmate Grievance Procedure*, upon the effective date of this policy;
 - ii. Disseminate and otherwise make this policy and procedure available to inmates and employees;
 - iii. Select and appoint appropriate grievance manager(s) and any other officials deemed necessary to carry out this policy and procedure; and
 - iv. Implement the general requirements of this policy and procedure, including, but not limited to:
 - a. Training of the policy and procedure;
 - b. Document control and record keeping; and
 - c. Any other matter deemed by the CEO to be in the furtherance of the purpose of this policy and procedure.
2. Grievances received in accordance with Administrative Regulation #2.501, *Inmate Grievance Procedure*, which do not otherwise adhere to the guidelines of this policy and procedure will be processed for a sixty (60) day period following the effective date of this policy and procedure to



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facilitate transition to the new policy and the education of affected inmates regarding the change in policy.

- C. **General Inmate-Staff Communication Principles.** Proper and effective communication between staff and inmates is an essential component of sound correctional facility management and inmate rehabilitation.
1. Integral to this policy and procedure is the directive that inmates seek to resolve issues/disputes with staff at the lowest possible level, beginning with verbal face-to-face communication, and that staff respond to inmate communications in a professional and timely manner.
 2. WDOC recognizes that inmates and staff communicate with each other not only with their choice of words (oral or written), but also non-verbally through their manner, tone, and approach (commonly referred to as “body language”).
 3. Inmates and staff are jointly responsible for ensuring their choice of words, manner, tone and approach are appropriate to properly and effectively convey their intended information and ideas to one another.
 4. Inmates shall communicate with staff in a civil and respectful tone and manner.
 5. Staff shall communicate with inmates in a professional manner that fosters respect and confidence. Staff orders directed to inmates should be clear and concise.
 6. Inmates will be specifically informed of the approved communication continuum at the time of intake/orientation and shall work through the approved communication continuum with the staff person to whom the inmate’s question or complaint is directed prior to directing his/her question or complaint to a higher authority.
- D. **The Inmate Communication Continuum.** Each inmate is required to attempt to resolve issues/disputes at the lowest level possible before advancing to the next level whenever circumstances permit. Inmates requiring information from or seeking to resolve issues/disputes with staff shall communicate using the department’s approved communication methods, in the following order, beginning with face-to-face verbal communication, then use of the inmate communication form.
1. **Face-to-Face, Verbal Communication.** The first step for an inmate in resolving an issue or dispute is to communicate directly with the



appropriate staff member. The inmate should contact the staff within five (5) calendar days of the incident or occurrence giving rise to the issue/dispute and attempt informal resolution using this first step of the communication continuum, unless doing so would clearly aggravate the issue/dispute.

- i. Experience has demonstrated that issues/disputes between inmates and staff can be resolved more effectively when inmates first speak directly to the appropriate staff member about a perceived problem/issue.
- ii. The interaction from face-to-face communication between inmates and staff often leads to faster and more satisfactory resolution of issues/disputes, while reducing staff time and paperwork

2. **Inmate Communication Form (WDOC Form #320).** An inmate shall use WDOC Form #320, *Inmate Communication Form*, to communicate to staff at the lowest level of responsibility for resolving or responding to the question/issue when the inmate is unable to obtain the information he/she seeks or to resolve his/her issue/dispute by first speaking to the staff through face-to-face communication.

- i. An inmate shall submit WDOC Form #320 within ten (10) calendar days of the incident or occurrence giving rise to the issue/dispute (i.e., within five (5) calendar days of attempting informal resolution by first speaking to the staff member through face-to-face communication to seek resolution of the issue/dispute).
- ii. Inmate communications that are sent to employees other than to staff at the lowest level of responsibility for resolving or responding to the issue/dispute will be returned to the inmate, with instruction that the inmate resubmit the communication to the appropriate staff member identified by staff in the response.
- iii. Inmate communications containing profanity, threats, or other inappropriate language or comments will be returned to the inmate without further processing by staff, and with instruction that the inmate resubmit the communication using appropriate language that is civil and respectful in tone and manner. Such return shall not extend any of the filing timelines outlined in this policy.
- iv. Inmate communications containing profanity, threats, or other inappropriate language or comments may subject the inmate author



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to disciplinary action in accordance with the Code of Inmate Discipline.

- v. Staff shall make every reasonable effort to respond to WDOC Form #320 within five (5) working days of receipt.
- vi. If the inmate does not receive a response from the staff member within ten (10) working days, the inmate may send a second WDOC Form #320 to the staff member to seek resolution of the issue/dispute or he/she may direct a WDOC Form #320 to the staff member's immediate supervisor.
- vii. In lieu of sending a second WDOC Form #320 to the staff member or sending a WDOC Form #320 to the staff member's immediate supervisor, if the inmate does not receive a response from the staff member within ten (10) working days, the inmate may choose to immediately proceed to the inmate grievance procedure.

E. Overview of the Inmate Grievance Procedure

1. General Guidelines

- i. WDOC Form #321, *Inmate Grievance Form*, and WDOC Form #322, *Inmate Grievance Appeal Form*, shall be readily available to inmates from the inmate's housing unit officer, counselor or case manager, and/or from supervisors.
- ii. If an inmate is unable to resolve an issue through informal communications by speaking with appropriate staff through face-to-face communication or by use of a WDOC Form #320, *Inmate Communication Form*, he/she may seek resolution of the issue/dispute by submitting a written inmate grievance using WDOC Form #321, *Inmate Grievance Form*, in accordance with this policy. Inmate grievances shall be submitted in a civil and respectful tone and manner.
- iii. An inmate grievance must include a complete description of the incident, action, or application of the policy being grieved, including the date and approximate time of the occurrence, and a summary of any attempts at informal resolution made using the communication continuum. If the inmate has any referenced documents, such as inmate communications, etc., it is recommended that copies of those documents also be attached to the grievance for reference.



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- iv.** Grievances will not be accepted or processed if they are not on the approved WDOC Form #321 *Inmate Grievance Form* or WDOC Form #322 *Inmate Grievance Appeal Form*. Further, grievances will not be accepted or processed if they exceed the space authorized by the forms.

 - a.** An inmate who attempts to grieve an issue by any written communication other than WDOC Form #321 or WDOC Form #322 shall have his/her communication returned to him/her with instruction that the inmate resubmit the grievance or appeal on the department's approved form.
 - b.** Failure to use the required forms shall not serve to extend the timeframes for filing at each step of the inmate grievance process.
- v.** Impaired or handicapped inmates needing assistance in utilizing the inmate grievance process may obtain reasonable assistance from their assigned counselor or case manager, unless the counselor or case manager is the subject of the complaint, in which case, any needed assistance shall be provided by the inmate's unit supervisor.
- vi.** An inmate grievance may request review of just one (1) matter/action/incident per inmate grievance form.
- vii.** An inmate grievance may request review of only one (1) staff member's actions/decisions on a single grievance form.
- viii.** Only one (1) grievance per incident per inmate will be allowed.
- ix.** An inmate may not submit a group grievance that represents other inmates, or act as a spokesperson for other inmate(s).
- x.** An inmate may not submit more than three (3) inmate grievances in any one week, or eight (8) in any calendar month, unless a valid justification exists. Grievances submitted in excess of these limitations shall be returned to the inmate without further processing, noting that the continued filing of excess grievances may constitute abuse of the grievance system.

 - a.** If an inmate believes there is a valid justification for submitting a grievance in excess of the numbers permitted,



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the inmate must clearly and concisely state in writing the reasons for submitting the additional grievance.

- b.** If the grievance manager determines that these reasons are not clear, concise, or valid for submission of an additional grievance, the grievance will be returned to the inmate without processing, noting the reason for the return.

- xi.** Once an issue is grieved, the same issue may not be raised in future grievances at the same step in the grievance process, unless there is a new incident and new information is available about the issue. Repetitive grievances on an issue which has already been addressed will not be accepted or processed.

- xii.** No inmate or staff member, who appears to be directly involved in the matter, nor an immediate family member of that person, shall be assigned primary responsibility for investigation of a grievance appeal concerning that matter. Persons who appear to be directly involved may, however, be asked about the incident during the investigation or processing of the grievance or grievance appeal.

2. Fixed Time Limits

- i.** All grievances and grievance appeals must be processed within the time limits fixed herein, unless a grievant agrees, in writing, to an extension of time for a fixed period, or unless the grievant has been notified in writing of an extension of time for a response.

- ii.** All grievances shall be processed from initiation through final disposition as quickly as the circumstances and complexity of the issue/dispute permit. Generally, final disposition of the inmate grievance shall occur within one hundred eighty (180) days, inclusive of any extensions.

- iii.** Failure of WDOC staff to respond by a time limit established by this policy and procedure at any stage of the process shall entitle the grievant, at the grievant's option, to move to the next stage of the process, unless the grievant has agreed, in writing, to an extension of the time for response or has been notified in writing of an extension of time for a response.

- iv.** Failure of WDOC staff to respond by a time limit established by this policy and procedure, with or without written notification to



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the grievant, at any stage of the process shall not be grounds for the filing of a separate grievance.

3. Accessibility to the Inmate Grievance Procedure

- i.** Access to the inmate grievance procedure shall be available to each inmate regardless of any disciplinary, classification, or other administrative or legislative decision affecting the inmate. Although such access may never be totally restricted, inmates' access to the grievance procedure may be limited if they are found to have abused the procedure.
- ii.** Inmates may not normally submit a grievance or grievance appeal on behalf of another inmate. In the event an inmate cannot complete the grievance or grievance appeal form due to language barriers, physical barriers (in compliance with Section 504 of the Federal Rehabilitation Act), and/or competency and capacity barriers, another person may complete the form for the inmate. If another person is completing a grievance form for an inmate, it must be clearly stated within the grievance whom the grievant is, why they are unable to complete the grievance form themselves, who is providing assistance, and what assistance is provided. The inmate submitting the grievance must sign the grievance form.
- iii.** An inmate who files a grievance, or files a grievance on behalf of another inmate under the above paragraph, that is a representation of some fact or circumstance which is not true and is calculated to mislead, deceive, or defraud will be charged with disciplinary action in accordance with the Code of Inmate Discipline.

4. Issues That Can Be Grieved Using the Inmate Grievance Procedure.

The inmate grievance procedure may be utilized to complain about a broad range of matters, so long as the issue affects the complainant personally. An inmate may file a grievance concerning issues that include, but are not necessarily limited to, any one of the following:

- i.** A dispute concerning the misapplication of a policy or practice, within the jurisdiction of the correctional facility or the WDOC, for which no other separate appeal or review process exists;
- ii.** A dispute concerning the lack of a policy or practice;
- iii.** A dispute concerning a condition of the inmate's confinement that is within the jurisdiction of the correctional facility and WDOC;



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- iv. A dispute concerning an unprofessional behavior or action directed toward an inmate by a correctional employee, volunteer, or staff member;
 - v. A dispute concerning the actions of another inmate toward the inmate who is filing the grievance;
 - vi. A dispute concerning any oversight or error affecting the inmate who is filing the grievance;
 - vii. A dispute concerning other incident(s) occurring within the correctional facility that directly and personally affected the inmate who is filing the grievance, including the loss or destruction of the inmate's approved personal property; and/or
 - viii. A dispute concerning action or threat(s) of action against an offender for good faith use of or good faith participation in the grievance procedure.
5. **Non-Grievable Issues.** The following issues cannot be grieved through the inmate grievance procedure:
- i. Any incident(s) or action(s) for which there exists a separate internal appeal or review process; for example, classification proceedings and decisions;
 - ii. Misconduct reports, investigations leading to or arising from misconduct reports, or disciplinary hearings, findings and sanctions;
 - iii. Complaints relating to actions or decisions not within the jurisdiction of the WDOC (*e.g.*, decisions and procedures of the courts, the Board of Parole, or other non-WDOC agencies);
 - iv. Incident(s) or problem(s) to which the grieving inmate was not a party or which do not involve or affect the grievant personally;
 - v. Claims or issues that the inmate is pursuing in pending or ongoing litigation in state or federal courts;
 - vi. Actions taken against an inmate who has abused the inmate grievance process under guidelines of this policy and procedure; and/or



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- vii. Errors or failure of staff to respond to inmate concerns or complaints within the timelines established by this policy and procedure alone shall not be grounds for a separate grievance.

6. Available Remedies Under Inmate Grievance System

- i. Requested remedies may be given in full, in part, or may be denied as a result of the grievance procedure.
- ii. Valid and justified grievances shall receive a meaningful remedy reasonably necessary to correct the problem complained of. As such, the grievance procedure shall afford a successful grievant a meaningful remedy to include, but not be limited to:
 - a. Modification of correctional facility policy or practice;
 - b. Restoration of or restitution for personal property;
 - c. The assurance that deprivation of necessary care or other abuse will not recur; and /or
 - d. Such other remedies that will meaningfully solve the problem presented, to include the discipline of or other corrective action for staff that willfully or unknowingly violate correctional facility policy.

7. Reasoned, Written Responses to Inmate Grievances

- i. Each inmate grievance shall be responded to in writing at each level of decision and review.
- ii. The response shall state the reasons for the decision reached and shall include a statement that the inmate is entitled to further review, if such is available, and shall contain simple directions for obtaining such review.

8. Maintenance and Confidentiality of Grievance Records

- i. Maintenance of Grievance Records
 - a. All documents related to the individual filing and disposition of inmate grievances shall be maintained by the



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correctional facility, and in cases of appeals, by the WDOC Central Office for a period of three (3) years.

- b.** Each correctional facility shall prepare and maintain an aggregate record regarding the numbers, types and dispositions of grievances. Such aggregate records will be forwarded to the WDOC Central Office for review on a quarterly basis, or as otherwise required by the Director.

ii. Confidentiality

- a.** All records concerning an individual's participation in the inmate grievance procedure shall be considered and treated as confidential, and shall not be released to other offenders, the general public, or any other non-criminal justice agency or individual.
- b.** All records of grievances under the inmate grievance procedure shall be maintained in secure areas not available to inspection by offenders, the general public, or any other non-criminal justice agency or individual.
- c.** Inmate grievances will not be filed in the inmate's working file or base file.

- 6. Resolution of Pending Grievance in Case of Inmate Transfer.** An inmate may wish to file a grievance about an issue/dispute which occurred while at a correctional facility from which he/she has subsequently been transferred. Additionally, an inmate may be transferred to a different correctional facility while resolution of the grievance is pending. In all cases, grievances shall be filed and resolved at the correctional facility where the issue/dispute occurred.

F. Emergency Grievance Procedure

- 1.** Sometimes an inmate grievance may be of an emergency nature, where disposition according to regular time limits would subject the inmate to a substantial risk of personal injury, or cause other serious and irreparable harm to the inmate.
- 2.** An inmate who seeks grievance review of an emergency situation as defined within this policy and procedure should submit his/her grievance to the grievance manager as soon as possible after the incident/occurrence



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that gave rise to the grievance so that it may be processed in a timely manner.

3. Emergency grievances shall be filed by the inmate using the standard WDOC Form #321, *Inmate Grievance Form*. If the inmate believes the grievance qualifies as an emergency grievance he/she shall mark “EMERGENCY” on the top front of the WDOC Form #321. The inmate may also place the grievance in a sealed envelope clearly marked as “EMERGENCY GRIEVANCE”. The grievance may then be placed into the secure designated receptacle in the correctional facility for pickup and processing by the grievance manager and/or his/her support staff. The inmate may also give the grievance to the unit supervisor for more immediate delivery.
4. The grievance manager will immediately refer any inmate grievance that appears to be of an emergency nature to the CEO of the correctional facility to which he/she is assigned. The correctional facility CEO will make a determination as to whether or not any particular grievance is to be treated as an emergency grievance.
5. The correctional facility CEO will determine whether or not a grievance is an emergency grievance within two (2) working days after receipt of the inmate grievance.
 - a. If the correctional facility CEO determines that the inmate grievance is to be treated as an emergency grievance, then the CEO shall provide written instruction to the grievance manager to investigate the grievance as an emergency grievance. Emergency grievances will be resolved and a written response provided to the grievant within three (3) working days from the receipt of the grievance.
 - b. If the correctional facility CEO determines that a grievance is not an emergency, then the correctional facility CEO will provide written instruction to the grievance manager to process the inmate grievance as an ordinary grievance.
6. If an emergency grievance is of a nature that can only be decided by the Director, the correctional facility CEO shall, within three (3) working days of receipt of the grievance, refer it to the Director for resolution.

G. The Inmate Grievance Procedure

1. How and When Inmates May File a Grievance



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- i. If an inmate is unable to informally resolve an issue through the department's approved communications continuum, by speaking with appropriate staff, or by use of WDOC Form #320, *Inmate Communication Form*, an inmate may seek resolution of the issue by submitting a written grievance using WDOC Form #321, *Inmate Grievance Form*.
- ii. All inmate grievances must be submitted to the grievance manager on WDOC Form #321. Instructions for filing a grievance are provided on the reverse side of WDOC Form #321.
- iii. To obtain grievance review, the grievance manager must receive an inmate's WDOC Form #321 within thirty (30) calendar days of the date of the incident giving rise to the grievance.
 - a. In cases where a court continues an inmate's civil rights action so that the inmate may exhaust administrative remedies pursuant to 42 USC 1997 (e), the thirty (30) day time limits may be extended by written notice of the CEO.
- iv. The inmate grievance (WDOC Form #321) must include the date and time and a brief summary of the attempts made to informally resolve the issue. The inmate grievance must also include a simple and straightforward summary of the incident or occurrence giving rise to the grievance or reason for the grievance and a requested grievance resolution or remedy.
- v. Completed inmate grievance forms (WDOC Form #321) should be placed into the secure designated receptacle in the correctional facility for pickup and processing by the grievance manager and/or his/her support staff. Alternatively, the inmate may give the grievance to the unit supervisor for delivery. Completed inmate grievance forms (WDOC Form #321) may also be placed into the outgoing mail addressed to the grievance manager.

2. Processing of Inmate Grievance Forms

- i. If the WDOC Form #321, *Inmate Grievance Form*, is not received within thirty (30) calendar days of the date of the incident giving rise to the grievance, the grievance will not be accepted by the grievance manager and will be returned to the grievant with a statement of the same.



- ii. Upon receiving a timely-filed inmate grievance, the grievance manager will assign the grievance a sequential identifying number, unique to the correctional facility, that will be written on the face of the grievance form (WDOC Form #321) and record its receipt and assigned grievance number in an inmate grievance log.
 - a. The grievance log shall also record the nature of the grievance as well as the date and nature of final disposition of the grievance when completed.
 - b. The grievance number assigned to the grievance shall also be used to track the grievance through each subsequent phase of the inmate grievance procedure.
- iii. After the inmate grievance has been logged, the grievance manager will send a WDOC Form #331, *Inmate Grievance Receipt*, to the inmate within three (3) working days of receipt of the grievance form (WDOC Form #321). Within the same three (3) working day time frame, the grievance manager shall send a copy of the grievance form (WDOC Form #321) and a blank WDOC Form #328, *Grievance Response Form*, to the appropriate staff respondent for a written staff response.
- iv. The staff respondent will complete and sign the grievance response form (WDOC Form #328) and submit it and the copy of the grievance (WDOC Form #321) to his/her supervisor for review and signature.
 - a. The supervisor will then return the grievance copy (WDOC Form #321) and signed grievance response form (WDOC Form #328) back to the grievance manager for processing.
 - b. Every effort shall be made to return the grievance response form (WDOC Form #328) to the grievance manager for processing within seven (7) calendar days.
- v. After recording receipt of the staff's response (WDOC Form #328), the grievance manager will formalize a reasoned written response to the inmate, or will perform or cause to be performed any investigation deemed necessary to determine any additional facts or information necessary to provide a reasoned written response to the inmate. Such investigation shall include reading of the inmate's grievance (WDOC Form #321) and review of the



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staff's response (WDOC Form #328), and may include a meeting with the staff, the inmate, or both.

- vi. Facially legitimate issues will receive sincere, serious and fair consideration by the grievance manager.
- vii. Following investigation by the grievance manager, each inmate grievance shall be concisely answered in writing. The response shall include at a minimum:
 - a. The grievance number assigned to the inmate grievance;
 - b. A summary of the issue being grieved;
 - c. A description of the kind of investigation which was conducted;
 - d. The factual findings;
 - e. Resolution of the issue by grant or denial of relief sought by the grievant, or other such relief as deemed appropriate;
 - f. The reasons for granting or denying relief; and
 - g. Notification to the inmate of his/her right to appeal the decision and simple directions on how to do so.
- viii. This written decision shall be forwarded to the grievant within ten (10) working days after receipt of WDOC Form #321, unless an extension has been granted to by the grievant or unless the grievant has been notified in writing of an extension of time for a response.

H. The Inmate Grievance Appeal Process

- 1. **How and When to File a Grievance Appeal to the Facility Warden/CEO (First Appeal)**
 - i. After attempting to resolve a problem in accordance with the grievance process, a grievant may file a WDOC Form #322, *Inmate Grievance Appeal Form*, though the correctional facility grievance manager. Instructions on how to file WDOC Form #322 are printed on the reverse side of the form.



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- a.** The inmate submitting WDOC Form #322 should check the “Warden/CEO” box on the top of the form.
- ii.** The WDOC Form #322 must be submitted to the correctional facility grievance manager together with the inmate grievance (WDOC Form #321), attachments and response (received from the grievance manager), within seven (7) calendar days of the receipt of the initial grievance response.
- iii.** Grievance appeals which are not submitted on WDOC Form #322 shall be returned to the grievant with instructions to resubmit in the proper form. Failure to submit the grievance appeal on the proper form shall not extend the seven (7) calendar day filing timeline.
- iv.** The inmate shall be required to submit the following information on or with the WDOC Form #322:
 - a.** The grievance number assigned to the inmate grievance;
 - b.** A clear, straightforward statement of the problem;
 - c.** A description and date of the inmate’s efforts to resolve the problem by:
 - (1)** Informal communication; and
 - (2)** Filing of a grievance.
 - d.** Reason(s) why the results of efforts to resolve the problem were not satisfactory; and
 - e.** A clear statement of exactly what relief or remedy is expected.
 - f.** Inmates may also include voluntary written comments regarding the grievance from other offenders and/or staff as attachments to their grievance appeal.
- v.** It is the inmate’s burden to provide all currently known facts and information regarding the complaint, including pertinent dates; times; places; references to the inmate rules or department/correctional facility policy and procedure; documents; and other information which will fully explain the problem. However, additional evidence or information not included in the initial



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inmate grievance will not be considered, unless such evidence or information was unavailable or unknown at the time of the filing of the inmate grievance.

- vi. The grievance appeal form (WDOC Form #322) must be placed in a sealed envelope addressed to the grievance manager.
 - a. The envelope shall be clearly marked “INMATE GRIEVANCE APPEAL” and “CONFIDENTIAL” on the outside.
 - b. The envelope may be placed into the secure designated receptacle in the correctional facility for pickup and processing by the grievance manager and/or his/her support staff. Alternatively, the inmate may give the grievance appeal to the control center officer or other appropriate staff person for delivery to the grievance manager.
 - c. Any opening, diversion, destruction or other tampering with an envelope so marked, by any individual other than the CEO or his/her designee, shall be grounds for disciplinary action.

2. Processing of Inmate Grievance Appeals to the Facility Warden/CEO

- i. If the WDOC Form #322, *Inmate Grievance Appeal Form*, is not received by the grievance manager within seven (7) calendar days of the date the inmate grievance response was received by the inmate, the grievance appeal will not be accepted and will be returned to the grievant with a statement of same.
- ii. Upon receiving a timely-filed WDOC Form #322, the grievance manager shall record the receipt of the grievance in the grievance log using the grievance tracking number and the notation “Appeal to CEO”. The grievance log shall also record the nature of the grievance appeal and the date and nature of final disposition of the grievance appeal when completed.
- iii. After the inmate grievance appeal has been logged, the grievance manager will immediately refer the grievance appeal to the correctional facility CEO and will send a WDOC Form #331, *Inmate Grievance Receipt*, to the inmate, including the date of



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receipt and the number assigned thereto within three (3) working days of receipt of the grievance appeal form (WDOC Form #322).

- iv. The correctional facility CEO shall review the grievance appeal, and may assign correctional facility staff to further investigate the grievance, other than an individual who appears to be directly involved in the matter or an immediate family member of that individual. The correctional facility CEO or designee may consult with the grievant and others involved in the grievance, and may investigate any other sources of information which are indicated.
- v. After the problem has been thoroughly investigated, the correctional facility CEO will make the following determinations:
 - a. Whether or not the grievance appeal or underlying grievance appears to be frivolous or malicious; and
 - b. Whether or not there is a factual or legal basis for remedial action; and
 - c. What remedial action, if any, will be granted.
 - d. The CEO may also determine whether or not a meeting or further investigation is needed to develop further facts prior to making determinations regarding resolution of the inmate grievance appeal.
- vi. After making the required determinations regarding resolution of the inmate grievance appeal, the correctional facility CEO will give the grievant a written grievance appeal response containing the decision made and the reason(s) for the decision.
- vii. Elements included in the written response from the correctional facility CEO may or may not include:
 - a. Restatement of the issue: A brief restatement of the major issue or complaint of the grievant, including the factual issue presented by the inmate, as well as the requested remedy;
 - b. Description of the kind of investigation which was conducted: A brief summary of the effort which was expended to determine facts relative to the complaint;



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3. When and How to File a Grievance Appeal to the Director (Second Appeal)

- i.** If an offender is dissatisfied with the grievance appeal decision of the correctional facility CEO, or did not receive an appeal response from the correctional facility CEO within thirty (30) calendar days, the grievant may file an appeal to the Director using WDOC Form #322, *Inmate Grievance Appeal Form*, unless an extension has been agreed to by the grievant, or unless the grievant has been notified in writing of an extension of time for a grievance appeal response by the CEO.

 - a.** The inmate submitting WDOC Form #322 should check the “WDOC Director” box on the top of the form.
 - b.** All appeals under this section shall be to the Director of the WDOC and shall be allowed and conducted without influence or interference by administrators or staff of the correctional facility.
 - c.** The inmate grievance appeal must not be frivolous or malicious and must state the grievant’s reasons for appeal and disagreement with the CEO’s grievance appeal ruling.
- ii.** The WDOC Form #322 must be submitted to the Director together with the initial inmate grievance (WDOC Form #321, *Inmate Grievance Form*), attachments, and written response from the inmate grievance manager, as well as the grievance appeal to the correctional facility CEO (WDOC Form #322), attachments and written response from the correctional facility CEO, within ten (10) calendar days of the receipt of the CEO’s grievance appeal response. No additional information may be submitted.
- iii.** Grievances appeals which are not submitted on the standard WDOC Form #322 shall be returned to the grievant with instructions to resubmit in the proper form. Failure to submit the grievance appeal on the proper form shall not extend the ten (10) calendar day filing timeline.
- iv.** The grievance appeal must be submitted to the:

Director
Wyoming Department of Corrections



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700 West 21st Street
Cheyenne, Wyoming 82002

- a. Alternatively, the inmate may give the grievance appeal to the correctional facility grievance manager, who will forward it to the Director.

4. Processing of Inmate Grievance Appeals to the Director

- i. The Director or the Director's designee shall acknowledge receipt of the grievance appeal in writing to the grievant within three (3) working days of receipt.
- ii. Receipt of the grievance appeal will be entered into a log of grievance appeals, which shall record the date of receipt, grievance number, nature of grievance and date and nature of disposition of the appeal.
- iii. The Director or designee shall review all material regarding the initial grievance, the grievance appeal to the CEO, and the grievance appeal to the Director.
 - a. The Director or designee may make a further independent investigation or inquiry into the matter as a matter of discretion, but is not required to do so.
 - b. It is in the offender's best interest to present as much pertinent evidentiary material as possible to the Director.
 - c. Additional evidence not presented as part of the initial grievance and initial grievance appeal process will not be considered.
- iv. If the Director determines that additional facts should have been gathered or additional witnesses interviewed, the grievance appeal may be referred for further investigation prior to further review.
- v. After the Director's review, if it is determined the grievance appeal should be remanded for response at the correctional facility level, the grievance appeal will be forwarded to the correctional facility CEO with direction for resolution.
 - a. If a grievance appeal is remanded to the correctional facility CEO, the correctional facility CEO will be given a



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fifteen (15) calendar day time limit to provide a written response to the grievance appeal.

- b.** Notification of the decision to remand the grievance appeal to the correctional facility CEO will be provided by the Director or designee to the grievant and the correctional facility CEO within three (3) working days of receipt of the grievance appeal to the Director.
- c.** If a grievance appeal is remanded to the correctional facility CEO, the correctional facility CEO shall provide a written response to the grievant with a copy to the Director.
- d.** If the grievant is dissatisfied with the correctional facility CEO's response, he/she may then file a grievance appeal to the Director within ten (10) calendar days of receipt of the correctional facility CEO's decision.
- e.** The grievance appeal must not be frivolous or malicious and must state the grievant's reasons for appeal and disagreement with the correctional facility CEO's second grievance appeal ruling.
- vi.** If the appeal is not remanded and any additional investigation deemed necessary has been completed, the Director will then either find basis for the grievance appeal and direct the correctional facility CEO to take appropriate remedial action, or affirm the correctional facility CEO's decision within thirty (30) calendar days after receipt of the grievance appeal.
- vii.** A written decision to both the correctional facility CEO and the grievant will be provided by the Director or designee within thirty (30) calendar days of receipt of the grievance appeal stating the reasons for the grievance appeal decision.
- viii.** In cases of emergency grievances, the Director shall dispose of the grievance appeal within ten (10) calendar days.
- ix.** The Director's decision on an inmate grievance appeal is FINAL, and is not subject to further review.

I. Abuse of the Inmate Grievance Procedure



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1. Any grievance which the inmate knows or reasonably should know is without merit, is irresponsible, or has no basis in fact or law and is written in bad faith, or any grievance in which the inmate willfully falsifies information with the intent to vex, annoy, slander, or injure staff, inmates or any other person, shall be considered an abuse of the grievance system.
2. Filing of a malicious or frivolous grievance constitutes an abuse of the inmate grievance procedure and may subject the offender to limitations on use of the inmate grievance procedure.
3. Additionally, the knowing submission of false or malicious information in an inmate grievance may result in disciplinary action under the Code of Inmate Discipline.
4. If an inmate grievance appears to the grievance manager to be frivolous or malicious, contains vulgar language, appears to contain false information, or is a submission in excess of the three (3) grievances in any one week or eight (8) grievances in any calendar month permitted, a notation to that effect will be included in the grievance manager's written response to the grievant. A copy of the grievance manager's written response to this effect will also be sent to the correctional facility CEO.
5. If an inmate grievance or grievance appeal appears to the correctional facility CEO to be frivolous or malicious, or the inmate continues to file an excessive number of grievances after being warned that doing so could constitute abuse of the inmate grievance procedure, the correctional facility CEO may appoint an uninvolved correctional employee to thoroughly investigate the allegations of the inmate grievance, compile a record of all relevant evidence, including sworn statements of the grievant and other involved individuals if such will be helpful in making a determination. A report of the evidence will be submitted to the Director.
6. If the Director finds substantial evidence that the offender has abused the inmate grievance procedure by filing malicious or frivolous grievances, or by repeatedly filing an excessive number of grievances, the Director will take the following actions:
 - i. On the first offense, the Director will caution the offender that further violations may result in a limitation or modification of their grievance access;
 - ii. On the second offense, the Director may modify the inmate's access to the inmate grievance procedure; and



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- iii. If the conduct is repeated, the Director may limit the inmate's access to the inmate grievance procedure for a fixed period of time.
- 7. An offender's access to the inmate grievance procedure for the purpose of filing of emergency grievances may not be modified or limited under this section.

J. Periodic Review of the Inmate Grievance Procedure

- 1. CEOs shall post permanent notices (using WDOC Form #324.1, *Notice for Permanent Posting – Inmate Grievance*) on inmate and employee bulletin boards inviting comments on the effectiveness and credibility of the inmate grievance procedure.
 - i. Inmates and correctional facility employees are invited and encouraged to submit written comments regarding the effectiveness and credibility of the inmate grievance procedure at any time.
 - ii. Comments regarding the inmate grievance procedure may be submitted to the CEO or to the Director and shall be reviewed thereby as part of the regular evaluation of the procedure.
- 2. On the first anniversary date of the effective date of this inmate grievance procedure, and every year thereafter, the Director or his/her designee shall investigate, review and evaluate the effectiveness and credibility of the inmate grievance procedure.
- 3. Materials to be considered during the periodic review of the inmate grievance procedure include, but are not limited to:
 - i. Review of a representative sample of documents related to the individual filing and disposition of grievances at each institution and appeals thereof in the previous year;
 - ii. Review of any comments submitted by inmates and/or employees in the previous year; and
 - iii. Review of aggregate quarterly reports prepared by correctional facilities regarding the numbers, types and dispositions of grievances in the previous year.



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V. TRAINING POINTS

- A.** At what level should inmates first seek to resolve issues/disputes with staff?
- B.** What are the steps in the inmate communication continuum?
- C.** Staff shall make every effort to respond to an inmate communication within (how many) working days of receipt.
- D.** How long does an inmate have to file an inmate grievance appeal to the facility Warden/CEO?
- E.** Who does an inmate file an inmate grievance appeal to if he/she is unsatisfied with the response from his/her appeal to the CEO/Warden?
- F.** What is the maximum number of inmate grievances an inmate can file in a week's time? A month?
- G.** Who can modify or limit an inmate's access to the inmate grievance review process due to abuse of the system by the inmate?