



SOUTH DAKOTA  DEPARTMENT OF CORRECTIONS POLICIES AND PROCEDURES		POLICY NUMBER 1.3.E.2	PAGE NUMBER 1 OF 10
		DISTRIBUTION:	Public
		SUBJECT:	Grievance for Offenders
RELATED STANDARDS:	ACA Standards: 5-ACI: 3C-23, 3D-19. PREA Standards: 115.52 (b), (c), & (e).	EFFECTIVE DATE:	November 15, 2022
		SUPERSESION:	03/03/2021
DESCRIPTION: Offender Rights	REVIEW MONTH: November	 KELLIE WASKO SECRETARY OF CORRECTIONS	

I. POLICY

It is the policy of the South Dakota Department of Corrections (DOC) to enforce a grievance process that provides a standard method by which all offenders, without regard to race, color, ethnicity, disability, or other protected status, have access to a process to request resolution to issues or grievances. The DOC encourages informal resolution of offender grievances. All offenders shall have the opportunity to seek resolution in an informal setting. When attempts at informal resolution are unsuccessful, a process affording offenders a formal review of their grievance shall be available.

II. PURPOSE

The purpose for this policy is to provide a process for offenders to seek resolution in an informal setting and/or a process for formal review of offender resolutions or grievances.

III. DEFINITIONS

Formal Grievance:

A written objection submitted on a Request for Administrative Remedy/Grievance form which clearly describes the offender's grievance/complaint.

Grievance:

Complaint by an offender regarding a policy, condition, action, or decision directly affecting the offender. The term "grievance" does not include a complaint relating to a parole decision.

Informal Resolution:

Verbal or written contact between an offender and staff, in which the problem/grievance is settled by agreement of both parties in an informal setting.

Third Party:

A person or group besides the person primarily involved in the grievance. Includes offenders, staff, family, attorneys, and advocates.

IV PROCEDURES

1. Utilizing the Grievance Process:

SECTION	SUBJECT	DOC POLICY	Page 2 of 10
Offender Rights	Grievance for Offenders	1.3.E.2	Effective: 11/15/2022

- A. ***There is a written offender grievance procedure that is made available to all offenders and that includes at least one level of appeal [ACA 5-ACI-3D-19]. The procedure grants offenders the right to appeal decisions of the disciplinary committee to the Warden or designee [ACA 5-ACI-3C-23].*** Every offender in the custody of the DOC, including Federal holds, parolees held on detainment, and offenders housed in a contract facility, regardless of classification, disciplinary status, history, or location (housing placement), shall have access to the administrative grievance procedure.
- B. New admission offenders will receive information about the grievance process during the admission and orientation (A&O) process. A description of the grievance process is located in the Offender Living Guide. Offenders with questions regarding the grievance process should contact their unit staff.
- C. Offenders seeking remedy, who do not meet the requirements and/or comply with the procedures of the grievance process, will have their accompanying forms returned with a brief explanation as to why their request was not processed (See Attachment 5 - *Administrative Remedy/Grievance Notice of Rejection*).
- D. Each offender is responsible for obtaining their own copies of original document(s) submitted with his/her grievance. No documents, other than the original documents submitted, Administrative Remedy/Grievance Response forms, and response generated by staff will be returned. Offenders may be charged a duplication fee of five cents (\$0.05) per copy requested.
- E. Staff who are the subject of an offender's grievance will be assigned to investigate or formally respond to that particular grievance or issue.
- F. Fixed time limits, as set forth within this policy, will be followed by staff and offenders, unless staff determines reasonable cause exists to support an extension of the deadline, or the request involves an issue which is exempt from set time limits.
- G. Offenders may not request or submit a grievance on behalf of another offender, unless the request is for the following:
1. Information provided in the grievance supports an offender may be the victim of an incident of sexual abuse or sexual harassment. The information/grievance will be referred to the sexual abuse/harassment investigative grievance procedure.
 - a. The offender who is the alleged victim must provide a written statement or agreement accepting or declining to have the request proceed. ***If the offender declines to have the request processed on his or her behalf, the agency shall document the offender's decision (PREA Standard 115.52(e)(3)).***
 - b. The alleged victim is responsible for ensuring any subsequent steps or requirements to move the request forward are completed as directed. ***If a third-party files such a request on behalf of an offender, the facility may require as a condition of processing the request that the alleged victim agree to have the request filed on his or her behalf, and may also require the alleged victim to personally pursue any subsequent steps in the administrative remedy process (PREA Standard 115.52(e)(2)).***
 2. Information provided supports an offender may be at substantial risk of imminent sexual abuse. Such information/request will be forwarded to the shift commander for response. The information/request will be referred to the sexual abuse/sexual harassment investigative grievance process.
 3. All information/requests for grievance indicating another offender may be at risk of serious harm or injury, including but not limited to self-harm, suicide, assault, or victim of excessive force by staff. The information/request will be forwarded to the shift commander for response and action. Staff will respond to the request promptly.
 4. Offenders may not have other offenders sign a grievance as a form of petition complaint.

SECTION	SUBJECT	DOC POLICY	Page 3 of 10
Offender Rights	Grievance for Offenders	1.3.E.2	Effective: 11/15/2022

- H. The facility will provide appropriate auxiliary aids, services, and accommodations, including qualified interpreters to offenders who are deaf, hard of hearing, or have a speech disability (those with a communication disability) who request such accommodation. Accommodations shall be provided to ensure effective communication and provide equal access and opportunity to those offenders with a disability as is provided to offenders without a disability. Offenders with a communication disability shall be permitted to equally access and engage in the grievance process.
- I. Third party assistance in pursuing a request for remedy is permitted. Offenders may request a third-party assistant to help document their request and the grievance. The offender requesting the remedy must sign the completed form (also referred to as the “Grievant”). The third-party preparer is required to sign the completed form/request.
- J. The grievance process prohibits reprisal of an offender. Reprisal means any action or threat of action against an offender, third party, or non-offender for the good faith use of or good faith participation in the grievance process. Offenders who request administrative remedy, in accordance with the requirements set forth within this policy, will not be retaliated against or harassed by staff. Complaints of staff reprisal may be pursued through the administrative remedy process.
- K. If an offender either discharges their sentence, is released to parole supervision, or otherwise leaves DOC custody, any pending grievance from the offender will be answered to the extent possible. The grievance response will be sent to the offender’s address provided in the Comprehensive Offender Management System (COMS). It is the offender’s responsibility to ensure the DOC has their correct address.

2. Emergency Grievances and Issues:

- A. Offenders who believe their grievance or issue is an emergency must contact a staff member directly, either through written correspondence (kite or completed Request for Informal Resolution form marked “Emergency” or “Urgent”) or verbally. The request may be submitted to unit staff, Officer in Charge (OIC), or staff of equal or higher rank. Staff receiving the grievance will determine if compelling circumstances exist, based on the information provided and known at the time, which support an immediate response/action.
 - 1. If staff determines the grievance or issue does not require immediate response/action, the offender will be directed to the normal grievance process.
 - 2. If staff determines the grievance or issue requires immediate response/action, the staff member will promptly address the grievance or issue. If the staff member does not have the authority or ability to respond or take action, they will forward the request without substantive review to the appropriate staff person.
 - 3. The offender will be notified of the response/resolution by the staff person responsible for disposition of the request, either in writing or verbally. This will be considered an informal response. If the offender is not satisfied with the response, they may submit a Step II grievance.
- B. Emergency grievances or issues that require prompt action.
 - 1. While not intended to be an inclusive list, examples of an emergency grievance or issue include:
 - a. Medical or mental health issues that require immediate attention or accommodation to avoid substantial risk of personal injury or serious irreparable harm.
 - b. Requests for protective custody or separation.
 - c. Information supporting possible imminent threat to safety or security.
 - d. Information pertaining to or describing incidents of sexual abuse, sexual harassment, self-harm, suicide, assault, or excessive force by staff.
 - e. Information alleging or supporting an offender, staff member, or other may be at risk of personal injury or other serious irreparable harm.
 - f. Issues that are determined by staff to be time sensitive and that require a prompt response, such as impending discharge dates, special visits, court dates, etc.

SECTION	SUBJECT	DOC POLICY	Page 4 of 10
Offender Rights	Grievance for Offenders	1.3.E.2	Effective: 11/15/2022

3. Issues That May be Addressed Through Administrative Remedy:

- A. Classification and status decisions that affect the offender personally.
 1. An offender shall have twenty (20) calendar days to initiate the administrative remedy process following a classification or status decision that affects the offender personally.
- B. Disciplinary decisions that affect the offender personally (See SDCL §§ 24-15A-5 and 24-2-17).
 1. Offenders shall have twenty (20) calendar days to initiate the administrative remedy process following a finding/decision made by the disciplinary hearing officer's (DHO) finding and/or sanction(s). This includes major and minor offenses.
 2. Offenders who enter a plea of guilty for a major rule violation may not appeal the plea or the sanction.
 3. A copy of the Disciplinary Report and Disciplinary Hearing Officer's Findings and Disposition must accompany the request.
- C. Decisions regarding restoration of forfeited or withheld good conduct time that affect the offender personally.
 1. Offenders shall have twenty (20) calendar days following the date a decision is generated in response to the offender's request for restoration of forfeited or withheld good conduct time to initiate the grievance process.
- D. The investigation procedures, conclusion, outcome, or staff response pertaining to the offender's allegation of sexual abuse or sexual harassment.
 1. There is no time limit for an offender to file a grievance regarding the investigation procedures, conclusion, outcome of the investigation, or staff response to the offender's allegation of sexual abuse or sexual harassment. ***The agency shall not impose a time limit on when an offender may submit a grievance regarding an allegation of sexual abuse (PREA Standard 115.52(b)(1)).***
 2. Reports or grievances involving sexual abuse or sexual harassment will be forwarded to the Special Investigative Unit (SIU) staff for investigation. A copy of the report should be sent to the facility PREA Coordinator.
 3. An offender's grievance regarding the investigation procedures, conclusion, outcome of the investigation, or staff response to an allegation of sexual abuse or sexual harassment, is NOT subject to informal resolution and shall be forwarded to the appropriate investigate authority (directly to the formal resolution (Step 2)). ***The agency shall not require an offender to use any informal grievance process, or to otherwise attempt to resolve with staff, an alleged incident of sexual abuse (PREA Standard 115.52(b)(3)).***
 4. The offender can submit the Request for Administrative Remedy/Grievance form to a staff member who is not the subject of the sexual abuse or harassment allegation. ***An offender who alleges sexual abuse may submit a grievance without submitting it to a staff member who is the subject of the complaint (PREA Standard 115.52(c)(1)).***
 - a. The grievance will not be referred to, investigated, or formally responded to by a staff member who is the subject of the sexual abuse grievance. ***Such grievance is not referred to a staff member who is the subject of the complaint (PREA Standard 115.52(c)(2)).***
- E. Policies, procedures, rules, directives, or conditions of care and supervision that are within the authority of the DOC and adversely impact the offender personally. Offenders have twenty (20) days from the date they were affected by the policy, procedure, rule, or condition to file a grievance. The following are examples:
 1. The application of any administrative directive, policy, rule, or procedure which the DOC has control over.
 2. Any adverse behavior, conduct, or action by a staff member.
 3. Any incident or condition of care and supervision that negatively or adversely impacts the offender personally.
 4. Medical decisions or grievances regarding the provision or delivery of health-related services or health care, or the denial or absence of such care.

SECTION	SUBJECT	DOC POLICY	Page 5 of 10
Offender Rights	Grievance for Offenders	1.3.E.2	Effective: 11/15/2022

- F. If the basis for an offender's request for administrative remedy involves an issue, grievance, or request that does not meet the criteria set forth within this policy, the Administrative Grievance Coordinator will complete the Notice for Rejection (See Attachment 5 - *Administrative Remedy/Grievance Notice of Rejection*) and return the request for remedy to the offender, along with any applicable/accompanying documents the offender submitted.
- G. Only one (1) issue or grievance may be included per request.
- H. If a Request for Administrative Remedy is received by the Administrative Grievance Coordinator that involves an ADA issue the request will be forwarded to ADA Facility Coordinator.

4. Informal Resolution (Step 1):

- A. When practical, offenders must first attempt to resolve a grievance through informal resolution. Because legitimate complaints can often be resolved quickly and efficiently through an informal process, offenders should first seek and informal resolution to their grievance. With the exception of certain circumstances cited within this policy, offenders must attempt to resolve their issue informally with staff or request an *Informal Resolution Request* (Attachment 1). before submitting a *Request for Administrative Remedy/Grievance* (Step 2 and Attachment 2).
- B. Requests for informal resolution may be initiated by speaking with a staff member about the grievance and accepting the resolution offered by the staff member, or in writing, via a kite or completed *Informal Resolution Request* form (See Attachment 1), which must be directed to a staff member. Grievances that involve the following DO NOT require the offender to seek informal resolution:
 - 1. If the issue or grievance involves the alleged sexual abuse or sexual harassment of an offender, the offender bringing forth the grievance may be directed to the sexual abuse/harassment grievance process for action and formal response.
 - 2. Grievances involving the investigation procedures, conclusion of the investigation, or staff response to an allegation of sexual abuse or sexual harassment, are not required to go through Informal Resolution process and are not subject any time limit restricting when the grievance can be filed. ***The agency shall not impose a time limit on when an offender may submit a grievance regarding an allegation of sexual abuse, and the agency shall not require an offender to use any informal grievance process, or to otherwise attempt to resolve with staff, an alleged incident of sexual abuse (PREA Standard 115.52(b)(1) & (b)(3)).***
 - 3. If the grievance involves discrimination or alleged denial of access to an activity, service, or program on the basis of a disability (ADA issues):
 - a. The grievance will be directed to the ADA Facility Coordinator. All requests by an offender for informal resolution of an ADA related grievance received by the ADA Facility Coordinator will be shared with the DOC ADA Coordinator.
 - b. The Facility ADA Coordinator shall have authority to investigate the request for remedy and to offer an informal resolution or response.
- C. The following apply to all requests for informal resolution (Step 1):
 - 1. Assistance and/or accommodation should be offered to offenders known to have a communication disability and those who request assistance because of a communication disability.
 - 2. The date the request for informal resolution was received by staff must be documented.
 - 3. Including the day the request for informal resolution was received, staff have seven (7) days to provide a response to the offender. This does not apply to emergency issues (See Section 2). If an extension is warranted, staff will notify the Administrative Grievance Coordinator for their respective facility. The reason for the extension will be documented in COMS and the offender will be notified. Extensions are limited to a maximum of ten (10) days.
 - 4. If the offender is unable to complete a written request for informal resolution due to a communication disability, the offender may request assistance from a third party. If a request is

SECTION	SUBJECT	DOC POLICY	Page 6 of 10
Offender Rights	Grievance for Offenders	1.3.E.2	Effective: 11/15/2022

written on the offender's behalf, the offender requesting the resolution must sign his/her name on the request.

5. Staff responding to an offender's request for informal resolution will:
 - a. Conduct an informal meeting with the offender to discuss and understand the issue.
 - b. Talk to other staff members who have knowledge of the offender and/or the offender's issue.
 - c. Consider all available information and specific request(s) by the offender and determine if informal resolution is possible.
 - d. Prepare a response. The response/resolution may be verbal or written. If verbal, the outcome and response provided must be documented in COMS.
 - e. Provide the offender copies of any written response.
 - f. Ensure the remedy, including any terms or conditions that apply, are agreed to by the offender.

- D. Informal resolutions involving the approval of a monetary compensation/settlement for property that is damaged, missing, or lost personal property through actions of the DOC, may be approved by the Administrative Grievance Coordinator, with concurrence from the Warden or designee. The Office of Risk Management may be consulted and/or notified.

- E. If an offender is not satisfied with staff's response to their request for informal resolution, they may file a *Request for Administrative Remedy/ Grievance* (See Attachment 2).

- F. Staff's response to the offender's request for Information Resolution shall be documented on the *Administrative Remedy/Grievance Response for Offenders* form (See Attachment 3). Offenders will receive the original response and a copy of the response will be saved in COMS. The Informal Resolution packet will be scanned into COMS.

5. Formal Resolution - Request for Administrative Remedy/Grievance (Step 2):

- A. Offenders have ten (10) days starting on the date which the staff member signed the response to the offender's request for informal resolution to submit a completed *Request for Administrative Remedy/Grievance* form (Attachment 2). Requests involving PREA investigation procedures, the conclusion/finding of a PREA investigation, and staff's response to an allegation of sexual abuse or sexual harassment, are not subject to time limitations and may be submitted at any time.
 1. A *Request for Administrative Remedy/Grievance* form (Attachment 2) received after the ten (10) day limit, may be dismissed by the Administrative Grievance Coordinator without action.

- B. Upon receipt of an offender's Request for Administrative Remedy/Grievance form, unit staff will promptly forward the request to the Administrative Grievance Coordinator. The Coordinator will verify the request was received within the established time frame and document the request in (COMS). The offender will be provided a copy of the grievance documenting the date the grievance was received.

- C. Offenders requesting a formal resolution must ensure their grievance is documented on the Request for Administrative Remedy/Grievance form.
 1. The grievance must be clear, legible, and to the point. The grievance must include specific information, i.e., who, when, where, why, how.
 2. The description of the grievance is limited to the specific space provided on the form. If more space is needed, the back of the form may be used. Only one (1) issue may be included in each grievance.
 3. If extenuating circumstances exist supporting the need for additional detail or information related to the grievance, an additional single sheet of paper may be included.
 4. The grievance will include information and facts supporting or justifying the exclusion, exception, accommodation, resolution, or remedy requested by the offender.
 5. A copy or description/explanation of the staff member's response to the offender's request for informal resolution must accompany the completed Request for Administrative Remedy/Grievance form.

SECTION	SUBJECT	DOC POLICY	Page 7 of 10
Offender Rights	Grievance for Offenders	1.3.E.2	Effective: 11/15/2022

6. An Informal Resolution that is rejected at that level for failure to meet policy criteria cannot proceed to the Administrative Remedy/Grievance level 2.
- D. If the grievance involves a response generated by the Facility ADA Coordinator to an ADA related issue/grievance, the grievance will be forwarded to the DOC ADA Coordinator and Warden.
 - E. Including the day the Request for Administrative Remedy/Grievance form is received by the Grievance Coordinator, the Grievance Coordinator has twenty (20) calendar days to generate a response to the offender (See Attachment 3 – *Administrative Remedy/Grievance Response for Offenders*). If an extension is warranted, the Grievance Coordinator will generate a letter requesting an extension approval from the Warden. The reason for the extension will be documented in COMS and the offender notified. Extensions are limited to a maximum of thirty (30) days.
 - F. Staff’s response to the offender’s request for grievance shall be documented on the *Administrative Remedy/Grievance Response for Offenders* form (See Attachment 3). Offenders will receive the original grievance and a copy of the grievance will be saved in COMS. The Administrative Remedy/Grievance packet will be scanned into COMS.

6. Appeal to the Secretary of Corrections (Grievance Step 3):

- A. The response received by the offender to his/her grievance may be appealed to the Secretary of Corrections only if the grievance or issue involves the following:
 1. Disciplinary action/finding of guilt involving a major Offense in Custody. Each offender shall have the opportunity to challenge the validity of a finding of the offender committed an offense in custody or the sanction imposed (See SDCL § 24-15A-5).
 2. A classification/status action that affects the offender personally.
 3. A decision regarding the restoration of forfeited or withheld good conduct time that affects the offender personally.
 4. A decision affecting the offender’s sentence discharge date (See SDCL § 24-15A-6).
 - a. Includes application of offender Earned Discharge Credits (EDC), if the application of EDC or failure to apply EDC, affects the offender’s discharge date. **NOTE:** This does not include decisions involving parole eligibility dates, which must be appealed to the Board of Pardons and Paroles.
 5. A decision regarding the investigation procedures, conclusion of the investigation, or staff’s response to an allegation of sexual abuse or sexual harassment that affects the offender personally.
 6. A response to an offender’s grievance regarding an ADA issue that was generated by the DOC ADA Coordinator or Warden.
- B. The offender must complete and submit an *Appeal to Secretary of Corrections* form (See Attachment 4) within fifteen (15) calendar days of date the response to their grievance was generated in order to appeal the response to the Secretary. All forms or copies required in the “Instructions” section of the appeal form must accompany the appeal.
 1. Extensions may be granted by the Secretary of Corrections or designee for good cause.
 2. The original Informal Resolution Request and response received, and the Request for Administrative Remedy/Grievance and response received, must be attached to the Appeal to Secretary of Corrections form. If the appeal involves the disciplinary process, a copy of the Disciplinary Report and Disciplinary Hearing Officer’s Findings and Disposition must accompany the appeal.
- C. The Secretary of Corrections will generate a response to an appealable issue within thirty (30) calendar days of receipt of the request unless an extension is necessary. The offender will be notified of the extension, and this will be documented in COMS.

SECTION	SUBJECT	DOC POLICY	Page 8 of 10
Offender Rights	Grievance for Offenders	1.3.E.2	Effective: 11/15/2022

7. Abuse of the Grievance Procedure:

- A. Any forms or documents submitted by the offender containing profanity, threats, derogatory or abusive language, as determined by the Grievance Coordinator, may be rejected.
 - 1. Any form returned to an offender because it contains unacceptable language or content may be re-submitted by the offender after the identified language or content has been removed. The grievance remains subject to the timeline, restrictions, and provisions of the grievance process.
- B. If an offender who has received a response to his/her grievance submits another grievance involving the same grievance, the subsequent grievance shall be rejected and any related forms or documents accompanying the request returned to the offender.
- C. Grievances that are rejected by the Grievance Coordinator without action may not be appealed to the Secretary of Corrections.

8. Responses to Grievances:

- A. The response to a grievance involving a disciplinary decision or process may include, but is not limited to:
 - 1. Granting a new disciplinary hearing.
 - 2. A reduction of the sanction(s) imposed.
 - 3. A reduction in the level of the offense in custody.
 - 4. Reversal of the decision of the Disciplinary Hearing Officer, including dismissal of the finding of guilt.
- B. The response to a grievance involving a classification decision may include, but is not limited to:
 - 1. A review of the offender's classification to validate classification.
 - 2. Modification of the offender's classification level.
- C. The response to a grievance involving restoration of forfeited good time may include, but is not limited to:
 - 1. Grant the offender a hearing or new hearing.
 - 2. Modification of the Board or Warden's decision.
- D. The response to a grievance for a request for administrative remedy regarding issues not included above may include:
 - 1. Modification or creation of institution operational memorandums or policy.
 - 2. Restitution or replacement of lost, damaged, or forfeited personal property.
 - 3. Restoration of revoked or suspended privileges.
 - 4. Assurance deprivation will not reoccur.
 - 5. Review of an offender's medical record, treatment received, and adjustment in services, or treatment provided or offered.
- E. The response to a grievance involving an ADA issue may include:
 - 1. Direction to implement corrective action to prevent recurrence of the issue/discrimination.
 - 2. Consideration and decision regarding a request for accommodation.
- F. Specific personnel action involving a staff member or in response to a staff member's actions that is the focus of the offender's grievance, may be deemed confidential (See ARSD 55:09:02:01) and not subject to release or disclosure to the offender.
- G. The Classification and Transfer Manager may review requests for informal resolution or grievance involving classification actions/decisions and prepare a response for review.

SECTION	SUBJECT	DOC POLICY	Page 9 of 10
Offender Rights	Grievance for Offenders	1.3.E.2	Effective: 11/15/2022

9. Grievance Coordinator and Staff Duties:

- A. Grievance Coordinators serve as the central receiving agents for offender grievances directed to the Warden or Secretary of Corrections. Coordinators shall be familiar with this policy and applicable DOC policies, procedures, and directives sufficient to guide and direct a response to the offender's grievances, as well as ensuring offender compliance with the process. Coordinator duties shall include:
1. Ensuring offender and staff adherence to established time frames for submitting grievances and generating a response to a grievance, including acknowledging receipt of an offender's Request for Administrative Remedy/Grievance form and delivery of two (2) copies of the Warden's response to the offender. Coordinators will review each grievance submitted by an offender to ensure the offender has completed all required steps and included all required documentation.
 3. Collection and tracking of offender grievances. Coordinators may be required to submit monthly reports to include specific information related to grievances that were received.
 - a. Records regarding the total number of grievances filed, subject of each grievance, and disposition of each grievance, may be collected and maintained systematically at each facility and included with monthly statistical reports.
 4. Completion of the request for Administrative Remedy/Grievance Notice of Rejection (See Attachment 5).
 5. Forwarding and directing all requests for remedy involving sexual abuse or sexual harassment to the Special Investigative Unit and facility PREA Coordinator for investigation and ensuring each request/report of information is properly investigated and a response generated.
 6. Forwarding all grievances from the Warden or Secretary of Corrections that involve an ADA issue to the Facility ADA Coordinator and DOC ADA Coordinator.
- B. Any grievance submitted by an offender that is incomplete or illegible will be returned to the offender. All grievances returned to an offender that do not include a response to the grievance will receive a rejection notice including the reason for rejection.
- C. The Grievance Coordinator will forward grievances to the DOC staff person with knowledge of the issue and authority to provide a response.
1. Staff assigned to respond to grievances will have knowledge of the grievance policy and related policies and must have sufficient time and authority to properly investigate the grievance, gather and analyze facts, information and evidence, and prepare a response.
 2. Staff investigating or responding to a grievance must remain impartial and diligent, and must conduct a fair, honest, independent review/investigation of the incident/grievance, free from outside influence.
 3. Staff will perform all grievance duties without bias or prejudice. The review/investigation shall be free of prejudice and bias based on race, sex, religion, national origin, disability, age, or other protected status.
 4. Staff will complete their review/investigation without unnecessary delay and facilitate a prompt response and disposition of the grievance.
 5. The response will be forwarded to the Grievance Coordinator.
 6. The Grievance Coordinator will review the response for accuracy and completeness. Any response drafted on behalf of the Warden or Secretary of Corrections will be forwarded to the Warden, Secretary of Corrections, or designee for review and final approval.

V. RESPONSIBILITY

It is the responsibility of the Director of Prisons to review this policy annually and revise as needed.

VI. AUTHORITY

- A. SDCL §§ 24-2-17, 24-15A-5, and 24-15A-6

SECTION	SUBJECT	DOC POLICY	Page 10 of 10
Offender Rights	Grievance for Offenders	1.3.E.2	Effective: 11/15/2022

VII. HISTORY

November 2022
March 2021
July 2020
March 2019
July 2018
January 2018
December 2017
July 2017
December 2016
July 2015

ATTACHMENTS (Published in PolicyTech unless otherwise noted)(*Indicates the document opens externally)

1. Informal Resolution Request*
2. Request for Administrative Remedy/Grievance*
3. Administrative Remedy/Grievance Response for Offenders (Generated by the Warden)
4. Appeal to the Secretary of Corrections*
5. Administrative Remedy/Grievance Notice of Rejection*
6. DOC Policy Implementation / Adjustments (*not published in PolicyTech*)

**SOUTH DAKOTA DEPARTMENT OF CORRECTIONS
OFFICIAL RESPONSE**



ADMINISTRATIVE REMEDY/GRIEVANCE RESPONSE FOR OFFENDERS

REFERENCE #: _____

NAME OF COMPLAINANT: _____

DOC #: _____

DATE: _____ **LOCATION:** _____

RE: _____ **STATUS:** _____

OFFICIAL RESPONSE:

Warden

Original – Save to System.
Copy 1 - To Offender

ADMINISTRATIVE REMEDY/GRIEVANCE NOTICE OF REJECTION

Name: _____ ID#: _____ Date: _____

Your request for Administrative Remedy/Grievance has been rejected for the following reason(s):

- You may only address one grievance per request.
- The form you submitted contains profanity, threats, derogatory or abusive language or insolence.
- You submitted multiple forms referencing a single grievance; or your request has already been answered.
- You exceeded the allotted time frame for requesting a remedy.
- You did not complete the form or did not complete the form correctly.
- Your request for remedy/grievance does not involve an issue that adversely impacts you directly.
- Your request for remedy/grievance has previously been rejected by staff.
- You did not attach the original ***Informal Resolution Request*** form or other required documents.
- You did not seek informal resolution to your grievance.
- You did not substantially comply with the requirements and procedures of the remedy/grievance process.
- Your request involves actions or decisions that are outside the authority of the Warden or Secretary.
- You have failed to clearly state your request for remedy/grievance, or your request is illegible.
- Other:

BY: _____
Administrative Grievance Coordinator or designee