

STATE OF OHIO



DEPARTMENT OF REHABILITATION
AND CORRECTION

SUBJECT: Offender Grievance Procedure	PAGE <u> 1 </u> OF <u> 5 </u>
	NUMBER: 100-APA-17
RULE/CODE REFERENCE:	SUPERSEDES: 100-APA-17 dated 10/07/13
RELATED ACA STANDARDS: 4-APPFS-2G-02	EFFECTIVE DATE: September 19, 2014
	APPROVED: 

I. AUTHORITY

This policy is issued in compliance with Ohio Revised Code 5120.01 which delegates to the Director of the Department of Rehabilitation and Correction the authority to manage and direct the total operations of the Department and to establish such rules and regulations as the Director prescribes.

II. PURPOSE

The purpose of this policy is to set forth conditions governing the grievance process for those offenders under supervision of the Adult Parole Authority.

III. APPLICABILITY

This policy applies to all employees of the Adult Parole Authority and to all offenders under its supervision.

IV. DEFINITIONS

Business Days- The days of the week, excluding Saturday, Sunday and any legal holiday.

Calendar Days – The days of the week, including Saturday, Sunday, and any legal holiday.

Grievance- A formal, written complaint about any policy, rule, practice, or act by the Department of Rehabilitation and Correction or its employees that directly affects the staff member or offender making the complaint.

Sanction - Any penalty imposed on an offender who is found guilty of an offense or violation of conditions of supervision. Sanction includes any sanction imposed pursuant to any provision of Sections 2929.14 to 2929.18 of the Revised Code.

Special Condition of Supervision - The special and specific conditions for individual offenders that are related to the previous offense pattern and the probability of further serious law violations by the individual offender. Special conditions may be imposed by the Court, or by the Parole Board, pursuant to policy.

Violation Behavior - Conduct by an offender during the period of Adult Parole Authority supervision that is a violation of the conditions of release.

V. POLICY

It is the policy of the Ohio Department of Rehabilitation and Correction to provide a system for offenders under Adult Parole Authority (APA) supervision to file a grievance and/or appeal certain decisions. All offenders shall be informed of the grievance and appeal procedures at the initial interview.

VI. PROCEDURES

Any offender under the jurisdiction of the APA may file a grievance if, or when, they believe their rights have been or are about to be violated by administrative actions, supervision practices, treatment, other services, or lack of other services.

A. Forms

Grievance forms Adult Parole Authority Grievance Procedures (DRC3218) and Grievance Appeal/Parolees & Probationer (DRC3219) shall be available in each district office. Grievance forms shall be given to the offender upon request.

B. Staff Assistance

A senior officer or unit supervisor who is not involved in the matter being grieved may assist the offender, upon request, to explain the form and review the grievance.

C. Grievance Instructions

At the time of the initial interview, all offenders shall be informed that during the course of supervision they may advise their supervising officer or the unit supervisor of any possible problems including any grievances they might have. It shall also be explained to the offender that there is a grievance procedure, the details of the procedure, and that a copy of the grievance form is available in the district office. The offender shall acknowledge understanding of this procedure by signing the Adult Parole Authority Grievance Procedures (DRC3218). This form shall be placed in the offender's case file.

D. What Is Grievable

Grievances may involve any aspect of community supervision which affects a grievant personally, including:

1. Special conditions of supervision other than those imposed by the Court or Parole Board.

2. Complaints regarding failure on the part of the APA or any of its staff to follow policies, procedures, and/or administrative rules and regulations.
3. Complaints regarding the actions of an employee (s) that have resulted in direct or indirect injury to the offender.
4. Payment of supervision fee when the offender presents documentation of an ongoing permanent injury or condition. See Department Policy 100-APA-06, Financial Obligation of Offenders.
5. A parole Final Release or PRC reduction recommendation that was not submitted at the earliest applicable date.

E. What Is Not Grievable

1. Parole Board ordered special conditions and/or sanctions, Parole Final Release and/or PRC reduction decisions.
2. Court ordered special conditions and/or sanctions.
3. Arrest for investigation of alleged violation behaviors.
4. Failure to follow the directions/instructions of APA staff.
5. Final decisions of previous grievances.
6. Complaints unrelated to supervision, e.g. prison complaints, legislative action, judicial proceedings and sentencing.
7. Any subject matter exclusively within the jurisdiction of the courts or other agencies, e.g. Human Services.

F. Offender Responsibilities

Within thirty (30) calendar days, the offender should first attempt to solve the complaint or problem at the unit level through meetings with the supervising officer or unit supervisor. If the meeting does not resolve the matter, the following steps are to be followed by the offender, within seven (7) business days:

1. Complete the Grievance Appeal/Parolees & Probationer (DRC3219).
2. Be factual and truthful.
3. Explain the complaint/problem (only one complaint per form). If the grievance is regarding the payment of the supervision fee, documentation of financial difficulty should be provided (i.e., medical letter, child support statement, etc.).
4. Sign the grievance; anonymous grievances shall not be processed.

5. Send the completed form to the Regional Administrator.

G. Regional Administrator Responsibilities

1. The Regional Administrator or designee shall review, conduct an inquiry if necessary, and respond to the grievance within fifteen (15) business days of receipt. If the complaint is beyond the authority of the Regional Administrator, it shall be forwarded to the Chief of the APA. A copy shall be sent to the offender indicating the grievance has been referred.
2. Emergency cases or life-threatening grievances shall be responded to immediately by the Regional Administrator or designee. If resolution or investigation shall exceed fifteen (15) business days, the offender shall be provided a notice of a 15-day extension. Responses to complaints shall be timely, accurate and complete.
3. Grievances regarding the collection of the supervision fee shall be investigated if the offender provides documentation that the fee shall unjustly limit the offender's ability to provide for him/herself per Department Policy 100-APA-06, Financial Obligation of Offenders.

H. Appeal

1. The offender may appeal the disposition provided by the Regional Administrator within fifteen (15) business days of the receipt. The offender may forward the appeal to the Superintendent. The Superintendent or designee shall respond within twenty (20) business days of receipt of the appeal with a final or a notice of a 20-day extension. A copy shall be maintained electronically.
2. Grievances received by the Chief of the APA from offenders without evidence of the Regional Administrator's action shall be returned to the Regional Administrator. Mitigation for failure to appeal a grievance within the designated time frames shall be reviewed on a case by case basis.

I. Possible Actions

1. The filing of a grievance shall not, by itself, be used as grounds to initiate disciplinary action against an employee. The Regional Administrator may initiate an investigation if a grievance filed by an offender alleges staff knowingly, maliciously, or deliberately attempted to cause injury or caused injury.
2. The good faith use of the grievance procedure shall not result in formal or informal reprisal against an offender.

J. Documentation

The Adult Parole Authority shall establish a tracking and recording system for the grievance procedure that the Regional Administrator/ designee shall enter the following:

1. The date the grievance was received;
2. The name of the grievant;
3. The nature of the grievance;
4. The reply or action taken;
5. The date of the reply or action.

K. Evaluation

The Chief of the APA /designee shall conduct an evaluation of the grievance procedure at least annually to determine its efficiency and effectiveness. The quantity and nature of grievances shall be aggregated and analyzed annually.

Related Department Forms:

Adult Parole Authority Grievance Procedures	DRC3218
Grievance Appeal/Parolees & Probationer	DRC3219