

American Friends Service Committee

GRIEVANCE MEMORANDUM

AFSC receives many complaints regarding issues that arise within the MDOC. Often, the first thing we look for is a grievance about the issue. Not only is a grievance the proper way to address the issue, it also provides us with official documentation. If we contact the MDOC about the problem, a grievance will show: 1) that you tried to resolve the matter under their preferred method of resolution, and 2) that the appropriate staff have already been notified of the issue (they can't tell us that they weren't informed of the matter). That said, there are good ways to write grievances and bad ways to write grievances. This memo will attempt to show you outlines for good grievances and examples of bad grievances.

The grievance policy (PD 03.02.130) states that grievances will be rejected for being untimely or for failure to attempt to resolve the matter first. There are other reasons given in the policy, but these are the two that we see frequently. The deadlines run as follows: when you find out that something wrong has happened to you, you have two days to attempt to resolve the matter with the staff member involved. If you are unable to resolve the issue with that person, you have five days to file a grievance. The grievance policy calculates dates by the time the grievance is submitted (that is, when you turn the grievance in; see PD 03.02.130, paragraph S). Pay attention to these dates and do not exceed them.

Next, it is important to write the grievance clearly and to-the-point. It is not a legal brief and you should not fill it with case law or federal statutes. You should state the facts of what happened, the specific issue in question, the policy that was violated, and state what would be appropriate to resolve the issue (don't ask for cash settlements – you won't get them). If you feel the issue may require judicial review, then you will want to state that the health care staff member is being “deliberately indifferent to your medical needs.” If your issue pertains to the conditions of confinement, you will need to state that you are being subjected to “atypical and significant hardship.” But you can't just throw these terms out there – staff has to either be ignoring your health care needs or your conditions must actually be very different compared to what other inmates go through. Generally, however, you will not require a court to step in (and, to be honest, they generally won't). Rather, you will have to rely on a policy directive or an operating procedure to support your claim. It is, therefore, important to familiarize yourself with the policies and procedures (all of which are available in the law library – if you don't know what you're looking for, ask to see the PD or OP index and go from there).

The top part of the grievance will detail how you attempted to resolve the matter. Make sure you include the date you attempted to resolve and who you spoke to. The body of the grievance is where you make your complaint. State briefly what happened ("Nurse M---- refused to give me my medication," "Officer N---- conducted a shakedown on my cell and destroyed two of my books," "ARUS J---- did not call me out to review my PER with me before submitting it to the parole board," etc.). Include individuals' names of those directly involved, the date of when it occurred, where it occurred, and how it occurred.

After the facts of what happened, quote the policy that says they must, or must not, do what they did. Cite the policy or operating procedure ("PD 04.05.120, paragraph D," for example), then state how the individual's behavior violated that policy. In conclusion, request a resolution. If you have any supporting documentation, attach four copies of each document to the grievance (make sure you keep a fifth one for yourself).

Make sure the grievance is legible -- use a typewriter if you can, or have a friend type it for you. If you need help writing it, you can get advice or assistance from other staff (if there's anyone that you think you can trust with it) or other inmates. Speak to the legal writer, a teacher, or a librarian. Before submitting it, have someone else read it to make sure it reads clearly. When it is finished, tear the golden copy off of the back for your records.

Most grievances will be submitted to the facility's grievance coordinator (unless the grievance deals with the parole board or staff corruption -- read the grievance policy for more info on those). Once the grievance coordinator receives the grievance he or she will process it, assign it a grievance identifier number, and send you a receipt. The receipt will include a due date for a response. If you do not have a response by that due date, if the response is inadequate, or if the grievance is rejected by the grievance coordinator, send a kite to the grievance coordinator requesting a step II appeal form. Your request must include the grievance identifier number.

When you receive the step II appeal form, complete it, tear the back copy off for your records, and send it (along with one copy of the step I grievance and response) to the warden's office at that facility. If the response you get from the warden is inadequate (or the warden does not respond timely), fill out the step III appeal at the bottom of that form and send it to the address indicated on that form (along with one copy of the step I, response, step II, and step II response).

Once you hear back on the step III appeal, you have exhausted your administrative remedies (and probably your patience). The grievance policy states that the whole process should be completed within 120 days, but that is not an absolute limit. If you do not receive a step III response within the 120 days (from the day the step I was received by the grievance coordinator), contact AFSC about the matter. Be patient throughout the process and just keep plugging away. The more good grievances we get, the better our chances of making real change.