

ARKANSAS REGISTER

FILED

Transmittal Sheet

OCT 22 1993



W. J. "BILL" McCUEN
SECRETARY OF STATE

W. J. "Bill" McCuen
Secretary of State
State Capitol Rm. 010
Little Rock, Arkansas 72201-1094

For Office

Use Only:

Effective Date 11/11/93 Code Number 004.00.93--012

Name of Agency Arkansas Department of Correction

Department of Correction

Contact Person Larry Norris, Director

Statutory Authority for Promulgating Rules Act 50 of 1968, First Extraordinary Session,
as amended

Intended Effective Date

☐ Emergency

☐ 20 Days After Filing

☒ Other

Please use 11-11-93 as the
effective date

AR835 - Grievance Procedure for Inmates

Date

Legal Notice Published 10/ /93

Final Date for Public Comment 10/21/93

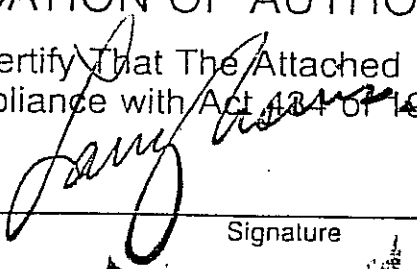
Filed With Legislative Council 10/5/93

Reviewed by Legislative Council

Adopted by State Agency 10/21/93

CERTIFICATION OF AUTHORIZED OFFICER

I Hereby Certify That The Attached Rules Were Adopted
In Compliance with Act 484 of 1967 As Amended.



Signature

Director
Title

October 21, 1993

Date



ADMINISTRATIVE REGULATIONS
STATE OF ARKANSAS
DEPARTMENT OF CORRECTION

Section Number

835

Page Number

1 of 4

Board of Correction Approval Date:
 10/21/93

Supersedes:
 835

Dated:
 1/19/93

Attorney General
 Review Date:

10/21/93

Date Filed
 Secy. of State:

10/22/93

SUBJECT: Grievance Procedures For Inmates

FILED

OCT 22 1993

I. AUTHORITY:

W. J. "BILL" McQUEEN
 SECRETARY OF STATE

The authority to promulgate this administrative regulation is vested in Act 50 of 1968, First Extraordinary Session, as amended, and Act 549 of 1993, Regular Session.

II. PURPOSE:

To provide the procedure by which formal complaints or grievances filed by an inmate may be resolved.

III. APPLICABILITY:

To all employees and inmates.

IV. DEFINITIONS:

A. Grievance: A written complaint by an inmate on the inmate's own behalf regarding:

1. A policy applicable within his or her unit/center of assignment which personally affects the grievant;
2. A condition in the unit/center that personally affects the grievant;
3. An action involving an inmate(s) of his or her institution which personally affects the grievant;
4. An action of an employee(s) of his or her institution which personally affects the grievant;
5. An incident occurring within his or her institution which personally affects the grievant.

The term does not include a complaint relating to a parole/release transfer matter. There is a separate procedure for appealing disciplinary action, and the grievance procedure shall not be used to appeal disciplinary action.



ADMINISTRATIVE REGULATIONS
STATE OF ARKANSAS
DEPARTMENT OF CORRECTION

Section Number

835

Page Number

2 of 4

Board of Correction Approval Date:
10/21/93

Supersedes:
835

Dated:
1/19/93

Attorney General
Review Date:

10/21/93

Date Filed
Secy. of State:

10/22/93

SUBJECT: Grievance Procedures For Inmates

- B. Inmate: An individual confined to an adult institution who has been convicted of a crime.
- C. Reprisals: At a minimum, an act or threat of action against anyone for the good faith use of or good faith participation in the grievance procedure. Inmates are also allowed to pursue complaints of reprisal(s) through these procedures.
- D. Emergency Situation: Matters regarding in which disposition according to the regular time limits would subject the inmate to substantial risk of personal injury, or cause other serious and irreparable harm to the inmate. Emergency grievances must be forwarded immediately to the level at which corrective action can be taken.
- E. Days: Calendar days.

V. POLICY:

It shall be the policy of the Department of Correction to provide inmates an opportunity to resolve bona fide grievances, complaints, incidents and problems through established procedures without fear of restraint, interference, coercion, discrimination or reprisal.

VI. PROCEDURES:

A. Assurances

Guidelines exist to provide inmates with a meaningful opportunity to resolve grievances, incidents, problems and complaints including those which may result in lawsuits filed pursuant to 42 U.S.C. 1983, and to recognize that this opportunity should be assured by:

1. Promulgating written procedures that require a plain, speedy, efficient and equitable response to the inmate by the Department.



ADMINISTRATIVE REGULATIONS
STATE OF ARKANSAS
DEPARTMENT OF CORRECTION

Section Number

835

Page Number

3 of 4

Board of Correction Approval Date:
10/21/93

Supersedes:
835

Dated:
1/19/93

Attorney General
Review Date:

10/21/93

Date Filed
Secy. of State:

10/22/93

SUBJECT: Grievance Procedures For Inmates

2. Providing a mechanism for input by both inmates and Department employees in the implementation, review and evaluation of procedures.
3. Communicating the procedures in an effective manner to inmates and employees.
4. Assuring that inmates shall not suffer any reprisals for their use of the procedures and that if such reprisals do occur, they will be redressed and employees disciplined.
5. Promoting the credibility of the procedures by providing a participatory role in its operation for inmates and Department employees.
6. Submitting the dispositions of grievances to independent review.
7. Recording the filing and disposition of grievances, assuring confidentiality and providing all parties concerned with documentation of all actions taken.
8. Defining emergency and other special situations, and providing for more speedy dispositions where appropriate.
9. Evaluating and reporting upon the performance of procedures.
10. Submitting the procedures to the Attorney General of the United States for Certification pursuant to 42 U.S.C. 1997, when certification requirements may be met in accordance with State law.

B. Steps of the Grievance Procedure

1. Established steps of the grievance procedure shall exist in an administrative directive.



ADMINISTRATIVE REGULATIONS
STATE OF ARKANSAS
DEPARTMENT OF CORRECTION

Section Number
835

Page Number
4 of 4

Board of Correction Approval Date:
10/21/93

Supersedes:
835

Dated:
1/19/93

Attorney General
Review Date:
10/21/93

Date Filed
Secy. of State:
10/22/93

SUBJECT: Grievance Procedures For Inmates

2. Grievance forms shall be freely available to inmates, and completed forms shall be collected daily.
3. Receipt of grievances shall be acknowledged to the inmates and responded to within the fixed time limits.

The entire grievance process shall be completed within 90 calendar days unless a valid extension has been agreed upon.
4. If an emergency situation is determined to exist, immediate corrective action will be taken.

C. Confidentiality

Information and/or records regarding the grievance proceedings shall be held in confidence.

D. Evaluation

Each designated administrator at each level response shall evaluate the inmates' use of the grievance procedure.

VII. A.C.A. REFERENCES:

AR835