

Important Tips

The best way to file a grievance is electronically on your tablet. If you do not have access to the tablet, you may submit a paper grievance. Both electronic and paper grievances are accepted by DCR.

Filing a Proper Grievance

Be aware: If your grievance is not filed properly, DCR staff can return your grievance form without addressing the issue in your grievance.

To make sure your grievance is filed properly:

- Only describe one (1) issue per grievance form. If you have more than one issue, you will need to fill out a separate form for each issue.
- File within 15 days of the incident or issue being grieved.
- Clearly state what you want to happen or the question you want answered.

If the person making the grievance is not a strong reader or writer, another resident may write the grievance for them. However, the person making the grievance must sign the finished form.

If the grievance is about sexual abuse, or risk of imminent sexual abuse:

- Third parties—including fellow incarcerated people, family members, attorneys, and outside advocates—are permitted to assist you with filing a grievance.
- Another incarcerated person can file a grievance on your behalf.
- If you would be required to submit the grievance to the staff member you are alleging engaged in sexual abuse, submit the grievance directly to the Superintendent.
- Grievances related to sexual abuse are not limited by the 15-day filing requirement.

If the grievance is about a disability you have, or an accommodation that you are not receiving, check the box labeled “ADA-related” at the top of the form. You should also mark this box if your grievance is about the MAT program (Subutex, Sublocade, etc.)

For paper grievances, always remember to:

- Write on only one side of the page. You are allowed one (1) additional sheet of 8.5 x 11 paper, so long as there is only writing on one side of the page.
- Use only one (1) staple, and to avoid folding the form except to put it inside an envelope
- Avoid spills, smudges, or marks on the grievance form.
- Ask for a copy of your grievance at each stage of the process and write “please give me a copy of my grievance” on the top of each form.
- If you submit grievances through DCR employees instead of mail, keep a record of the name of the staff member and the date of your submission.

Exhaust the Grievance Process to Protect Rights in Court

Finally, if your grievance issue is not resolved, it is important to complete each stage through to the final decision by the Commissioner. Remember, “remand” is not a final decision by the Commissioner. Remand means that you must continue return to an earlier stage of the grievance process.

If you do not complete the process through the final decision by the Commissioner, then you may lose your ability to file a lawsuit over jail conditions.

Learn more about the Community Collaborative Council at: <https://westvirginiacc.org/>

The Grievance Process – Filing a PAPER Grievance



Your Responsibilities	The Jail's Responsibilities
Get a Grievance Form OR Access the Form via Tablet	
<p>The 1-page grievance form will cover each stage of the grievance process through final appeal.</p> <p>You can get a grievance form:</p> <ul style="list-style-type: none"> • From a DCR staff member • At the law library • In all housing units 	<p>DCR staff must give residents housed in segregation units an opportunity to get and file grievances once a shift.</p> <p>Residents in medical or mental health units can notify medical staff that they wish to file a grievance, who will request DCR staff accept the grievance.</p>
Stage 1: File a Grievance	
<p>You must file the grievance within 15 business days of the incident, not counting weekends or holidays.</p> <p>You can submit a grievance to your Unit Manger:</p> <ul style="list-style-type: none"> • By depositing a form in the DCR grievance box • By giving a form to a correctional officer. <p>See Important Tips below to avoid your grievance being rejected.</p>	<p>Once you file a grievance, DCR staff must give you a copy of your grievance with the grievance # within 12 hours.</p> <p>If the Unit Manager returns your grievance because it was not filed properly, you have 10 days to correct and refile the grievance.</p> <p>If accepted, the Unit Manager must answer the grievance within 5 days. If the Unit Manger does not answer within 5 days, you may treat this as a denial and proceed to Stage 2.</p>
<i>If your grievance is denied by the Unit Manager or you don't receive an answer within 5 days...</i> Stage 2: Appeal to the Superintendent	
<p>Within 5 days of receiving the Unit Manager's response, submit the following to the Superintendent:</p> <ul style="list-style-type: none"> • Your grievance form • Any attachments you included in Stage 1 • The Unit Manager's response <p>Be sure to add your initials and the date of your appeal on the line that says: "Appealed to Superintendent."</p> <p>If the Unit Manager didn't respond to the grievance, then sign and date the corresponding lines on the form.</p> <p>You can submit your appeal to the Superintendent:</p> <ul style="list-style-type: none"> • By depositing a form in the DCR grievance box • By giving a form to a correctional officer. 	<p>DCR staff must give you a copy of your grievance before you submit it to the Superintendent.</p> <p>The Superintendent must respond to the appeal within 5 days. If the Superintendent fails to respond within 5 days, you may treat the non-response as a denial.</p> <p>The Superintendent can:</p> <ul style="list-style-type: none"> • Deny grievance (agree with Unit Manager) • Grant grievance (agree with Resident) • Remand grievance (send back to the Unit Manager for further action) <p>If the grievance is remanded, the Unit Manager is expected to issue a new decision, and the process returns to Stage 1, and the Unit Manager must make a new decision.</p>
<i>If your grievance is not resolved by the Superintendent...</i> Stage 3: Appeal to the Commissioner of DCR	
<p>Within 5 days of receiving the Superintendent's response, send the following to the Commissioner via first class mail together in one envelope:</p> <ul style="list-style-type: none"> • Your grievance form (make sure to initial the "Appealed to Commissioner" line) • Any attachments you included in Stage 1 or 2 • All responses from the Unit Manager and Superintendent <p>Make sure that you only include one grievance per envelope. If you include multiple grievances, they will all be rejected.</p> <p>Mail the envelope to: <i>WV Division of Corrections & Rehabilitation: Commissioner's Office</i> <i>Attention: Inmate Grievance Review</i> <i>1409 Greenbrier Street, Charleston, WV 25311</i></p>	<p>DCR staff must give you a copy of your grievance before you submit it to the Commissioner.</p> <p>The Commissioner must respond to the appeal within 15 days. The Commissioner can:</p> <ul style="list-style-type: none"> • Deny grievance (agree with the Superintendent) • Grant grievance (agree with Resident) • Reject the grievance (for improper filing) • Remand grievance (send back to the Unit Manager OR Superintendent for further action) <p>If the grievance is <u>rejected</u> at ANY level, the grievance is not considered exhausted.</p> <p>If the grievance is <u>remanded</u> at ANY level, the grievance is not considered exhausted. Instead, the Unit Manager or Superintendent is expected to issue a new decision, and the process returns to that stage.</p>