



Frequently Asked Questions (FAQ): Filing and Resolving Inmate Grievance

Inmates' responsibility when using the information in this Advocacy Guide:

When putting this guide together, we did our best to give you useful and accurate information because we know that inmates often have trouble getting legal information, and we cannot give specific advice to all inmates. Laws and policies change often and can be looked at in different ways. We do not always have the resources to make changes to this material as soon as laws or policies change. If you use this guide, it is your responsibility to make sure that the law or policy has not changed.

1. Why do I need to file a grievance?

Under the Prison Litigation Reform Act (PLRA), inmates are required to “exhaust” their administrative remedies before they can file a lawsuit. Failing to file a grievance properly and on time often results in dismissal of a lawsuit.

2. What is a grievance?

A grievance is a complaint you file with the Arizona Department of Corrections (ADC) about the conditions or treatment you receive in prison. Your grievance can be about any prison condition or treatment. For example, you can file a prison grievance about:

- denial of medical care or mental health care,
- denial of special nutrition required by a medical condition,
- loss or damage to personal property,
- denial of an ADA accommodation request,
- harassment by a prison employee,
- lack of access to courts and legal information,
- unfair prison policies and procedures.

But, you should only use the grievance procedure for problems the prison has direct control over (for example, inmates should not use the grievance steps to try and change a conviction or sentence).

3. What are administrative remedies?

The prison grievance procedures are the administrative remedy that the ADC, and federal law, requires you to use to address your complaint(s) prior to filing a lawsuit. The prison is legally required to provide you access to the grievance procedure.

4. What does “exhaust” mean?

You “exhaust” your administrative remedies once you complete each step of the grievance procedure in ADC’s policies, and do it on time. You must do this until there are no other steps to complete.

You must turn in a separate grievance for every claim you have, and to be safe, for every prison official against whom you have a claim. You must include enough facts in your grievance to give the prison an opportunity to fix the problem during the grievance steps.

5. How can I make my grievances as effective as possible?

- Describe the problem, explain how the problem affects you, and suggest how it can be fixed. Be clear and stick to the facts related to the problem.
- Provide enough information and detail to give prison staff an opportunity to resolve the grievance. Failing to include important facts or claims can result in your grievance being thrown out.
- Include all related issues in a single grievance. For example, if you have been denied access to the library and the recreation yard because there is no accessible path for a wheelchair, include both of these issues in a single grievance.
 - However, do not include any unrelated issues in a single grievance. For example, if you have been denied disability-related medical care, and were also denied access to a prison library, you should file a separate grievance about each issue.
- Do not be accusatory, insulting, threatening, or overly emotional. This can result in your grievance being thrown out.
- Attach copies of any documents that support the grievance (for example, medical records and prior grievances).
- Keep a copy of every submitted form, and a copy of the grievance itself. You will need these documents if you don’t get a response, or later want to prove you “exhausted” each grievance step.

- As soon as you submit a grievance, write down the deadlines for each step using the charts below (see #5). **If you do not receive a response at any step, you can move to the next step.**
- If you do not get a response, write at the top of the next form: “I did not get a timely response at the prior grievance level.” At this point, you may also file a second grievance stating that you did not receive a response to your first e.
- Submit only one grievance for each problem. If you submit more than one grievance for the same problem, they will all be thrown out.

6. What are reasons the ADC can refuse to process a grievance?

- The grievance raised many unrelated issues.
- The inmate filed more than one grievance for the same issue.
- The grievance threatened physical harm to staff, inmates, or the general public.
- The inmate failed to include important information or supporting documents.
- The inmate already filed a grievance on an issue that has been resolved.
- The inmate missed a deadline, unless there was a good reason (for example, did not know of property loss until after returning from the hospital).

7. What are the deadlines for filing grievances?

Always file as soon as possible. Waiting too long could prevent you from filing a lawsuit later if the prison fails to fix the problem to your satisfaction.

There are no deadlines for reporting sexual abuse or rape.

Deadlines vary for medical and non-medical grievances. Here are some examples to help you identify whether you have a medical and non-medical grievance:

Examples of medical grievances:

- Denial of or failure to repair a wheelchair, cane, or other mobility device
- Cane or mobility device does not meet the needs of the inmate
- Refusal to change or re-fill a medication
- Lack of treatment for a chronic condition
- Delay in ordering tests for a possible undiagnosed health condition
- Poor dietary options for your condition (for example, diabetes)

Examples of non-medical grievances:

- Conditions of confinement
- Loss or damage of personal property
- Actions of a prison employee or another inmate
- Retaliation for use of grievance procedure

- Lack of access to courts or legal information
- Lack of access to programs or services

Medical Grievance Deadlines:

	Action	Form	Give to	Deadline
Step 1	Submit Health Needs Request (HNR)	Health Needs request	Medical care provider	No deadline, but act as soon as you can
Step 2	Seek informal resolution	None	Talk to person responsible for your problem	Within 10 days of the problem you are grieving
Step 3	Submit Informal Complaint Resolution	Form 802-11	Correction Officer (CO) III	Within 10 days of the problem you are grieving
Step 4	Submit Formal Grievance	Form 802-1	CO IV Grievance Coordinator	Within 5 days of response or 15 days if no response
Step 5	Submit Inmate Grievance Appeal (Appeal to Director)	Form 802-3	CO IV Grievance Coordinator	Within 5 days of response or 15 days if no response
Step 6	File a lawsuit or appeal to State Board	None	Contact a lawyer, legal organization, or file your own lawsuit	At least 30 days after appealing to the Director

Non-medical Grievances Deadlines:

	Action	Form	Give to	Deadline
Step 1	Seek informal resolution	None	Talk to person responsible for your problem	Within 10 days of the problem you are grieving
Step 2	Submit Informal Complaint Resolution	Form 802-11	Correctional Officer (CO) III	Within 10 days of the problem you are grieving
Step 3	Submit Formal Grievance	Form 802-1	CO IV Grievance Coordinator	Within 5 days of response or 15 days if no response
Step 4	Submit Inmate Grievance Appeal (to Warden)	Form 802-3	CO IV Grievance Coordinator	Within 5 days of response or 15 days if no response
Step 5	Submit Inmate Grievance Appeal (to Director)	Form 802-3	CO IV Grievance Coordinator	Within 5 days of response or 20 days if no response
Step 6	File a lawsuit or appeal to State Board	None	Contact a lawyer or legal organization	At least 30 days after appealing to the Director

8. The grievance process seems like it can take a long time. Is there an exception for emergencies?

Yes, the grievance process for emergencies is a little shorter (although what is considered an emergency grievance will vary between prisons). You have an emergency if your issue involves a substantial risk of medical harm, injury, or other serious harm, including sexual abuse.

You are not required to use the formal inmate grievance procedure if you have an emergency. You can make an emergency grievance either verbally or in writing. You should receive a response to an emergency grievance within 48 hours, and a decision within five days.

Request more information if you are not sure what to do.

9. If I have a disability or other special needs, does the prison have to provide me assistance in filing a grievance? How can I get help filing a grievance?

If you have a physical or sensory disability, mental disability, low literacy, or limited English skills, Arizona and federal law still requires the prison to provide you access to the inmate grievance procedure.

If your grievance involves claims of sexual abuse, a third party (such as a family member or attorney) can file, or help you file, the grievance.

A staff member may be able help you file your grievance, as long as your grievance is not against that staff member.

It is the ACDL's position that under the Americans with Disabilities Act (ADA), you should be able to access the Grievance Procedure independently and confidentially. This could mean that you are given accessible technology and/or reasonable accommodations to file the grievance forms on your own. Contact the ACDL if you cannot access the grievance procedure because of a disability (that is, the ADC has not provided you with assistive technology, ASL interpreters, or reasonable accommodations to help you use the grievance procedure on your own).

10. Do I have any options for addressing disability discrimination other than the prison grievance steps?

Yes. If you have a disability, you may consider filing a complaint with the U.S. Department of Justice (DOJ) under the ADA (Americans with Disabilities Act) or § 504 of the Rehabilitation Act. You are not required to file a DOJ complaint before filing an ADA lawsuit claiming disability discrimination in the prison's programs and services.

You do NOT have to exhaust administrative remedies before filing a DOJ complaint.

A complaint to DOJ should include:

- Your full name, address, telephone number, and the name of the person being discriminated against (if known).
- The name and address of the prison that you believe has discriminated against you.
- A brief description of the acts of discrimination, the dates they occurred, and the names of individuals involved.
- Other information that supports your complaint, including copies of relevant documents.
- Information about how to communicate effectively with you. For example, if you want written communications in a certain format (large print, Braille, electronic documents) or require communications by video phone or TTY.

11. What if ADC staff refuses to give me the grievance forms, or otherwise block access to the grievance steps?

The prison is legally required to make its grievance procedure available to inmates. You should receive information about how to use grievance procedures during orientation. If a staff member refuses to help you use the grievance procedure or give you any necessary forms, you should move to the next step in the process (see #5).

12. I am afraid of retaliation if I complain. Do I have any protections?

Yes. ADC policy prohibits retaliation or threatening retaliation for using the inmate grievance procedure. ADC policy also states that if a prison employee does retaliate against you, the employee may be disciplined or fired. If you experience retaliation or a threat of retaliation, you should use the grievance procedure to report it.

Resources and More Information

To file a civil rights complaint with the U.S. Department of Justice, please call the Center and request a form.

This brochure contains general information for educational purposes and should not be construed as legal advice. This information is not intended to be a comprehensive statement of the law and may not reflect recent legal developments. If you have specific questions concerning any matter contained in this brochure or need legal advice, we encourage you to consult with an attorney.

5025 East Washington Street
Suite 202
Phoenix, AZ 85034-7439
602-274-6287
800-927-2260 (toll free)
602-274-6779 (fax)

177 North Church Avenue
Suite 800
Tucson, AZ 85701-1119
520-327-9547
800-922-1447 (toll free)
520- 884-0992 (fax)

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