



DISABILITY
LAW CENTER
OF ALASKA



**PRISONER
RIGHTS**

A GENERAL GUIDE FOR INMATES
WITH DISABILITIES IN
ALASKA CORRECTIONAL FACILITIES

MEMBER OF THE
NATIONAL DISABILITY
RIGHTS NETWORK

This publication was prepared by the Disability Law Center of Alaska, the protection and Advocacy System for Alaska. This publication was made possible by funding support from the Center for Mental Health Services, Substance Abuse and Mental Health Services Administration and also from the United States Department of Health and Human Services.

Special thanks to the Alaska Mental Health Trust Authority for providing funding support for the printing and distribution of this booklet.

The contents are solely the responsibility of the grantee and do not necessarily represent the official views of the funders.

All laws are subject to change by legislation and by court decisions. This information is not intended to be legal advice. It is a Public Education resource. Readers should use the guide for information, and then ask questions about their own individual needs.

Table of Contents

Explanation of Guide	1
How to ask for an ADA Reasonable Accommodation.....	2
How to ask for Medical Treatment for a Disability	5
How to ask for Mental Health Treatment	6
Standard Grievance Procedure.....	7
Tips on Filing a Grievance.....	10
Screened (Denied) Grievances.....	10
Abuse of Grievance System.....	11
Emergency Grievances	11
Health Care Grievance Process.....	12
Grievances Against Staff.....	14
Grievance Against Facility Managers.....	16
Prison Rape Elimination Act (PREA).....	18
How to Get Help Outside of DOC.....	20

EXPLANATION OF GUIDE

This guide is offered to provide information to inmates with disabilities in correctional facilities operated by the Alaska Department of Corrections (DOC). This guide is based in part on the policies and procedures of DOC. These policies and procedures apply to all DOC inmates. If you have any additional questions regarding any of the DOC policies and procedures referenced in this guide, consult your prisoner handbook.

Nothing included in this guide constitutes legal advice. If you have a legal question, contact your attorney.

The Disability Law Center of Alaska (DLC) may be able to help you in the following situations:

- Getting appropriate mental health treatment if you have been diagnosed with a mental illness;
- Getting appropriate medical treatment if you have a disability;
- Getting an accommodation if you are diagnosed with a disability.

DLC cannot help with issues of:

- Discipline;
- Classification;
- Placement (Relocation to another prison site, in or outside of Alaska);
- Complaints of staff misconduct;
- Problems relating to your criminal conviction or new criminal charges brought while incarcerated.

HOW TO ASK FOR AN ADA REASONABLE ACCOMMODATION

Under the Americans with Disabilities Act (ADA), the prison cannot treat an individual with a disability differently from those who do not have a disability solely on the basis of the disability. Prisoners with disabilities must have access to the same programs, services and activities as prisoners without disabilities. It may be discrimination if DOC refuses to accommodate a valid request.

Some examples of ADA Reasonable Accommodations:

- Using a shower chair if standing in the shower is impossible.
- Having important prison or program information in a format you can understand if you are deaf or blind.
- Being assigned a lower bunk if you have medical diagnoses and verification that you suffer from vertigo.

Security is the prime concern for prison officials. If an accommodation is provided, and it is used as a weapon, the inmate may have forfeited the right to that accommodation. (For example: using a crutch to attempt to injure someone.)

If you believe you have been denied access to a program, service, or activity because of your disability, you must attempt to correct the situation informally (with a Request for Interview form – formerly called “cop out”) before going on to the second step for requesting the accommodation listed below.

REMEMBER: Contact the Institution ADA Coordinator **within 90 days** from when denied access to programs or services, or because of other discrimination that occurred based on your disability. If you are past the 90 day limit, you can try to file for an extension if there is a good reason you did not request the accommodation earlier.

First Step: Informal Process

- File a Request for Interview (cop-out) form.
- The written request should be addressed to the Institution ADA Coordinator.
- If unsuccessful, proceed with the Request for Accommodation described directly below.

Second Step: Formal Process

Step 1: Request for Accommodation

- Ask the Institution ADA Coordinator for the form titled **Request for Accommodation** (Form 808. 1 6A).
- Either you or your authorized representative should fill out this form with the following information:
 - a. Your name;
 - b. Inmate number; and,
 - c. A detailed description of the incident or what modifications you are asking for that would allow you to access services or programs.

- If you need an accommodation (such as an interpreter or larger print) for when you meet with the Institution ADA Coordinator, let them know in advance on the form so that you will be able to communicate well with the Coordinator.
- You may need to include these forms with your Request for Accommodation:
 - Accommodation for Offender Release (Form SOS.16B) and/or
 - Health Care Provider Information (Form SOS.16C).
 You can ask the Institution ADA Coordinator for these forms.

Step 2: Meeting

- Within 10 working days of receiving your Request for Accommodation, the Institution ADA Coordinator will meet with you to try to resolve the issue.
- The Institution ADA Coordinator will create a file that will be updated throughout the process. A copy of this file will be forwarded to the DOC Prisoner ADA Coordinator.
- When the DOC Prisoner ADA Coordinator gets your Request for Accommodation, they will send it to the State ADA Coordinator within 5 working days so that the State ADA Coordinator knows that a request for Accommodation has been filed.

Step 3: The Agreement

- If you and the Institution ADA Coordinator come to an agreement at the meeting, the agreement will be put in writing and describe things like:
 - What happened;
 - What accommodation you asked for; and;
 - What you and the ADA Coordinator agreed to do.
 It will be signed by you or your representative, the Institution ADA Coordinator, and the Superintendent of the institution. A copy shall be given to you within 10 working days of the meeting. Keep this document.
- If no agreement is reached, the institution must notify the inmate in writing (or in another form of communication so you can understand the decision) within 10 working days of the meeting. This document should say:
 - What you asked for;
 - What solutions were proposed; and,
 - Why you and the institution could not come to an agreement.
 Keep this document. You can then move on to step 4.

Step 4: First appeal, to DOC ADA Coordinator

- If no agreement was reached, the inmate can request a review of the decision from the DOC ADA Coordinator.
- The DOC ADA Coordinator will talk with you and try to resolve the problem. If you come to an agreement they will write up the agreement and give it to you within 10 workings days of the meeting. Keep this document.

- If you cannot come to an agreement, they must give you a document in writing that explains;
 - What you asked for;
 - Solutions that were proposed; and,
 - Describe why you and the DOC ADA Coordinator could not come to an agreement.They must give this to you within 10 working days. Keep this document. You then move on to step 5.

Step 5: Second Appeal, to State ADA Coordinator

- Within 10 working days of being getting the notice from the DOC ADA Coordinator that they denied your request and you could not come to an agreement, you can request a review by the State ADA Coordinator.
- Make sure your request has:
 - Your name,
 - Address, and,
 - Inmate number.You must also make sure that the request for review includes a detailed explanation of why you want the review. Make sure you sign this request or have your personal representative sign it.

Step 6: Final Administrative Review

- The State ADA Coordinator will review your request for review. Within 30 working days after they get it they will write a response and send it to you and the Department of Corrections. Keep this document.
- If the State ADA Coordinator finds that your request for an accommodation can be resolved, they will work with the Commissioner of the Department of Corrections to resolve your complaint.
- However, if the State ADA Coordinator finds that the Department of Corrections did not do anything wrong or does not need to provide you with the accommodation you asked for, they will tell you how to file a formal complaint with the Alaska Human Rights Commission or the US. Department of Justice. You may also contact the Disability Law Center or a private attorney for possible assistance.

HOW TO ASK FOR MEDICAL TREATMENT FOR A DISABILITY

Asking for treatment for a disability is the same as asking for any other medical treatment.

Some examples of asking for medical treatment for a disability are:

- Your medication caused you to gain weight, your prosthesis no longer fits, and DOC will not provide a replacement.
- You think you might have a foot infection caused by your diabetes.
- Your seizure disorder seems to be getting worse, even with the medication you are receiving.

The DOC is required to provide the most cost-effective medical, dental, and mental health care comparable to that received by the general public. DOC can seek reimbursement for services from third parties when appropriate.

Non-emergency:

- Attend Sick Call. DOC will schedule Sick Call as follows:
 - From 1 day a week for institutions with less than 50 inmate, to
 - 5 days a week for institutions with over 200 inmatesIt is available for all inmates, regardless of classification or status.
- Complete a Request for Medical Care form and place in the appropriate locked box.

Emergency:

Notify any prison staff immediately if you are having a medical crisis.

If you believe you have not received proper medical care that you have requested for a well-founded medical problem, there is a special grievance process that includes the medical staff. Information on filing a Health Care Grievance can be found on page 12.

HOW TO ASK FOR MENTAL HEALTH TREATMENT

Asking for mental health treatment is the same as asking for regular medical care. You can either attend Sick Call or submit Request for Medical Care, unless you are having a mental health crisis.

Examples of a mental health crisis include:

- Feeling you might hurt yourself or others.
- Feeling your symptoms are quickly getting worse.

Notify any prison staff immediately if you are having a mental health crisis.

Examples of Non-Crisis Request for Mental Health Care Include:

- You take medication for depression and the medication is helping you a little, but you would like to try increasing the amount to see if it would help more.
- You are hearing voices again and want to see a doctor.
- You would like to have more out-patient therapy because you are having a hard time dealing with some of the symptoms of your mental illness.

If you believe you have not received proper mental health care that you have requested for a well-founded mental health problem, there is a special grievance process that includes the medical staff. Information on filing a Health Care Grievance can be found on page 12.

THE STANDARD GRIEVANCE PROCEDURE

There are four (4) levels in the Alaska DOC grievance process including:

- Informal Resolution
- Formal Grievance Procedure - Level 1
- Formal Grievance Procedure - Level 2
- Formal Grievance Procedure - Level 3

This process is used for all grievances **other than** emergency grievances, health care grievances (including mental health) and grievances against staff.

You must follow all deadlines for filing grievances and appealing decisions. If you miss a deadline, you may have to start the process all over again, or, you may lose the opportunity to grieve the issue. If you have problems with the grievance process, contact your Facility Standards Officer or the assigned staff officer and explain your problem.

<p>NOTE: If you do not receive a response from DOC within the designated time limits, assume the decision is unfavorable (i.e. the DOC has denied your request) and continue with the next step.</p>

Informal Resolution

Before filing a formal grievance, the inmate must attempt to resolve the issue informally with the staff member involved or a staff member aware of or directly involved with the incident. If direct communication does not resolve the issue, the inmate must file a Request for Interview Form and place it in the appropriate locked box.

Be sure to keep a record of everything that occurs during this “informal” stage. You must report your efforts in the formal Grievance Procedure.

If the prison ignores or denies any part of your attempts to resolve your issue informally, you can begin the formal grievance process by filing a formal complaint. This begins the formal Grievance Procedure.

Formal Grievance Procedure

You have 30 days from the date of the incident **to begin the formal grievance procedure.** Use this timeline when waiting for a response to your Request for Interview.

You CANNOT grieve the following:

- Classification decisions regarding security or custody levels, facility placement, work and program eligibility and assignments, or furlough.
- Disciplinary decisions.
- Medical charge disputes.
- Administrative transfers.
- Alaska Parole Board procedures or decisions.
- Court procedures or decisions.
- Claims being litigated in court.
- Decisions on whether there is or is not an emergency.
- Unrelated issues that should be in a separate grievance.

Grievance Procedure – Level I

1. **Within 30 days of the incident, or within 30 days that you found out about the incident, then you must complete page one of the Prisoner Grievance Form (Form 808.03C).** Two additional pages of narrative may be attached if you need additional room to explain your grievance. Ask the unit officer or your caseworker for the appropriate form.
2. You must include any response to the “Request for Interview” from the informal procedure to your grievance.
3. If you had no response from your informal attempt to resolve the issue, you must include the name of the person with whom you tried to resolve the issue, when this occurred, and the results from the meeting.
4. **Fill out the form carefully.** Explain clearly what you want, and why you should be granted your request. **Put only one issue on each grievance form.** If you have more than one issue, fill out an additional grievance for each issue. Only file a grievance for a real issue. **Too many grievances, or frivolous grievances, may be considered abuse of the system.**
5. Place the grievance in the appropriate locked box. Be sure you signed the form, and checked all appropriate boxes. Ask your caseworker for assistance if necessary.
6. If possible, have another inmate watch you place the grievance in the box. Have the inmate write the information with time and date and keep this written statement for your records.
7. **If you do not receive a response within 15 working days you should assume the grievance is unfavorable and continue to the next step.**

Grievance Procedure - Level 2

If the prison denies or ignores any part of your Level One Grievance, or you disagree with the decision, you may file an appeal of your Level One Grievance. This appeal is called a Level Two (2) Grievance.

1. You must file your Level 2 grievance **within 2 working days** of the date your Level One Grievance was denied.
2. **If you have not received a response** to your Level One grievance within 15 working days, assume it has been decided against you. **File your Level 2 grievance within 2 days of when the 15 working day deadline of Level 1 grievance was due.**
3. Ask your caseworker, or housing officer, for the Prisoner Grievance Appeal Statement. Address the Appeal Statement to the Facility Standards Officer and deposit in the appropriate locked box.
4. Explain why you think the first grievance was not handled correctly. Clearly state why you think you should have the services you requested. Clearly explain why they should not be denied. **Focus on the original issue.**
5. You can include only information addressed in the original grievance. **No new or additional information is permitted.**
6. Place your grievance in the appropriate locked box.
7. If possible, have another inmate watch you place the grievance in the box. Have the inmate write the information with time and date and keep this written statement for your records.
8. **If you do not receive a response to your Level 2 grievance within 15 working days, consider the appeal denied, and proceed to Level 3.**

Grievance Procedure - Level 3

If you feel your grievance was not handled consistent with DOC policy, you may file an appeal of your Level Two Grievance. This appeal is called a Level Three Grievance. This Grievance will go to the Standards Administrator. The Standards Administrator must respond in writing directly to you. You will not meet with the Standards Administrator.

1. The appeal **must be received by DOC within 20 working days** after receiving the Director's decision.
2. You file a Level 3 review by submitting a letter (no more than two pages) to the Standards Administrator. Place the letter in a sealed envelope and send it directly to the Standards Administrator.
3. DOC must respond to you within 20 working days of receiving your appeal. **Again, if there is no response to the appeal within 20 days, consider the appeal denied.**
4. If DOC responds late to your Level Three Grievance, but grants your request, it is valid.
5. This decision is the final administrative action by the Department on the grievance.

TIPS ON FILING A GRIEVANCE

Timelines are very important. Times in which you must respond or appeal are based upon when the prison official receives your request, grievance, or appeal. For this reason, ALWAYS BEGIN COUNTING TIME BY THE DATE ON WHICH YOU FILE THE REQUEST, GRIEVANCE OR APPEAL. When possible, drop the request, grievance, or appeal in the locked box in the morning.

- Be sure you are following the correct grievance procedure for your issue. There are separate grievance procedures for Health Care (including Mental Health treatment), Emergencies, and other problems.
- Watch timelines.
- Fill the form out carefully; be sure to follow all directions.
- Request help from your caseworker or other designated staff member.
- Fill in all the spaces.
- Use a separate form for each issue.
- Sign your name and enter the date of the grievance form.
- Fill out your name, inmate number, and unit.
- Place the grievance in the appropriate locked box.
- Ask another inmate to watch you put your grievance in the envelope and into the locked box.
- Ask this inmate to write down the time and date you did this and to sign this paper.
- Keep this inmate's written statement for your records.

SCREENED (DENIED) GRIEVANCES

A grievance will be screened (i.e. denied) for the following reasons:

- The action or decision does not involve DOC regulations, statutes, policies or procedures. Rights under federal statutes, such as the Americans with Disabilities Act, are included in the DOC regulations.
- The grievance does not meet the timeline requirements or is not completed properly or has not been filled out completely.
- The action requested is unclear.
- You used profanity or obscenity.
- The incident has not yet occurred.
- There was no attempt to resolve the issue informally.
- The issue was already grieved by another prisoner and resolved.

- The grievance is on behalf of another prisoner who is able to grieve it.
- Based on the facts, the grievance is clearly ridiculous and has no merit.
- There are too many issues. Separate grievances must be filed for each complaint.
- The grievance is outside the jurisdiction of the prison, i.e., an outside provider gave your health records to a third party without your consent.
- The issue is currently being reviewed by the court system.

Always ask for two forms of every grievance or appeal you file so that you can keep one handwritten form for your own files.

ABUSE OF GRIEVANCE SYSTEM

It is considered an abuse of the grievance system if you:

- File more than 5 grievances in a week;
- File more than 20 grievances in an 180 consecutive days; and/or
- Demonstrate a pattern of filing frivolous or repetitious grievance or by filing false statements

If you are found to abuse the grievance system, you may be subject to a restriction on filing grievance and/or discipline

Be sure you follow ALL rules and procedures when filing a grievance to ensure your grievance is addressed.

EMERGENCY GRIEVANCES

You may file an emergency grievance by notifying the Facility Standards Officer, the Facility Manager, or the Facility Manager's designee (e.g., Shift Supervisor during nights, weekends and holidays) verbally or through completion of a written grievance as explained on page 7.

You do not need to informally resolve an emergency grievance. However, you cannot appeal the Department's determination if DOC says that your problem is not an emergency. If the grievance is not found to be an emergency, the Facility Manager or designee will inform the Facility Standards Officer in writing of the decision. Your grievance will then be processed according to the non-emergency grievance standards.

Please remember, an inmate who provides false information regarding the emergency may be disciplined.

HEALTH CARE GRIEVANCE PROCESS

DOC provides medical care that is economical and comparable to that in the community at large.

If you believe you have not received proper medical care that you have requested for a well-founded medical problem, including a mental illness, there is a special grievance process that includes the medical staff. There are only 3 steps in the health care grievance process:

1. **Informal resolution**
2. **Formal Grievance – Level I**
3. **Appeal**

Be sure to complete all of these levels within the appropriate time limits or you may have to start the process over or lose your ability to grieve the issue.

Informal Resolution

Before filing a formal grievance, the inmate must attempt to resolve the issue informally with the staff member involved or a staff member aware of or directly involved with the incident.

If direct verbal communication does not resolve the issue, the inmate must file a Request for Interview Form and place it in the appropriate locked box.

Be sure to keep a record of everything that occurs during this “informal” stage.” You must report your efforts in the formal Grievance Procedure.

If the prison ignores or denies any part of your attempts to resolve your issue informally, you can begin the formal grievance process.

If your grievance involves allegations of staff misconduct, you are not required to attempt to resolve the grievance informally with the staff member who is the subject of the grievance.

If you are unable to resolve your issue through this informal procedure, you may file a formal complaint. This begins the formal Grievance Procedure.

You have 30 days from the date of your first request for medical treatment to begin the formal grievance procedure. Use this timeline when waiting for a response to your Request for Interview.

Formal Grievance – Level I

1. **Within 30 days of the incident, or within 30 days that you found out about the incident, you must complete page one of the Prisoner Grievance Form.** Two additional pages may be attached. Ask the unit officer or your caseworker for the appropriate form.
2. You must include any response to the “Request for Interview” from the informal procedure to your grievance.

3. If you had no response from your informal attempt to resolve the issue, you must include the name of the person with whom you tried to resolve the issue, when this occurred, and the results from the meeting.
4. Fill out the form carefully. Explain clearly what you want, and why you should be granted your request. If you have more than one medical issue, **file separate grievances for each one.**
5. Place the grievance in the appropriate locked box. Be sure you signed the form, and checked all appropriate boxes. Ask your caseworker for assistance if necessary.
6. If possible, have another inmate watch you place the grievance in the box. Have the inmate write the information with time and date and keep this written statement for your records.
7. If the grievance cannot be screened or easily resolved, the grievance shall be forwarded to the Institutional Health Care Officer for investigation. If you do not receive a response **within 15 working days** (excludes weekends and holidays), you should assume the grievance is unfavorable and continue to the next step.
8. The Institutional Health Care Officer will investigate the grievance, gather relevant medical records, and issue a written decision containing a statement of findings.

Appeal

Within 2 working days after receiving the response to your grievance, you may file an appeal.

1. Complete the Prisoner Grievance Appeal Statement. Be sure you signed the form, and checked all the appropriate boxes. Ask your caseworker for assistance if necessary.
2. Place the form in the appropriate locked box. Have another inmate watch you drop the appeal. Have him/her write down the time and date and keep it for your records.

The Health Care Administrator will assign an impartial investigator. The investigator will investigate the matter within 10 working days of the receipt of the grievance appeal, and provide the Medical Advisory Committee with a written statement of findings and recommendations.

Within 5 working days of the receipt of the investigator's statement, the Medical Advisory Committee will review the findings and recommendations and issue a written decision with the findings of fact and conclusions as to the merits of the grievance.

The decision of the Medical Advisory Committee is the final administrative action on the grievance by DOC.

GRIEVANCES AGAINST STAFF

If you have a complaint against a correctional officer or any person that is an employee of the Department of Corrections there is a different grievance process that you should use which is explained below.

If you file a grievance saying that DOC staff did something wrong, you do not need to try to resolve the grievance informally with the staff member who you are complaining about. You can just file a formal grievance as your first step as explained below.

Grievance Procedure - Level 1

1. **Within 30 days of the incident, or within 30 days that you found out about the incident, then you must complete page one of the Prisoner Grievance Form (Form 808.03C).** Two additional pages of narrative may be attached if you need additional room to explain your grievance. Ask the unit officer or your caseworker for the appropriate form.
2. **Fill out the form carefully.** Explain clearly what you want, and why you should be granted your request. **Put only one issue on each grievance form.** If you have more than one issue, fill out an additional grievance for each issue. Only file a grievance for a real issue. **Too many grievances, or frivolous grievances, may be considered abuse of the system.**
3. Place the grievance in the appropriate locked box. Be sure you signed the form, and checked all appropriate boxes. Ask your caseworker for assistance if necessary.
4. If possible, have another inmate watch you place the grievance in the box. Have the inmate write the information with time and date and keep this written statement for your records.
5. The Facility Standards manager should investigate the grievance and provide a written decision within 15 working days that says one of three things:
 - A written decision; or
 - That they are returning the grievance to the Facility Standards Officer for informal resolution; or
 - That they are assigning the complaint to an investigator for further investigation.
6. If the Facility Manger does ask that an investigation be conducted it should be completed within 10 working days and the results of the investigation should be given to the Facility Manager. The Facility Manger then has 5 days to issue a decision and give you a written decision.
7. **If the Facility Manager's written decision is not in your favor OR if you do not receive a decision within 15 working days, you should assume that the decision is not in your favor and move on to the next step.**

Grievance Procedure - Level 2

If the prison denies or ignores any part of your Procedure Level One Grievance, or you disagree with the decision, you may file an appeal of your Level One Grievance. This appeal is called a Level Two (2) Grievance.

1. You must file your Level 2 grievance **within 2 working days** of the date your Level One Grievance was denied.

2. **If you have not received a response** to your Level One grievance within 15 working days, assume it has been decided against you. **File your Level 2 grievance within 2 days of when the 15 working day deadline of Level 1 grievance was due.**
3. Ask your caseworker, or housing officer, for the Prisoner Grievance Appeal Statement. Address the Appeal Statement to the Facility Standards Officer and deposit in the appropriate locked box.
4. Explain why you think the first grievance was not handled correctly. Clearly state why you think you should have the services you requested. Clearly explain why they should not be denied. **Focus on the original issue.**
5. You can include only information addressed on the original grievance. **No new or additional information is permitted.**
6. Place your grievance in the appropriate locked box.
7. If possible, have another inmate watch you place the grievance in the box. Have the inmate write the information with time and date and keep this written statement for your records.
8. Your Grievance Appeal will be sent to the Facility Director and they will respond to you in writing through the Facility Standards Officer with 15 working days after receiving the appeal. The Director's decision will agree or disagree with the Facility Manger's decision, say what changes, if any, need to happen, and whether your complaint should be looked at further. If you do not receive a response within 15 working day, your appeal is considered denied.
9. This review will be the final decision. If the final determination does not resolve the issue you can call an outside agency or attorney for possible help.

Screened Grievances

If your grievance is returned because you didn't fill out the form properly you should:

1. Correct the form and send it back to be reviewed within two (2) days; or,
2. If your grievance is sent back but you think you did it correctly, you can appeal this decision by doing a Request for Interview form explaining why the decision to return the grievance form back to you is wrong. Attach the Request for Interview form to your Grievance packet and give it back to the Facility Standards Officer within two days.

GRIEVANCE AGAINST FACILITY MANAGERS

If you have a complaint against the Facility Manager you must do the following:

Informal Grievance

1. Before filing a formal grievance, the inmate must attempt to resolve the issue informally with the staff member involved or a staff member aware of or directly involved with the incident.
2. If direct verbal communication does not resolve the issue, the inmate must file a Request for Interview Form (Form 808.11A) and place it in the appropriate locked box.
3. Be sure to keep a record of everything that occurs during this “informal” stage. You must report your efforts in the formal Grievance Procedure.
4. If the prison ignores or denies any part of your attempts to resolve your issue informally, you can begin the formal grievance process.

Grievance Procedure – Level 1

1. **Within 30 days of the incident, or within 30 days that you found out about the incident, then you must complete page one of the Prisoner Grievance Form (Form 808.03C).** Two additional pages of narrative may be attached if you need additional room to explain your grievance. Ask the unit officer or your caseworker for the appropriate form.
2. You must include any response to the “Request for Interview” from the informal procedure to your grievance.
3. If you had no response from your informal attempt to resolve the issue, you must include the name of the person with whom you tried to resolve the issue, when this occurred, and the results from the meeting.
4. **Fill out the form carefully.** Explain clearly what you want, and why you should be granted your request. **Put only one issue on each grievance form.** If you have more than one issue, fill out an additional grievance for each issue. Only file a grievance for a real issue. **Too many grievances, or frivolous grievances, may be considered abuse of the system.**
5. Place the grievance in the appropriate locked box. Be sure you signed the form, and checked all appropriate boxes. Ask your caseworker for assistance if necessary.
6. If possible, have another inmate watch you place the grievance in the box. Have the inmate write the information with time and date and keep this written statement for your records.
7. If your formal grievance does not solve the problem, you can appeal the decision by having the Standards Administrator review the decision. If you do not receive a response within 15 working days you should assume the grievance is unfavorable and continue to the next step. When you grieve against the Facility Manger you **will not go to Level 2** of the process but instead will **go straight to Level 3.**

Grievance Procedure - Level 2

As stated above (see #7) there is no Level 2 for grievances against a Facility Manager.

Grievance Procedure - Level 3

If you feel your grievance was not handled consistent with DOC policy, you may file an appeal of your Level One Grievance. This appeal is called a Level Three Grievance. This Grievance will go to the Standards Administrator. The Standards Administrator must respond in writing directly to you. You will not meet with the Standards Administrator.

1. The appeal **must be received by DOC within 20 working days** after receiving the Director's decision.
2. You file a Level 3 review by submitting a letter (no more than two pages) to the Standards Administrator.
3. Place the letter in a sealed envelope and send it directly to the Standards Administrator.
4. DOC must respond to you within 20 working days of receiving your appeal. **Again, if there is no response to the appeal within 20 days, consider the appeal denied.**
5. If DOC responds late to your Level Three Grievance, but grants your request, it is valid.
6. This decision is the final administrative action by the Department on the grievance. If it is not in your favor you may contact an outside agency or a private attorney for possible assistance.

PRISON RAPE ELIMINATION ACT

The Prison Rape Elimination Act (PREA) makes it so that no sexual misconduct is tolerated in a correctional facility.

Sexual misconduct means actions that are sexual and are done to an inmate by another inmate, DOC staff to an inmate, or done by an inmate to DOC staff. DOC staff includes anyone employed by, or volunteering with, DOC. Acts that are considered sexual misconduct include some of the following actions, but not all:

1. Sexual contact (touching) and/or intercourse (penetration with any object or part of the body)
2. Requiring or allowing an inmate to engage in a sexual act with another inmate or a staff member for any reason.
3. Masturbating in front of an inmate or a staff member.
4. Making or encouraging obscene or sexual advances, gestures, or comments or exposing genitalia, buttocks, or female breasts.
5. Touching one's self in a sexual way.
6. Initiating any form of communication that is sexual.
7. Making promises to an inmate about their safety, custody, parole status, privacy, housing, privileges, work assignments, programs, or services for sexual favors. This include the exchange of anything of value such as cigarettes or food between inmates or staff and inmates.
8. Threats, intimidation, or retaliation.

If something like this happens you have to report it before anything can happen to help you. If you see it happen to someone else, you can report it as well. Report it immediately. Some ways you can report sexual misconduct:

- Tell a staff member, like a correctional officer, medical personnel, a chaplain, someone you are comfortable with.
- Tell a friend or family member who is outside the facility. They can report the incident for you.
- Send a confidential Request for Interview Form to the Lieutenant.
- Call the Alaska State Troopers to Report it.
- Call the Alaska State Ombudsmen Office.

After you report

Medical Exam

After you report the incident, you will be asked to do a sexual assault examination by a qualified health care professional. You will have to consent in order for this to happen. If you are sexually assaulted, try not to shower, wash, drink anything, or change your clothes before you can be seen by a medical professional. The exam may check you for injuries as well as to collect any evidence.

If you do not want to go through a sexual assault examination you do not have to. Instead, you can receive medical attention for any injuries you may have without going through the full sexual assault examination. Remember, any medical information that is given is confidential and you must sign a release in order for the information to be used as evidence in the investigation. You do not have to sign the medical release if you don't want to.

You have the right to receive support services like counseling or mental health treatment. All medical services related to sexual misconduct are free of charge.

Investigation

All allegations of sexual misconduct, sexual harassment, over-familiarity and retaliation will be investigated by the Alaska State Troopers. Once you report the misconduct, the alleged victim and the perpetrator will be separated. The alleged perpetrator will be placed in segregation for further investigation.

Possible Outcomes

A thorough investigation takes time as an investigator must collect evidence, talk to witness, or gather documentation. After the investigation one of the following decisions will be reached:

- There is sufficient evidence to conclude the allegation is true;
- There is not sufficient evidence to conclude the allegation is true;
- The allegation is unfounded. This means that the evidence shows that the person who reported the sexual misconduct made a false allegation. If the investigation proves that the allegation is false, the person who made the allegation is subject to corrective action such as discipline;
- There is not enough evidence to prove that the allegation is true but there is evidence to provide that another law, policy or rule was broken.

Anyone who sexually abuses or assaults an offender or staff member will be disciplined and may be criminally prosecuted.

Sexual misconduct should be reported at any time, even if it is not reported immediately.

HOW TO GET HELP OUTSIDE OF DOC

If you have completed all levels of the prison grievance process, and you are still unsatisfied, you may seek additional assistance from one of the following sources. **Before contacting these sources, be sure you have documentation that you have completed ALL steps of the prison grievance process.**

Alaska Bar Association Lawyer Referral Service

If you would like to talk with a private attorney, the Lawyer Referral Service can give you names of attorneys in specific areas of law.

P.O. Box 100279
Anchorage, Alaska 99510-0279
Phone: (907) 272-0352
Statewide: (800) 770-9999

The Disability Law Center of Alaska (DLC)

DLC can only assist individuals who have a legal issue that is directly related to their disability, AND only if you have correctly grieved the issue through ALL levels of the prison grievance process. DLC cannot help with criminal issue or appeals. A disability is a physical or mental impairment that greatly limits one or more major life activity. "Major life activities" include, but are not limited to, walking, talking, breathing, learning, working, and caring for oneself.

DLC can help you with a medical care issue only if the health care or failure to provide health care is causing such severe deterioration in your health that it may be abuse or neglect, and you have a disability.

Alaska State Ombudsman Office

The Office of the Ombudsman accepts citizen complaints about state agencies and personnel. The ombudsman may investigate to determine whether an agency act was unlawful, unreasonable, unfair, arbitrary, erroneous, or inefficient, and may seek an appropriate remedy.

333 W. Fourth Ave, Suite 305
Anchorage, AK 99501
Phone: (800) 478-2624

The Alaska State Commission for Human Rights (ACHR)

ACHR is the state agency which enforces the Alaska Human Rights Law. ACHR accepts complaints of discrimination because of race, religion, color, national origin, sex, and physical/mental disability.

800 A Street, Suite 204
Anchorage, Alaska 99501
Phone: (907) 274-4692 TTY/TOO (907) 276-3177 or (800) 478-3177
Statewide: (800) 478-4692

American Civil Liberties Union of Alaska (ACLU)

The ACLU works to defend and preserve individual rights and liberties guaranteed to every person in this country by the Constitution and laws of the United States.

P.O. Box 201844
Anchorage, Alaska 99520
Phone: (907) 276-2258



1-800-478-1234

ANCHORAGE OFFICE:

3330 Arctic Blvd., Suite 103; Anchorage, Alaska 99503
(907) 565-1002 phone • (907) 565-1000 fax

FAIRBANKS OFFICE:

1949 Gillam Way, Suite H; Fairbanks, Alaska 99701
(907) 456-1070 phone • (907) 456-1080 fax

JUNEAU OFFICE:

230 South Franklin, #206; Juneau, Alaska 99801
(907) 586-1627 phone • (907) 586-1066 fax

ALL NUMBERS ARE BOTH VOICE & TDD
www.dlcak.org • e-mail: akpa@dlcak.org