



GUIDE TO: GRIEVANCES

For those in Pennsylvania DOC Facilities
(Does not apply to County Jails or Federal Prisons)

QUESTION: *When can someone file a grievance?*

ANSWER: Any person in a DOC facility can file a grievance for most issues, including: (a) experiences of **physical abuse**, (b) problems with **facility conditions**, (c) denial of **medical care**, (d) having **phone or mail** privileges taken away, or (e) having **property taken** or destroyed. A person can also file a grievance for most other problems they have while in a facility.

There are some issues that require other procedures, such as **sexual abuse** or challenging a **specific disciplinary charge**.

The Prison Litigation Reform Act (PLRA) requires that a person file a grievance and fully exhaust the system through every level of appeal, before filing a lawsuit about prison conditions.

YOU HAVE THE RIGHT TO CHALLENGE UNFAIR
CONDITIONS OF CONFINEMENT

WHAT ARE THE STEPS TO: *File a Grievance?*

1. An incarcerated person can submit an "Inmate Requests to Staff Member" (**form DC-135A**) before filing a grievance to try to resolve the issue, but it is not required.
2. Grievances are filed using the "Official Inmate Grievance Form" (**form DC-804 Part 1**), which should be available in every housing unit and in the libraries. If someone has a disability that makes it hard to fill out the form, they are entitled to help.

IMPORTANT: A grievance must be filed within **15 working days (excludes Saturday and Sunday)** of the event.

3. A grievance form must include:
 - ❖ name and DOC number of grievance writer
 - ❖ statement of facts i.e. what happened (2 pages or less)
 - ❖ policy or law that was violated
 - ❖ name of any individuals known to be involved in the incident
 - ❖ requested resolution including any request for monetary damages
4. Some kinds of complaints – like those for missing property or denial of publications – require additional paperwork. The grievance will be rejected without the proper forms.

This letter does not constitute legal assistance or advice, just information. It is possible that the information has changed since the letter was created.

If you have legal questions, you are urged to contact a lawyer or your local Bar Association.

5. Each issue/event requires a SEPARATE grievance.
6. Forms can be submitted in the lock-box labeled “grievances” (on each general population housing unit) or to the Facility Grievance Coordinator.

NEXT STEPS:

If an incarcerated person files a grievance and it is rejected or denied, there are appeal processes.

REJECTED FOR TECHNICAL REASONS? The grievance will be returned with a “Grievance Rejection Form” outlining the reasons for the rejection. A corrected grievance can be re-submitted within **5 days** of the rejection using the same grievance number.

DENIED FOR OTHER REASONS? A denial can be appealed to the Facility Manager within **15 working days** of the initial review date. An appeal cannot be filed until a rejection has been received. Initial appeals can be filed using the “Inmate Appeal to the Facility Manager” form. It is important to include a copy of everything filed with the original grievance.

INITIAL APPEAL DISMISSED? If the initial appeal is dismissed, a second appeal using the “Inmate Appeal to Final Review” form can be filed within **15 working days** of receiving the Facility Manager’s decision. The appeal must include a copy of EVERYTHING filed before (on the same issue) and every rejection the person has received. The appeal should be sent to:

Chief, Secretary’s Office of Inmate Grievances and Appeals
Department of Corrections
1920 Technology Parkway
Mechanicsburg, PA 17050

IMPORTANT: It is necessary to go through all these steps in order to “exhaust administrative remedies.” If a person does not complete every step, they may be prevented from seeking relief (either in the facility or in the courts) for their grievance.

OTHER THINGS TO KNOW:

- ❖ The DOC can restrict someone from filing grievances and refuse to accept their grievances, but **ONLY IF** the person has filed 5 or more grievances within 30 days that the facility decides are “frivolous” (without any basis). A restricted person must still be given access to DC-804 Part 1 forms and be allowed to file 1 grievance every 15 days.
- ❖ Any document attached to the grievance **WILL NOT** be returned to the incarcerated person, but becomes part of the facility record. It is a good idea to attach copies of documents, not originals.
- ❖ It may be useful for incarcerated people to send a copy of any grievances they write to someone on the outside for their own records. It is not a good idea to send

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originals because they cannot be mailed back. The incarcerated person should also keep a copy for themselves.

- ❖ An incarcerated person can always withdraw a grievance they no longer want to pursue by submitting a “Grievance Withdrawal Form” to the Facility Grievance Coordinator.

LAW AND CASE LAW THAT MAY BE HELPFUL:

1. **Prison Litigation Reform Act (PLRA), 42 U.S.C. § 1997(e):** Before filing a lawsuit, incarcerated people must exhaust all administrative remedies, including all steps and appeals of an internal grievance process.
2. ***Rinaldi v. United States*, 904 F.3d 257, 265 (3rd Cir. 2018):** Going through the grievance process and appeals exhausts administrative remedies under the PLRA.
3. ***Ross v. Blake*, 136 S. Ct. 1850 (2016):** “A prisoner need not exhaust remedies if they are not ‘available.’” (1855). Exhaustion is unavailable when:
 - 1) administrative remedies are a “dead-end -- with officers unable or consistently unwilling to provide any relief to aggrieved inmates.” (1859); or
 - 2) the remedy procedure is so unclear that “no ordinary prisoner can discern or navigate it.” (1859); or
 - 3) prison administrators prevent incarcerated people from using the grievance process “through machination, misrepresentation or intimidation.” (1860).

MORE RESOURCES:

1. **Pennsylvania Institutional Law Project:** legal resources for incarcerated people
718 Arch St. #304S, Philadelphia PA 19106 --- 215-925-2966
100 Fifth Ave, Suite 900, Pittsburg, PA 15222 --- 412-434-6175
115 Farley Circle, Suite 110, Lewisburg, PA 17837 – 570-523-1104
2. **Pennsylvania Bar Association Lawyer Referral Service:** service to match prospective clients with a lawyer in a particular area of law
100 South Street, Harrisburg, PA 17108 --- 800-932-0311
3. **Jailhouse Lawyer’s Manual:** handbook of legal rights and procedures, available for order at: <http://jlm.law.columbia.edu/order-the-jlm/> for \$30 for incarcerated people

YOU DESERVE TO FEEL HEARD AND RESPECTED

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