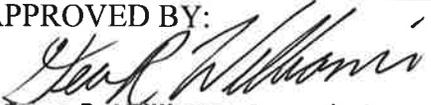


<b>STATE OF ALASKA</b> <b>DEPARTMENT OF CORRECTIONS</b>  <b>POLICIES &amp; PROCEDURES</b>	SECTION: <b>Administration</b>		PAGE: <b>Page 1 of 6</b>
	CHAPTER: <b>100</b>	NUMBER: <b>108.08</b>	P&P TYPE: <b>Public</b>
	TITLE: <b>Offender Complaints</b>		
	APPROVED BY:  <b>Dean R. Williams, Commissioner</b>		DATE: <b>03/13/18</b>
ATTACHMENTS / FORMS: <b>(A.) DOC Offender Complaint Form.</b> <b>(B.) DOC Offender Complaint Tracking Sheet.</b> <b>(C.) DOC Offender Complaint Resolution Form.</b> <b>(D.) DOC Offender Complaint Appeal Form.</b>		AUTHORITY / REFERENCES: <b>22 AAC 05.155 AS 44.28.020</b> <b>AS 33.05.010 AS 44.28.030</b> <b>AS 33.16.180 DOC P&amp;P 108.06</b> <b>AS 33.30.011 DOC P&amp;P 808.03</b> <b>AS 33.30.021</b>	

**EFFECTIVE DATE:**

This policy will have a future effective date of 03/26/2018.

**POLICY:**

- I. It is the policy of the Department of Corrections (DOC) to have in place procedures for the reporting, investigation, resolution and tracking of complaints by offenders under the supervision of the Department.
- II. It is the policy of the Department that all offender complaints will be resolved at the lowest level possible.
- III. It is the policy of the Department that any offender making an official complaint will receive a written response to their complaint.
- IV. It is the policy of the Department that these procedures will cover complaints from offenders concerning issues that are not specifically dealt with elsewhere in other Departmental policies.

**APPLICATION:**

This policy and procedure will apply to all Department employees and offenders under the supervision of the Division of Probation and Parole and the Pretrial Enforcement Division.

**Note:** For complaints made by citizens please refer to DOC P&P 108.06, Citizen Complaints. For complaints made by prisoners please refer to DOC P&P 808.03, Prisoner Grievances.

**DEFINITIONS:**

As used in this policy, the following definitions shall apply:

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**Complaint Process Abuse:**

Complaint process abuse is the repeated abuse of the complaint process by an offender through:

1. The filing of frivolous and / or excessive complaints;
2. The appeal of a complaint settled in the offender’s favor;
3. The filing of complaints concerning issues that have a specific complaint process set out in another Department policy.

**Excessive Complaints:**

Excessive complaints are the filings of more than five (5) complaints in a week and / or 20 complaints in 180 consecutive days.

**Offenders Under Supervision:**

Individuals who are not currently incarcerated but are under the care and control of the Division of Probation & Parole or the Pretrial Enforcement Division. Such individuals include Probationers, Parolees, those on Electronic Monitoring (EM) and Pretrial defendants.

**PROCEDURES:**

I. Informal Resolution:

- A. Any complaint by an offender under supervision will initially be directed to a supervisor or manager in the district office that is either familiar with the offender or familiar with the subject matter of the complaint.
- B. At this stage the supervisor or manager shall try to resolve the matter informally and to the satisfaction of the complainant. If an informal resolution is reached, it shall be documented for future reference.
- C. If a complaint cannot be resolved informally, the offender under supervision will be provided with a *DOC Offender Complaint Form* (Attachment A) so that the offender can make their complaint official.

II. Filing An Official Complaint:

- A. Official complaints by offenders can only be filed within 30 calendar days from the date the incident occurred or from when the offender has knowledge of the incident. Complaints filed outside of this timeline will not be processed or reviewed.
- B. Official complaints by offenders under supervision must be made in writing using a *DOC Offender Complaint Form* (Attachment A).
- C. Employees shall provide assistance to an offender under supervision if they request assistance in completing the *DOC Offender Complaint Form* (Attachment A). However, a DOC employee must be careful to complete the form using on the offender’s language and wishes and must not enter their own opinion or bias on to the form.

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D. Any employee or office receiving a completed *DOC Offender Complaint Form* (Attachment A) shall forward it to their supervisor for screening within one (1) business day of receipt:

1. Upon receipt of a complaint the employee receiving the complaint must first print off a *DOC Offender Complaint Tracking Sheet* (Attachment B). This tracking sheet will then accompany the complaint within the Department.
2. The receiving employee shall then enter the date that the complaint was received on the top of the *DOC Offender Complaint Tracking Sheet* (Attachment B) and forward the complaint (and tracking sheet) on to their supervisor.
3. The date that the complaint was forwarded on to the supervisor shall also be noted on the tracking sheet, along with the signature and printed name of the employee who received the complaint.

### III. Complaint Screening:

- A. Supervisors receiving a *DOC Offender Complaint Form* (Attachment A) shall screen it in order to ensure that the complaint is being directed to the appropriate person and the appropriate section within the Department.
- B. Upon the initial receipt of a complaint the supervisor shall first write down the date they received the complaint on the *DOC Offender Complaint Tracking Sheet* (Attachment B).
- C. A copy of the *DOC Offender Complaint Form* (Attachment A) shall be placed in the offender's / defendant's file. A second copy of the form shall be sent to the Probation & Parole or Pretrial Director's Office for tracking purposes. The date these actions were taken shall be noted on the tracking sheet.
- D. If it is not clear what the nature of the complaint is, the supervisor may contact the complainant in order to seek clarification.
  1. At this stage the supervisor should not enter into a discussion of possible resolutions, and should instead keep the conversation focused on the nature of the complaint.
  2. If contact with the complainant is made, the supervisor shall note the contact on the original *DOC Offender Complaint Tracking Sheet* (Attachment B) in the appropriate space. The contact details shall include the date and time that the offender was contacted.
- E. If, after screening the complaint, the supervisor sends the complaint on to another supervisor or manager that is in a better position to deal with the complaint, the sending supervisor shall update the tracking sheet with the details of whom the complaint was sent to and when it was sent.
- F. A supervisor or manager shall direct any complaint that is serious in nature or that involves possible illegal or immoral behavior on the part of a DOC employee to the Professional Conduct Unit (PCU) for their review.

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#### IV. Complaint Investigation:

- A. All complaints must be investigated before a decision on a resolution is made. The supervisor or manager shall attempt to complete the investigation within ten (10) working days from the date that the screening was completed, or the date that the complaint was received if the screening was done by another supervisor / manager.
- B. The supervisor or manager handling the complaint shall review the complaint form (and any additional notes) before making a decision regarding the complaint.
- C. The supervisor or manager may also take the following steps in order to investigate the complaint properly and help them decide upon a resolution:
  - 1. Contact the offender under supervision to discuss the details of the complaint;
  - 2. Contact the supervisor or manager who may have tried to resolve the complaint informally;
  - 3. Contact any employees who may provide additional details regarding the complaint;
  - 4. Contact any other employees in the Department who may be able to help provide information regarding the complaint; and
  - 5. Review the offender's case file and / or DOC offender management system history.
- D. Once the investigation is complete the supervisor or manager shall keep any paperwork or documents generated as part of the complaint investigation in a file along with the original complaint form and the tracking sheet. These files shall be kept for a period of five (5) years.

#### V. Complaint Resolution:

- A. Once the supervisor or manager has decided upon a resolution to the complaint they shall notify the offender under supervision, in writing, of the resolution using the *DOC Offender Complaint Resolution Form* (Attachment C).
- B. The resolution must include the following information at a minimum:
  - 1. Findings of any facts applicable to the complaint;
  - 2. A decision as to whether the complaint was upheld or not;
  - 3. Citations to any applicable policies, rules or laws; and
  - 4. A proposed resolution to the complaint, if the complaint was upheld.
- C. The form shall be hand delivered, to the offender / defendant under supervision, based upon their preferred contact method.
- D. A copy of the completed *DOC Offender Complaint Resolution Form* (Attachment C) shall also be placed in the offender's / defendant's case file. A second copy shall be sent on to the Probation & Parole or Pretrial Director's Office.

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VI. Complaint Appeals:

- A. Offenders / defendants under supervision may appeal the resolution suggested on the *DOC Offender Complaint Resolution Form* (Attachment C) if they wish to. This shall be done within ten (10) calendar days of the date they were notified of the resolution.
- B. If no appeal is received within ten (10) calendar days of an offender under supervision being notified of a resolution, the offender is deemed to have accepted the proposed resolution. Any actions proposed as part of the resolution can be taken by the Department.
- C. The Appeal Process:
  - 1. In order to appeal a resolution the offender under supervision must complete a *DOC Offender Complaint Appeal Form* (Attachment D) and return it to the supervisor or manager that completed the *DOC Offender Complaint Resolution Form* (Attachment C).
  - 2. Any appeals received from an offender / defendant under supervision will be routed to the appropriate regional Chief Probation Officer (CPO) or Pretrial Supervisor or designee for review. (In the case of EM offenders, appeals will be routed to the EM PO IV.)
  - 3. In forming their decision regarding the appeal, the regional CPO, Pretrial Supervisor or their designee may investigate the matter in a method similar to that mentioned above, in Procedures section IV.
  - 4. The regional CPO, Pretrial Supervisor or their designee will then make a final decision on the appeal.
- D. Notification Of Appeal:
  - 1. The offender under supervision shall be notified in writing, of the outcome of their appeal on a *DOC Offender Complaint Appeal Form* (Attachment D). The form shall be mailed (via certified mail) or e-mailed to the offender / defendant under supervision, based upon their preferred contact method.
  - 2. A copy of the *DOC Offender Complaint Appeal Form* (Attachment D) shall also be filed in the offender's / defendant's case file.

VII. Complaint Process Abuse:

- A. An offender / defendant may be found to have abused the complaint process when they:
  - 1. File more than five (5) complaints in one (1) week;
  - 2. File more than 20 complaints in any 180 consecutive days; and / or
  - 3. Demonstrate a pattern of abuse of the process by filing frivolous or repetitious complaints, or by filing false statements.

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- B. An offender / defendant whom is found to have abused the complaint process may be subject to a restriction on filing complaints and a limit as to the number of complaints that may be processed for that offender / defendant.
- C. The regional CPO, Pretrial Supervisor or designee shall determine abuse of the complaint process after it is brought to their attention by a supervisor or manager in the office that supervises the offender.

VIII. DOC Offender Management System Updates:

DOC employees involved in any part of the complaint process shall update the DOC offender management system (through chrono entries) at all stages of the process in order to provide a record of complaints received from offenders / defendants.

IX. Complaint Tracking And File Storage:

The Director's Office for the Division of Probation & Parole or Pretrial Enforcement Division shall be responsible for tracking all official complaints from offenders under supervision. The details to be tracked shall include the following:

1. Name of the offender under supervision making the complaint;
2. Type of supervision the offender is under (Probation, Parole, EM and / or Pretrial);
3. Date offender filed complaint;
4. Type of complaint;
5. DOC staff involved in complaint (if applicable);
6. Investigating supervisor or manager;
7. Complaint upheld or denied;
8. Date of complaint resolution;
9. Complaint appealed or not;
10. Date complaint appealed;
11. Appeal CPO, PO IV or Pretrial Supervisor reviewing the complaint;
12. Appeal upheld or denied; and
13. Date of appeal resolution.

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