



Idaho Department of Correction Grievance Form

Offender Name: IRVING, PATRICK SEAN

Location: IMSI

Offender Number: 82431

Number: IM 190000216

Category: POLICY OR SOP

Offender Grievance Information

Date Received: 06/06/2019

The problem is:

IDOC employees investigating themselves for misconduct. Grievance II 1900000285 from 3-27-19 for alledging retaliation was investigated by the people responsible for the claim. It was then wrongly dismissed after being miscategorized. Refer to policy 316, section 3, exception 3. Policy shouldn't allow employees accused of misconduct to investigate themselves. Tim Higgins, Monte Hansen, and P. Donaldson were allowed to investigate themselves for misconduct. This is a policy issue.

I have tried to solve this problem informally by:

Sending concern form to IDOC Director Tewalt.

I suggest the following solution for the problem:

Change policy 316 in such a way that claims of retaliation against IDOC employees are not allowed to be investigated be the employees implicated by the claim. Review all grievances of misconduct with the new standard and update them as needed. Post memos informing update.

Level 1 - Initial Response

Date Forwarded: 06/06/2019

Date Returned:

06/11/2019

Date Due Back: 06/20/2019

Level 1 Responder:

SOUTHWICK,

The response from the staff member or person in charge of the area/operation being grieved:

As the policy coordinator, my duties are to COORDINATE the SOP process ensuring that the SOP conforms to style & formatting guidelines, etc. Other than correcting errors and typos, I don't change the content. The content is provided by the applicable division's subject matter experts so you will need to contact them.

Level 2 - Reviewing Authority Response

Date Forwarded:	06/11/2019	Grievance Disposition:	DENIED
Date Due Back:	06/27/2019	Level 2 Responder:	HARTGROVE, GARY
Date Returned:	06/24/2019	Response sent to offender:	06/24/2019

Your grievance has been reviewed and I find:

Inmate Irving # 82431 your grievance II 190000285 is denied.

I have reviewed grievance II 190000285 and the responses provided. I believe the following are the facts of your grievance.

You received a class A DOR in Texas for a group disruption. You were found guilty of the charge and received points increasing your classification.

You appealed the DOR and it went through the appeal process, with your appeal being denied.

You then filed a grievance not concerning the DOR but on the resulting classification change and your placement. Which is an appropriate grievance issue. The responses were correct that you cannot grieve an inmate disciplinary offense but missed the fact you were requesting a review of your classification and housing status, per 316.02.01.001 Grievance /Appeal forms.

You then filed a grievance IM 190000216 claiming retaliation and request that SOP 316.02.01.001 be changed that would prohibit staff named in the retaliation claim, could not investigate the same. This request is not within my authority to change policy. However, I believe IDOC by nature of the grievance and appeal process have established safe guards from this issue by the grievance and appeal process. The grievance and appeal process have several levels of review with increasing authority to ensure no one staff member can review and approve a grievance or appeal matter.

Offender Appeal

Offender Comments:

Grievance 216 doesn't allege retaliation, it addresses how retaliation grievances are processed. My DOR was not served or heard as a group disruption and was changed without notification. My DOR appeal from 12-12 was never documented, processed, or returned. I was not reclassified immediately, as required by policy. I, alone, was reclassified 4 months after my DOR. My 2nd appeal was not processed by a contract monitor per agreement number A18-002. section 5.5. Only Hansen, Higgins, and/or Donaldson were capable of the following: disappearing my initial disciplinary appeal (which I grieved), changing my DOR offense after all sanctions were completed, initialing(?) classification 4 months late, and neglecting to forward retaliation grievance 285 to S/U(?) in accordance with policy 150-01-01-006. This illustrates a pattern of negligence and misconduct. That IDOC does not prevent my allegations of misconduct from being investigated by the employees accused of misconduct is unacceptable. Would IDOC allow a PREA officer to investigate themselves? The same safeguards need to be in place for claims of retaliation. *Policy change is needed.

Level 3 - Appellate Authority Response

Date Appealed:	06/25/2019	Grievance Disposition:	DENIED
Date Forwarded:	06/25/2019	Level 3 Responder:	YORDY, HOWARD
Date Due Back:	07/11/2019	Response sent to offender:	07/11/2019
Date Returned:	07/11/2019		

Your appeal has been reviewed and I find:

You are combining actions taken by EPTX staff and wanting to hold IDOC accountable. You were given a DOR in November of 2018, heard and confirmed all by EPTX. You remained in Texas until returning to Idaho in mid-March. I understand you appealed your DOR while in Texas and I don't know when you did or perhaps why it wasn't answered timely. However, your appeal was eventually answered by the warden of EPTX and affirmed. When you arrived in Idaho on March 19, 2019 and according to CIS, you were classified on the same day and pointed out to Close Custody. You were moved to IMSI on March 28th and in mid-April moved to a Close Custody tier. I don't know why you didn't know about your classification for four months but your classification is correct. The behavior described in your 2018 DOR is a group disruption, class A. You haven't denied that you and others