

# Idaho Department of Correction Grievance Form

Offender Name:

IRVING, PATRICK SEAN

Location:

IMSI

Offender Number:

82431

Number:

IM 190000484

Category:

ACCESS TO COURTS

#### Offender Grievance Information

Date Received:

12/04/2019

The problem is:

Legal mail that was picked up to be sent out around 11-5-19 was returned to me using institutional mail - no attempt was made to send it out. It arrived back in my possession 11-27-19, one day after Chief Page investigated why it's initial September attempt to be delivered had failed. The first attempt was USPS error. That it sat for 3 weeks without being sent was not. These were time-sensitive materials.

I have tried to solve this problem informally by:

Concerns and Access to Courts requests to the paralegal.

I suggest the following solution for the problem:

Identify the reason for the problem and fix it using whatever form of training is necessary.

## Level 1 - Initial Response

Date Forwarded:

12/04/2019

Date Returned:

12/05/2019

Date Due Back:

12/18/2019

Level 1 Responder:

SHEDD, ARVEL D

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

The only legal mail logged and mailed for the month of September for the stated offender were on 9/26/19 (Tot claim and one to Office of the Attorney General). The returned mail was not done by the Resource Center however, from the U.S. Post Office.

Date: 12/27/2019 11:01 Created By: hyordy Page 1 of 2

CIS/Facilities/Main/Misc/Grievance Detail

IM 190000484

82431

## Level 2 - Reviewing Authority Response

Date Forwarded:

12/05/2019

Grievance Disposition:

GRANTED

Date Due Back:

12/21/2019

Level 2 Responder:

HESS, JAMIE -

Date Returned:

12/05/2019

Response sent to offender:

12/05/2019

Your grievence has been reviewed and I find:

I received confirmation from the paralegal that the filing was logged and mailed on November 5, 2019. My understand is no deadline was missed since tort claims don't have a court deadline. There was an issue with the USPS returning mail as undeliverable, but this issue has been fixed.

## Offender Appeal

Offender Comments:

As stated, the parcel logged as mailed on Nov. 5th is currently in my possession, as it was never sent out. It was returned to me on 11-27, unsent, by way of institutional mail. I shouldn't have to use my appeal to restate my grievance. Please pay attention to the content of this message; the parcel "logged and sent on 11-5-19 is in my possession, unopened, unsent, and signed on the day it was returned to me, for the second time, on 11-27-19. It was not sent! Shedd made copies of the unsent parcel for me on 12-5. He can confirm it was not mailed! Which means it sat somewhere for 3 weeks - this is unacceptable as it is in my possession, this is simple to verify by coming to view it for yourself. Additionally, there is a window for which you must provide the Notice of Tort, saying there is no deadline is dangerously inaccurate. The Notice the legal resource center provides clearly states "claims must be filed within 180 days". There is clearly something very wrong with the IMSI Legal Resource Center. This won't be tolerated.

## Level 3 - Appellate Authority Response

Date Appealed:

12/10/2019

Grievance Disposition:

GRANTED

Date Forwarded:

12/10/2019

Level 3 Responder:

YORDY, HOWARD

Date Due Back:

12/26/2019

Response sent to offender:

12/27/2019

Date Returned:

12/27/2019

Your appeal has been reviewed and I find:

We have a new full-time Paralegal assigned to IMSI, Robert Wheiler. I have spoken with Mr. Wheiler's supervisor and we'll make sure Wheiler is aware of the process and ensure it is followed from here on out.

Warden Yordy

Date: 12/27/2019 11:01 Created By: hyordy Page 2 of 2