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# Idaho Department of Correction Grievance Form

Offender Name: IRVING, PATRICK SEAN

Location: IMSI

Offender Number: 82431

Number: IM 210000080

Category: CONDITIONS OF

### Offender Grievance Information

Date Received: 02/19/2021

The problem is:

Policy 319 (restrictive housing) requires "guidelines to ensure that inmates placed in restrictive housing (short-term or long-term) for a period in excess of 15 days will have opportunities for three hours or more per day of time spent out of their cell." These guidelines were never established.

I have tried to solve this problem informally by:

Concern from Lt. Gibby.

I suggest the following solution for the problem:

Please establish the guidelines that policy 319 mentions so that your facility residents know what they have to look forward to in the future.

### Level 1 - Initial Response

Date Forwarded: 02/19/2021

Date Returned:

02/23/2021

Date Due Back: 03/05/2021

Level 1 Responder:

GIBNEY, JUSTIN L

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

In accordance to Policy 319, IMSI introduced our Ad-Seg reform program. Initially IMSI introduced the use of programming chairs on the tiers. Residents were offered 1 hour of out of cell time for recreation, as well as, 1 hour in the programming chairs. However, this program was suspended shortly after its introduction, due to the increase of violent acts from the resident population while they were in the programming chairs.

IMSI looked at several other options including a table enclosure, on the tier enclosures, and the re-introduction of the programming chairs. However, shortly after these were completed, IDOC and the world, was affected by COVID-19.

IMSI is still committed to Ad-Seg reform. However, at this time, we still have positive cases of COVID-19 in our institution, and we are unable to implement these changes. I do not have an answer of how long COVID-19 will impact our daily operations, or the future of IMSI.

**Level 2 - Reviewing Authority Response**

Date Forwarded:	02/23/2021	Grievance Disposition:	DENIED
Date Due Back:	03/11/2021	Level 2 Responder:	HUST, KLINTON R
Date Returned:	03/11/2021	Response sent to offender:	03/11/2021

Your grievence has been reviewed and I find:

Mr. Irving,

Lt. Gibney is correct in his response. We are unable to accommodate this due to COVID-19 and practices that were put in place that got people hurt rather than helped. Unfortunately the RHO states the time allotted, but we are unable to accommodate this right now.

Captain Hust

**Offender Appeal**

Offender Comments:

Lt. Gibney states that only two hours out-of-cell time have ever been planned, yet the policy calls for three. A full year passed without abiding by mandates put in place prior to COVID ever entering Idaho. Where some enclosures were installed months before COVID, they were never used, and there was time to install more. COVID simply does not excuse the full year pre-COVID that IDOC failed to abide - the policy was publicly approved in March of 2019. Policies exist to establish the rules, not to display the department's wishful thinking-

It should also be noted that this grievance intended to address the failure to provide reliable policy, not complain about Conditions of Confinement. That said, I consider myself at fault for the miscommunication, and ask that this grievance finish its process in the category started, with the understanding that my issue will need refiled in the future.

**Level 3 - Appellate Authority Response**

Date Appealed:	03/12/2021	Grievance Disposition:	DENIED
Date Forwarded:	03/12/2021	Level 3 Responder:	DAVIS, TYRELL
Date Due Back:	03/28/2021	Response sent to offender:	

Date Returned:

Your appeal has been reviewed and I find:

I have reviewed the grievance and concur with the level one and two responses. We are currently in the process of assessing and reviewing policy 319 as an agency.