



83 Poplar Street, NW  
Atlanta, GA 30303

## **KNOW YOUR RIGHTS: HOW TO USE THE GEORGIA DEPARTMENT OF CORRECTIONS (GDC) GRIEVANCE PROCEDURE**

The following information explains how to use the GDC grievance procedure to address problems you experience while in state custody, which includes state prisons, private prisons, county correctional institutions, and transitional centers. This information does not apply to county jails. If you are incarcerated and want to file a civil rights lawsuit about something you experienced in prison, you must follow both steps of the grievance procedure and all related rules. **If you fail to do so, your lawsuit may be dismissed.** Be sure to keep copies of receipts and make a note of the dates you filed grievances.

### **ISSUES YOU CAN GRIEVE ABOUT**

- Any condition, policy, procedure, action, or lack of action that affects you personally.
- Retaliation or harassment.

### **ISSUES YOU CANNOT GRIEVE ABOUT**

- Matters that do not affect you personally.
- Parole decisions, sentences, probation revocations, and court decisions.
- Transfers between institutions.
- Changes to housing assignments, program assignments, or work assignments, unless there is a threat to your health or safety.
- Disciplinary actions (use the “Inmate Discipline” appeal procedure).
- Involuntary assignments to administrative segregation (use the “Administrative Segregation” appeal procedure).
- Co-pay charges for health care (use the “Inmate/Probationer Health Concerns or Complaints” appeal procedure).

### **IMPORTANT RULES**

- You can only complain about one issue/incident per grievance.
- You must comply with the deadlines.
- Complete all forms in ink.
- You can help a person complete the form, but you cannot file a grievance for another.
- Staff should help you fill out a form if needed upon request.
- Do not use threatening language, profanity, insults, or racial slurs on grievance forms unless they are part of your complaint.

- You can have only two non-emergency grievances filed at any time, unless one of your grievances involves physical abuse with significant injury to yourself, or sexual assault.
- You cannot request money as a remedy.
- Retaliation against a prisoner for filing a grievance is strictly prohibited by GDC policy.

### **STEP 1: FILE A GRIEVANCE FORM**

- Get a “Grievance Form,” which “must be available in the control rooms of all living units and must be provided upon request by an offender.” (SOP IIB05-0001, ¶ 6(A)(2)). If you are in isolation/segregation, staff assigned to those areas must provide these Forms upon request.
- Your complaint and the remedy you are asking for must fit in the space provided on the form, or you may attach up to one additional page with writing on one side only.
- Sign the Grievance Form and give it to any Counselor within **10 days** of the date you knew or should have known of the facts about which you are grieving. The Counselor will give you a receipt. Keep the receipt. The Counselor may reject the grievance if it does not follow the rules listed above.
- The Warden has **40 days** to deliver the decision (subject to a one-time, 10-day extension).
- If you don’t receive a response within **40 days**, you can appeal to the Central Office, unless a 10-day extension has been authorized.

### **STEP 2: FILE A CENTRAL OFFICE APPEAL**

- If you don’t agree with the response to your grievance, or if it was rejected, you have **7 days** to file a “Central Office Appeal” on a Grievance Appeal Form.
- Give the completed Grievance Appeal Form to your Counselor.
- When you file the appeal, your Counselor will give you a receipt. Keep the receipt.
- You should get a written response from the Commissioner’s Office within **100 days**.

### **IMPORTANT EXCEPTION: SEXUAL ASSAULT OR PHYSICAL FORCE INVOLVING NON-COMPLIANCE WITH GDC POLICY**

- If your grievance involves sexual assault or allegations of unlawful force by staff, it is automatically forwarded to Internal Investigations and/or the PREA Coordinator. This ends the grievance process. You cannot file a Central Office Appeal in these cases.

### **IMPORTANT EXCEPTION: EMERGENCY GRIEVANCES**

- You can file an Emergency Grievance for an unexpected situation involving a significant threat to your health, safety or welfare that requires prompt action. If prison officials decide your complaint is an emergency, immediate action will be taken and you should receive a written response within **5 days**.
- If officials decide your grievance is not an emergency, you will get it back. Then you have **7 days** to file it as a non-emergency grievance.

NOTE: This handout was last updated in July 2013 and summarizes the GDC’s revised “Statewide Grievance Procedure,” (SOP IIB05-0001), which became effective on 12/10/12.