



Office of Legislative Corrections Ombudsman

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Grievance and Hearing Time Frames

Grievance Time Frames

The following information is based on Michigan Department of Corrections Policy Directive 03.02.130 “Prisoner/Parolee Grievances”.

1. Incident occurs.
2. Before filing a grievance, the grievant needs to attempt to resolve the issue with the staff member involved within 2 business days.
3. The step I grievance needs to then be filed within 5 business days after attempting to resolve issue with staff. The issue being grieved should be stated briefly and concisely.
4. The Grievance Coordinator should assign an identifying number and the date by which the response is due. Grievant should receive a response within 15 business days of receipt of the grievance, unless an extension is granted.
5. A grievant can file a step II appeal if dissatisfied with the response at step I, or if the response was not received in the appropriate time frame, within 10 business days after the date of the response.
6. Grievant should receive a response to the step II grievance within 15 business days of receipt of the grievance, unless an extension is granted.
7. Grievant can file a step III grievance if dissatisfied with the response at step II or if the response was not received within 10 business days. The grievant must send their step III grievance to the Grievance and Appeals Section at the department’s central office in Lansing.

The total grievance process from the point of filing a Step I grievance to providing a Step III response shall generally be completed within 120 calendar days. However, there is no time limit stated in policy for third step grievance responses.

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Hearing Time Frames (PD 03.03.105):

The following is based on Michigan Department of Corrections Policy Directive 03.03.105 "Prisoner Discipline". Alleged violations of written rules are classified as Class I, Class II, or Class III misconducts.

*To determine time limits for hearings, the day on which the prisoner is confined, transferred, or received written notice of the charge is not counted, but the day the hearing occurs is counted.

Class I Misconduct:

1. **Review Report:** Reviewing officer reviews the report with the prisoner within 24 hours after the report is written unless there is reasonable cause for delay as determined by the LARA Hearing Officer at the hearing. The hearing officer must dismiss the misconduct if the Report is not reviewed within that time frame and if there was no reasonable cause for the delay.
2. **Notice of Hearing:** Written notice of hearing no less than 24 hours before hearing; prisoner may waive notice
3. **Hearing:** The hearing shall be conducted within 7 business days after the misconduct report was reviewed with prisoner, except:
 - a. If a hearing investigator is assigned, the hearing must be conducted within 14 business days. However, if prisoner is confined to segregation or top lock pending the hearing, then the hearing must be conducted within 7 business days after such confinement, unless prisoner is released from confinement before that time period expires.
 - b. If prisoner is transferred to a higher security level not including segregation, as a result of the misconduct, the hearing must be conducted within 14 business days after the transfer or receipt of written notice of the charge, whichever is first.
 - c. If there is reasonable cause for delay, as determined by the LARA hearing officer, the reasons shall be set forth in the Hearing Report.
4. **Request for Rehearing:** If the prisoner disagrees with the results of the hearing, he can submit a Request for Rehearing. The request must be submitted within 30 calendar days after the copy of the Hearing Report is received.
 - a. Generally, a Rehearing request is decided within 30 calendar days after receipt of the Request for Rehearing form.

Class II Misconduct:

1. **Review Report:** Reviewing officer reviews the report with the prisoner within 24 hours after the report is written unless there is reasonable cause for delay as determined by the reviewing officer at the hearing. The reviewing officer must dismiss the misconduct if the

Report is not reviewed within that time frame and if there was no reasonable cause for the delay.

2. Hearing: The hearing shall be conducted within 7 business days after the misconduct report was reviewed with prisoner, unless:
 - a. The hearing officer directs the Hearing Investigator to collect additional evidence, in which the hearing shall be conducted within 14 business days.
 - b. There is reasonable cause for delay as determined by the facility hearing officer.
3. Appeal: A prisoner, who disagrees with the results of the hearing, can file an Appeal to the Deputy Warden. The appeal must be filed within 15 calendar days after receipt of the hearing officer's written decision. A response will be provided in writing within 30 calendar days of receiving the appeal.

Class III Misconduct:

1. Review Report: A staff member other than the person who issued the Misconduct Report must conduct a review of the report with the prisoner. There is no timeline indicated for this process.
2. Hearing: A hearing shall be conducted within 7 business days of the date of the review with the prisoner.
3. Appeal: A prisoner who is found guilty of a Class III misconduct may file an appeal. The appeal must be filed within 15 calendar days after receipt of the hearing officer's written decision. A response will be provided in writing within 30 calendar days of receiving the appeal.

Other Administrative Hearings:

1. Prisoner shall receive sufficient written notice of the purpose of a fact-finding hearing , usually at least 24 hours prior to the hearing.
2. The hearing shall be conducted within 7 business days after the prisoner's placement in temporary segregation.
 - a. the day on which the prisoner is placed in segregation is not counted, but the day the hearing occurs is counted.
3. Appealing the form of a hearing is by way of the Grievance Process.