



DEPT OF CORRECTIONAL SERVICES

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SUMMARY OF REVISION/REVIEW

Policy Directive 024-032 incorporated. Complete rewrite of the entire policy to include the new electronic grievance system. With the implementation of the electronic grievance process:

Informal Grievances are now *Level One* grievances.

Step One Grievances are now *Level Two* grievances.

Step Two Grievances are now *Level Three* grievances.

APPROVED:

Rob Jeffreys (Sep 22, 2025 13:29:55 CDT)

Rob Jeffreys, Director
Nebraska Department of Correctional Services

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PURPOSE

To establish procedures for the implementation of Chapter 2 of the Nebraska Department of Correctional Services (NDCS) Rules and Regulations, Nebraska Administrative Code, Title 68 (referred to as Chapter 2 throughout this policy), for the effective and equitable resolution of incarcerated individual grievances, and for the monitoring of the incarcerated individual grievance system to ensure compliance with Chapter 2 and this policy. (ACI-6A-01)

Neb. Rev. Stat. §83-4,111, §83-4,112, §83-4,135, §83-4,136, §83-4,137, §83-4,138 to §83-4,139, and Title 68, Nebraska Administrative Code, Chapter 2 establishes policy and procedures for the resolution of incarcerated individual grievances. This policy expands upon those statutes and Chapter 2. (ACI-6A-01)

With the implementation of the electronic grievance process, informal grievances are now *Level One* grievances, step one grievances are now *Level Two* grievances and step two grievances are now *Level Three* grievances. The agency grievance administrator shall be responsible for administering and directing the implementation of the grievance policy consistent with all applicable statutes and Chapter 2. This responsibility includes, but is not limited to, grievance training for team members, development of an incarcerated individual orientation specific to grievance policies, researching and/or developing responses to *Level Three* and sensitive nature grievances for the director/designee and evaluation of the agency grievance program to aid in determining effectiveness. (ACI-6A-01)

All incarcerated individuals in each facility will have access to a written copy of this policy, which will also be made available within the respective incarcerated individual law libraries. This information is also available via GTL/ViaPath tablet titled *Incarcerated Individual Grievance Orientation* PowerPoint. Any incarcerated individuals with a limited comprehension of the English language will receive a copy of Chapter 2 and information included within this policy in his or her native language. If a written translation is not readily available, the incarcerated individual will be provided with sufficient assistance to ensure that he or she comprehends the information in this policy and in Chapter 2. (ACI-3D-19, ACI-6A-01)

PROCESS

I. TEAM MEMBER AND INCARCERATED INDIVIDUAL ORIENTATION

All team members having contact with individuals shall have ready access to the Nebraska Administrative Code, Title 68, Chapter 2, and to this policy. Each warden shall designate a place where copies of the rules and this policy may be reviewed by team members and will permit team members to obtain their own copies of Chapter 2 and of this policy as requested. New team members will receive a verbal explanation of the grievance process during team member training. At a minimum, the verbal explanation will include the information set out in PROCESS I. of this policy. Team members will also be informed that, although individual grievances are considered to be confidential, those team members participating in the investigation or disposition of a grievance shall have access to those records which are essential to the investigation and resolution of the grievance.

Facilities that receive newly admitted incarcerated individuals shall ensure that each incarcerated individual receives a copy of the Nebraska Administrative Code, Title 68, including Chapter 2 regarding incarcerated individual grievances. Incarcerated individuals shall sign a receipt for the rulebook, and the receipt shall be maintained in the incarcerated individual's file as evidence of the delivery of the rulebook. In addition to the delivery of the Title 68 rulebook, incarcerated individuals will receive an explanation of the grievance procedure during their orientation process. The



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explanation shall, at a minimum, include the following information: See *Nebraska Administrative Code, Title 68, (Chapter 2, Grievance Procedure)* (Attachment A) (ACI-6A-01)

A. Grievable Issues

1. The type of matters which are grievable include:
 - a. Policies and conditions of the department or facility affecting the grievant.
 - b. Actions by team members or other incarcerated individuals.
 - c. Incidents in the facility affecting the grievant personally.
2. Examples should be given of the types of grievances the incarcerated individual may file. Appropriate examples include:
 - a. Facility policies on visitation, mail, or telephones
 - b. Verbal, physical, or sexual abuse or harassment by another incarcerated individual or team members member
 - c. Restrictions on incarcerated individual property
 - d. Complaints about food service or medical care
 - e. ADA and/or accessibility issues (See Policy 004.01 ADA – *Incarcerated Individuals and the Public*)

B. Non-Grievable Issues

The matters/issues considered non-grievable are:

1. Incarcerated individual disciplinary actions. Such actions may be appealed through the process prescribed in Nebraska Administrative Code, Title 68, and Chapter 6.
2. Matters over which NDCS has no control. Examples of such matters are the terms of court orders, commitment orders, state statutes, and Parole Board decisions.
3. Classification decisions, to include placement on grievance restriction. Such actions may be appealed to the next higher level of authority using the Classification Appeals Form.
4. The requirement to submit grievances via tablet through the electronic process if the individual has a tablet and access to their tablet.

C. Remedies Available

Examples of remedies available through the grievance system include:

1. Change in NDCS policy or procedure.



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2. Restoration of confiscated property.
3. Referral to the State Claims Board for possible award of monetary damages. A grievance is not required to be filed by the incarcerated individual in order to file a Tort claim with the State Claims Board.
4. Investigation of alleged team member misconduct to include sexual misconduct.
5. Referral for specialized medical care, change of medication or diet.
6. Any other relief within the authority of a warden or the director.

D. Time Limits (ACI-3D-19)

See *Nebraska Administrative Code, Title 68, (Chapter 2, Grievance Procedure)* (Attachment A)

1. The *Level One* grievance must be filed within three calendar days of the incident being grieved. Unit team members shall provide a written response within ten business days, excluding holidays and weekends. A paper grievance form, when allowed, will be considered filed when it is logged and receipted. An electronic grievance will be considered filed once it is submitted.
2. The *Level Two* grievance must be filed within 15 calendar days of the receipt of the *Level One* grievance response, or if no response was received, within 20 calendar days of the incident giving rise to the grievance. The warden/designee shall provide a written response to the individual within ten working days after receipt of the grievance.
3. The *Level Three* grievance must be filed to the director electronically or by interoffice mail within 10 calendar days after receipt of the warden's response. If the paper grievance is in an envelope, it shall be clearly marked to indicate that it contains a *Level Three* grievance form. The *Level Three* grievance form may be mailed in compliance with the department's rules governing privileged mail. The director/designee shall provide a written response to a *Level Three* grievance within twenty working days after receipt of the grievance.
4. Grievances filed as sensitive nature must be filed to the director electronically or, if allowed, via paper *Level Three* grievance form.
5. For grievances filed via the electronic process, if the *Level One* or *Level Two* grievance is not answered within the established level timeframe, the grievance will automatically escalate to the next level for response.
6. If a continuance is needed, the individual is provided with notification of an extension prior to the deadline for the response. The individual may receive a copy of the continuance whether or not they accept it, see *Continuance Form* (Attachment E).



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E. Grievance Submissions

There are three types of grievance.

1. Regular Grievance

- a. *Level One* grievances are the first entry in the electronic grievance system.
- b. If eligible for escalation, the next applicable entry is the *Level Two* grievance.
- c. If eligible for escalation, the next applicable entry is the *Level Three* grievance.

2. Emergency Grievance

- a. *Level One* grievances are the first entry in the electronic grievance system.
- b. If eligible for escalation, the next applicable entry is the *Level Two* grievance.
- c. If eligible for escalation, the next applicable entry is the *Level Three* grievance.

3. Sensitive Nature Grievance

Sensitive Nature Grievances are listed as a *Level One* grievance however, as it is filed to the director/designee it has no appeal option.

F. Grievance Format

1. The incarcerated individual will state, as briefly and concisely as possible, the specific nature of the complaint, including all the persons, and dates involved. A grievance may not be addressed to a specific person or a person outside of the NDCS. *Level One* electronic grievance submissions have a 1,500-character limit for the description of the grievance. Informal grievances filed on paper forms, when allowed, will also be limited to 1500 characters.

Level Two and *Level Three* electronic grievances have a 2500-character limit for the description of the grievance. If filed on paper forms, when allowed, it is also limited to 2,500 characters.

2. The individual will address only one issue per grievance, whether filed electronically or via paper form. If the grievance includes multiple issues, the appropriate level answering authority will return the grievance without review or consideration.
3. The incarcerated individual may not submit duplicate or multiple part submissions of the same grievance/incident.



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4. When permitted, if a *Level One* grievance is filed via paper grievance form and extra room is needed to express the concern, within the 1500-character limit, an additional grievance form will be used. No supplemental attachments will be accepted or reviewed unless specifically requested by staff.
5. A grievance will be written legibly and without profane, abusive, or threatening language. Language used in grievances is subject to the inmate code of offenses and inmate disciplinary procedures.
6. When permitted, if a grievance is filed via paper grievance form, the grievance form will preferably be submitted to the incarcerated individual's assigned unit team members. If that unit team member is the subject of the grievance, the incarcerated individual may submit the grievance to another unit team member it is acceptable to submit the paper grievance form via the grievance box.
7. If the individual is filing a grievance appeal/escalation and includes additional topics, unrelated issues, or changes the original topic of the grievance, the appropriate level responding authority will return the grievance without review or consideration. (ACI-3D-19)
8. If the individual combines grievances of separate, previous responses into a single grievance/appeal, submits multiple electronic forms that exceeds the allowed character limit, or attempts to have a new submission represent a curtailed or exhausted grievance of a different log number, the appropriate level responding authority will return the grievance without review or consideration. (ACI-3D-19)
9. Incarcerated individuals are not permitted to file more than two *Level Two* grievances per calendar week (Monday through Sunday), except for valid emergency grievances.
10. Each grievance will be reviewed and, if necessary, investigated. The individual shall receive a prompt written response. Response time may vary due to complexity.
11. An individual may request team member assistance in completing and processing the paper form or electronic form.
12. The decision of the director/designee is final and constitutes exhaustion of all administrative remedies available to the incarcerated individual through the grievance process.
13. Incorrectly filed grievances or grievances that do not follow established policy will receive a response identifying the filing/procedural error and will be curtailed, meaning they are not eligible to escalate.

G. Grievances of a Sensitive Nature

1. It is in the individual's right to send grievances of a sensitive nature to the director without completing the facility steps of the grievance process. The incarcerated individual must clearly explain the sensitive nature of the grievance and the reason for not following the regular grievance process.



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2. Grievances of a sensitive nature, as described in the paragraph above, will be submitted on the tablet if the individual has a tablet and access to the tablet individuals without a tablet will submit the grievance to the NDCS director/designee via interoffice mail on a *Level Two* or *Level Three* grievance form which must be marked "SENSITIVE NATURE" on the top of the form.
3. If the director/designee determines that the grievance is not of a sensitive nature, the grievance shall be returned to the individual with direction to resubmit the concern as a new *Level One* or appeal an existing grievance if eligible and within established time frames for appeal.

H. Emergency Grievances/Grievance Appeals

The following is an explanation of procedure for handling emergency grievances or grievance appeals.

1. Emergency grievances are those matters which must be resolved quickly because if the standard grievance time limits were used, the incarcerated individual would be subjected to a substantial risk of personal injury or other serious and irreparable harm. Incarcerated individuals should be encouraged to bring such matters to the direct attention of designated team members who may be able to provide immediate relief without the use of the written grievance procedure. (ACI-3D-19)
2. If the individual does not choose to bring such matters to the direct attention of designated team members who may be able to provide immediate relief, the individual may submit the grievance through the electronic tablet grievance system or via a paper *Level One* form marked "EMERGENCY."
3. Grievances submitted as an emergency will be forwarded or electronically submitted immediately to unit team members or the shift supervisor after business hours. If it is determined to be an emergency grievance, investigation will proceed immediately, and a determination of appropriate relief (if any) will be made within 24 hours after the grievance was determined to be an emergency grievance. If it is not determined to be an emergency grievance, a response is provided to the individual with direction to re-submit through the regular grievance process. The individual may resubmit the grievance as a *Level One* grievance within three calendar days of the non-emergency response being received.
4. If it is determined that the grievance was not an emergency, the individual may not grieve the decision to return the grievance as non-emergent but may pursue as a regular grievance.
5. If an individual files a grievance expressing PREA allegations, the shift supervisor and facility PREA compliance manager will be notified of the grievance. The grievance response will indicate that the allegations were forwarded to the facility PREA compliance manager.

PREA allegations are not investigated through the grievance process. Any investigation deemed necessary will be assigned to a trained PREA investigator. The initial response and final decision will serve as documentation determining

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whether the individual is at substantial risk of imminent sexual abuse and the action taken in response to the emergency grievance.

I. Other Remedies

Incarcerated individuals may communicate grievances to persons outside NDCS.

An incarcerated individual may communicate a grievance to the Office of Public Counsel/Ombudsman, legislators, attorneys, courts or others. If an incarcerated individual chooses to send an unprocessed grievance to an entity outside NDCS, the grievance will not be considered to be filed with NDCS and will not be entitled to a response by NDCS.

II. ELECTRONIC GRIEVANCE PROCESS

A. Grievance on Tablet

Individuals who have a tablet and access to that tablet are required to use the tablet to file their grievance unless otherwise specified in policy. The individual may not grieve the method of grievance.

B. Individuals With a Tablet but Submits a Paper Grievance Form

The Individual has a tablet and access to the tablet but submits a grievance on a paper grievance form. An individual may submit an emergency grievance via paper grievance form regardless of their tablet status.

1. If an individual has a tablet and access to the tablet but does not use it to submit a grievance, the designated facility team member shall create an electronic form and send it to the individual's tablet under the grievance application. The individual will be informed to use the electronic form to submit their grievance.
2. The team member will provide a response on the paper grievance form citing this policy requirement to use their tablet to file their grievance and the log number that was created for the grievance.
3. The response on the paper grievance form will be delivered back to the individual who will then have three calendar days to submit their grievance electronically. After five calendar days, if not submitted electronically, the grievance will automatically close.
4. The paper grievance form with response will be scanned and attached in the electronic grievance system under the corresponding log number.

C. Individuals Without a Tablet or Access to a Tablet

1. If an individual does not have a tablet or access to a tablet, they may submit their grievance on a paper grievance form and submit it to their unit team members.
 - a. The designated facility team member shall enter the grievance information in the electronic system, scan and attach the paper grievance into the



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electronic grievance system under the corresponding system generated log number.

- b. The *Level One* grievance information shall be entered exactly as written on the paper grievance form up to 1,500 characters.
 - c. The paper *Level One* grievance form has a 1,500-character limit. If the information on the paper grievance form exceeds the 1,500-character limit, the grievance shall be responded to indicating it is not in compliance with policy.
2. A paper *Level Two* or *Level Three* has a 2,500-character limit. If the information on the paper grievance form exceeds the 2,500-character limit, the grievance shall be responded to indicating it is not in compliance with policy.
 - a. If the paper grievance was filed in accordance with this policy, it will be investigated as necessary. The individual shall receive a prompt written response
 - b. The response will be marked on the paper grievance form and entered into the electronic grievance system. A scan of the completed grievance form will be attached under the corresponding system generated log number.

D. Abuse of Grievance Process

If an individual files a large number of frivolous, nuisance, or duplicative grievances at any level, unit team members may submit a recommendation to the warden detailing the justification for grievance restriction. A classification hearing will be conducted to determine whether the incarcerated individual is abusing the grievance process. This determination will be the result of a reclassification action.

If an individual is found to have abused the grievance process, a notice will be provided to the individual indicating such. The notice will include the specific reasons for the decision and that future grievances demonstrating a pattern of abuse will be returned without review or consideration. Grievance restriction notices are not subject to appeal through the grievance process, but may be appealed through the established classification appeal process.

While on grievance restriction a reasonable limitation will be placed on the number of grievances that may be filed by the individual.

1. May be limited to a designated number of active grievances that are pending decision at any level at any one time, not including emergency grievances.
2. May be limited on their ability to file grievances for a specified amount of time.

While on grievance restriction, grievances demonstrating a continued pattern of abuse will be returned to the individual without review or consideration. An explanation for the returned grievance will be provided in the log, on the grievance and to the individual's unit manager/designee.

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III. REQUESTING GRIEVANCE COPIES

Title 68 Neb. Admin. Code Ch. 2, 003.07, states the incarcerated individual shall receive a prompt written response to each grievance. The incarcerated individual received a written response via the tablet and is not entitled to a paper copy of a grievance absent a determination that the requested paper copy of the grievance is a “legal document” as defined by NDCS Policy 116.01 *Inmate Rights*.

- A. An individual may request a paper copy of a previously submitted electronic grievance or a previously received electronic grievance response. Such requests must be submitted to unit team members via inmate interview request.
 - 1. The individual must include the following information in the request: grievance number or specific date range (example January 2024-February 2024), grievance type (Regular, Emergency or Sexual Abuse/Harassment, or Sensitive Nature), level (*Level One, Level Two, Level Three*), and specific reason for the request.
 - 2. If an individual requires a paper copy of a grievance to be attached as an exhibit prior to filing a lawsuit, policy interpretation is the inmate is required to demonstrate proof he or she has a complaint or petition ready to be filed with the court.
 - 3. If an individual requires a paper copy of a grievance to be attached as an exhibit prior to filing a tort claim, policy interpretation is the inmate is required to demonstrate proof they have a tort claim form ready to be filed with the Office of Risk Management.
 - 4. If an individual wants to show a copy of their grievance to the Ombudsman’s office or Inspector General’s office, that office may request the grievance from the NDCS office of the chief inspector.
- B. Once the request has been received and reviewed, a determination will be made regarding approval of the request.
 - 1. If the request is not approved the individual will be advised via inmate interview request response.
 - 2. If the request is approved the individual will be advised via inmate interview request response with the cost of the requested copies. Allowed copies will be provided in accordance with Policy 116.0 *Inmate Rights*, at a fee of \$0.10 per page.
 - 3. The individual will submit an *institutional check* for the total cost, which must be received prior to the copies being provided.
- C. Once the request is approved and the inmate *institutional check* is received, copies will be provided within 10 business days. There is no expectation that the request will be reviewed or processed on demand. Individuals will need to plan accordingly.
- D. If the individual is requesting to provide copies of grievances to an attorney via USPS mail, the individual may submit an envelope to the mailroom for this purpose. Additional postage will be assessed if necessary.

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IV. FACILITY PROCEDURES AND RESPONSIBILITIES

Grievance procedures used by NDCS facilities shall be consistent with the information provided to individuals and team members as set out in this policy.

A. Designated Grievance Team Members

Authorized team members are designated to process and receive grievances from individuals. When allowed, grievances filed on paper grievance forms will be receipted and electronically logged. Team members then follow up with each grievance by researching/investigating the complaint as necessary and provide a written response to all submitted *Level One* grievances. Grievances are considered filed when they are logged and receipted. If processing a *Level Two* grievance, team members will provide a suggested response for the warden/designee.

B. Facility Grievance Coordinator

The designated grievance coordinator will:

1. Regularly check pending grievances for timeliness.
2. Make sure all team members promoted into a position to process grievances obtain the necessary training.
3. Communicate revisions and policy updates to applicable team members.
4. Review the current processes and procedures in place to evaluate potential process improvements.

C. Grievance Administrator

The grievance administrator will:

1. Receipt/electronically log and process *Level Three* or sensitive nature director's level grievances
2. Investigate/research complaint as necessary and create a suggested response for director's designee
3. Process completed grievances and file/forward as appropriate
4. Create and provide training for the grievance process
5. Randomly conduct quality checks on *Level One* and *Level Two* grievance responses
6. Gather data and submit monthly reports to facility wardens/unit administrators and deputy directors.
7. Review the current processes and procedures and evaluate whether improvements can be made.



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8. Review and recommend revisions to this policy annually.

V. GRIEVANCE RECORDS

- A. Grievances are confidential. Only those team members whose involvement is needed to complete the investigation of the grievance shall be made aware of the grievance. Team members contacted during the investigation shall only be made aware of the information needed to allow them to contribute to the investigation. Consistent with ensuring confidentiality, team members who participate in the disposition of a grievance shall have access to records needed to respond to the grievance. Grievances shall not be available to team members not involved in the grievance process without good cause.
- B. Filing and Retention
 1. Individual's Master Record

Copies of Informal, Step I and Step II grievances shall be maintained in the Incarcerated individual's Master Record. Grievances are not purged from the incarcerated individual's master record.
 2. Facility Files

Copies of Step I and Step II grievances shall be maintained in the Incarcerated individual's facility file. Grievances in the facility files can be purged after five years.
 3. Central Office Individual Files

Copies of Step II grievances, to include the director's response, shall be maintained in the individual's central office file. Grievances in the individual's central office file can be purged after five years.
- C. Each facility and central office shall maintain grievances filed prior to February 1, 2025 utilizing the electronic Grievance Log located in NICaMS. This log will contain, at a minimum, the following information:
 1. Date grievance was received by team members.
 2. Name and number of grievant.
 3. Brief statement of nature or type of grievance.
 4. Date of response by warden or director (completed date).
- D. Electronic Grievance Files

All electronic grievances, to include any applicable physical grievance forms, will be maintained in the electronic grievance system files.



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REFERENCE

- I. STATUTORY REFERENCE AND OTHER AUTHORITY
 - A. Neb. Rev. Stat. §83-4,111, §83-4,112, §83-4,135, §83-4,136, §83-4,137, §83-4,138 to §83-4,139
 - B. Title 68, Neb. Admin. Code, Ch. 2
- II. NDCS POLICIES
 - A. Policy 004.01 *ADA – Incarcerated Individuals and the Public*
 - B. Policy 116.01 *Inmate Rights*
- III. ATTACHMENTS
 - A. Nebraska Administrative Code, Title 68, (Chapter 2, Grievance Procedure)
 - B. Informal Grievance Resolution Form-Unit Staff (DCS-A-adm-016)
 - C. Grievance Form Step One-Chief Executive Officer (DCS-A-adm-049)
 - D. Grievance Form Step Two-Central Office Appeal (DCS-A-adm-037)
 - E. Continuance Form
 - F. Institutional Check
- IV. AMERICAN CORRECTIONAL ASSOCIATION (ACA)
 - A. Expected Practices for Adult Correctional Institutions (ACI) (5th edition): 5-ACI-3D-19, 5-ACI-6A-01