

NEW MEXICO CORRECTIONS DEPARTMENT

INMATE INFORMAL COMPLAINT

Inmate Name: Manio Chavez NMCD#: 65079

Facility: SNMCF HU/Cell #: 4A A110 Date of Incident: 12-29-21

Name of subject or person to whom the complaint was filed against: Warden Ronald Martinez, Secretary Alisha Tapaya Lucero, Governor Michelle Lujan-Grisham

Explain your complaint in detail: A memo issued on 12/29/21 from Ronald Martinez informs us that effective February 1, 2022 inmates will not longer be able to receive magazines. Publications are protected under the first Amendment to the Constitution. This is my second informal complaint, the first filed 12/30/21 was ignored
Inmate Signature: [Signature] Date: 1-25-22

.....
Unit Manager/Chief of Security/Designee

Date Received: _____

I, _____ have reviewed the above informal complaint and
Unit Manager/Chief of Security/Designee

Recommend: () Resolution () Recommend formal grievance

Explain: _____

Staff Member: _____ / _____ Date: _____
Print / Sign

.....
Acknowledged by the signatures below, this informal complaint is: Resolved Unresolved

Unit Mgr/Chief of Security/Designee: _____ Date: _____
Print / Sign

Staff Witness: _____ / _____ Date: _____
Print / Sign

Inmate: _____ / _____ Date: _____
Print / Sign

If this informal complaint could not be resolved, the inmate may pursue a formal grievance within 5 working days of the date of resolution.

At time of resolution-the inmate must be given a copy of the completed copy of the Informal Complaint

Inmate must attach this document if the formal grievance is to be submitted.

22-01-17

INMATE GRIEVANCE

Inmate's Name: Mario Chavez NMCD#: 65079 Grievance File #: 40553

Institution: SNMCE Housing Unit: 4A A-110 Date of Incident: 12-29-21

Date Received by Grievance Officer: 1/31/22

Grievance Officer's Signature: [Signature]

INSTRUCTIONS: It is expected that problems be resolved in an informal manner. Please read policy/procedure CD-150500 before filing a grievance. Your grievance must be typed or clearly written so as to be readable after photocopying. The grievance must be filed with the Institutional Grievance Officer to be valid. Copies sent elsewhere will be considered informational copies only, not requiring a response.

STEP 1 - Grievance: Include documentation and names of any witnesses to support your claim. For your grievance to be accepted, you must state the relief requested. Use additional pages, if necessary.

Memo dated 12/29/21 from Ronald Martinez, Warden, informs inmates the right to receive magazines. Magazines are considered publications ~~to~~ and are protected by the First Amendment to the Constitution.

Inmate's Signature: [Signature] Date: 1-25-22

Relief Requested: That we be permitted to receive any and all publications granted to us as a constitutional right under the first Amendment.

STEP 2 - To Be Completed by the Grievance Officer:

- A. Your grievance is **accepted** for consideration.
- B. Your grievance is **being returned** to you because of the following reason:
 - 1. The grievance is not readable.
 - 2. The matter has been answered in previous grievance #: _____
 - 3. The grievance concerns material not grievous under present policy.
 - 4. The grievance is a group grievance or petition. (Submit individually.)
 - 5. The grievance is not timely.
 - 6. Other Specify: _____

Grievance Officer's Signature: [Signature] Date: 1/31/22

INMATE GRIEVANCE
(continued)

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Grievance File #: _____

STEP 3 – Grievance Investigation and Recommendation:

Grievance Officer's Signature

Date

STEP 4 – Decision of Warden/Designee: Date received by Grievance Officer: _____

Denied () Granted () Dismissed () Resolved () Referred ()

Signature: _____ Date: _____

Date Returned to Inmate: _____

STEP 5 – Departmental Appeal: (Return grievance to Grievance Officer for processing.)

A. Reason for appeal:

Inmate's Signature: _____ Date: _____

Date Received By Grievance Officer: _____

Date Sent to Grievance Coordinator: _____

B. Department Decision:

Cabinet Secretary/Designee

Date:

INMATE GRIEVANCE
(continued)



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Grievance File #: 22-01-17

STEP 3

On January 31, 2022 I Grievance Officer Joshua Sigala received an Inmate Grievance form from Inmate Mario Chavez #65079 stating that on December 29, 2021 a memo was put out stating magazines are not allowed anymore. Inmate Chavez's relief requested that magazines be permitted.

After reviewing the date of the incident, it was indicated that Inmate Mario Chavez is not filing the grievance process in a timely manner. Inmate Chavez states the incident occurred on December 29, 2021 but filed an Inmate Informal Complaint and Grievance on January 25, 2022 which was received on January 31, 2022. There is no record of an Inmate Informal Complaint being filed on December 30, 2021 or one attached. This complaint as surpass time limits and will not be investigated due to Inmate Chavez not following grievance policy for time limits. Memo was presented to all inmates at SNMCF and if inmates did not agree with this directive the complaint should have been filed within five (5) workings of the date the memo was placed. **Magazines will not be allowed as they are unable to be copied or scanned due to the creasing of the spine.**

Per CD-150501 Procedures: A. Inmate's Responsibility: 1. Before using the formal grievance procedure, an inmate is expected to attempt to resolve the grievance or particular area of concern informally through discussion with the person or persons responsible for the incident, giving rise to the complaint. The agency shall not require an inmate to use any informal grievance process or to otherwise attempt to resolve with staff, an alleged incident of sexual abuse or sexual harassment.

- a. Inmate shall first file an informal complaint using the Inmate Informal Complaint form within **five (5) working days from the date of the incident giving rise to the complaint.** The inmate shall explain in detail his or her complaint and address their complaint to the Institution Grievance Officer.

Per CD-150501 A. Inmate's Responsibility: 3. If the inmate is not satisfied with the response to the Informal Complaint, it is the inmate's responsibility to initiate a Formal Grievance using the Inmate Grievance Form within **five (5) working days** after receiving response to the Informal Complaint.

- b. The Inmate Grievance form (CD-150501.1) is submitted to the Institutional Grievance Officer by depositing the form(s) in an institutional mailbox where grievances will be collected on a weekly basis, a designated Grievance Box, or by delivering it in person to the Grievance Officer. Copies of grievances sent to persons other than the Institutional Grievance Officer will be considered informational copies only, not requiring a response.
- c. The inmate should attach the response to the Inmate Informal Complaint when filing an Inmate Grievance.

Per CD-150501 A. Inmate's Responsibility: 4. If the Inmate has not received a response to the Informal Complaint within **ten (10) working days** after submitting the Informal Complaint, the inmate may proceed to initiate a formal grievance. In this case, the inmate should state on the Inmate Grievance form that no response to the Informal Complaint was received.

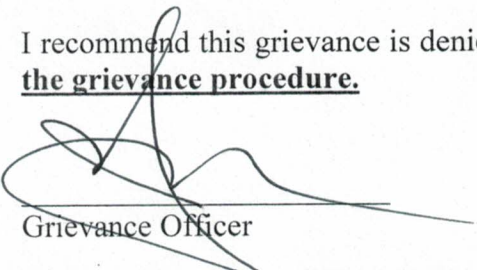
Per CD-150501 B. Grievance Officer's Review: 2. The Grievance Officer will review all grievances for **proper time limits** and necessary information. A grievance that is **untimely**, incomplete or otherwise improperly submitted will be returned to the inmate with an explanation of why it is being returned.

Per CD-150500 H. Time Constraints: 4. In the event the grievance is not disposed of within the specified time limits, the inmate shall be deemed to have exhausted administrative remedies for specific complaint. The grievance is not automatically granted.

Per CD-150500 C. Administrative Provisions: 9. Inmates may continue to use general mailboxes to forward their grievances. The grievance shall be sealed and marked "legal mail", and must be sent directly to the Institutional Grievance Officer for processing.

10. Staff members will not accept inmate grievances and it is the responsibility of the inmate to seal and mark the envelope as "legal mail" and mail it to the Institutional Grievance Officer.

I recommend this grievance is denied and **may not be appealed through the remaining levels of the grievance procedure.**


Grievance Officer

February 7, 2022
Date

STEP 4 – Decision of Warden/Designee: Date received by Grievance Officer: February 7, 2022.

Denied () Granted () Dismissed () Resolved () Referred ()

Signature: _____ Date: _____

Date Returned to Inmate: _____

STEP 5 – Departmental Appeal: (Return grievance to Grievance Officer for processing.)

A. Reason for appeal:

Inmate's Signature: _____ Date: _____

Date Received By Grievance Officer: _____

Date Sent to Grievance Coordinator: _____

B. Department Decision:

Date: _____

Cabinet Secretary/Designee