



***Division of Prisons  
Policy and Procedure***

**Chapter:** G  
**Section:** .0300  
**Title:** Administrative Remedy Procedures  
**Issue Date:** July 1, 2023  
**Supersedes:** August 1, 2013  
 DRAFT

References

5<sup>th</sup> Edition Standards for Adult Correctional Institutions

Related ACA Standards

North Carolina General Statute (NCGS)

**.0301 PURPOSE**

- (a) The policy of the North Carolina Department of Adult Correction (DAC), Division of Prisons (DOP) is to provide offenders an opportunity for administrative settlement of legitimate grievances. Most grievances can be resolved quickly through informal communication with responsible authorities at the facility in which the problem arose. An offender should be encouraged to use this method prior to the initiation of a formal grievance.
- (b) When this method is not possible, DAC seeks to reduce tension and provide a stable atmosphere by providing formal channels of communication of grievances by utilizing the Administrative Remedy Procedure (ARP).
- (c) A formal grievance is a written complaint, submitted either in paper form on a Form DC-410, or when permitted, electronic form, by an offender on the offender's own behalf concerning an action, incident, policy, or condition within a prison facility.
- (d) The ARP shall afford a successful grievant a meaningful remedy to include but not be limited to, an order requiring that specific action be taken, modification of a Prison policy, restoration or restitution for personal property, and such other remedies that will meaningfully resolve the grievance presented.
- (e) Employees who intentionally obstruct the grievance process shall be subject to disciplinary action.

**.0302 ACCESSIBILITY**

- (a) Communication of the Procedure:
  - (1) A standard written notification of the ARP shall be given to each offender as a part of orientation at the Diagnostic Center and shall be included in free educational materials on tablets. This notification shall instruct the offender as to

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how and where to obtain a grievance form (Form DC-410) and how and where to submit completed grievance forms.

- (2) The notification shall also be available at each prison facility. In addition, as a part of orientation at the Diagnostic Center, each offender shall have an oral explanation of the procedure and shall have the opportunity to ask questions regarding this procedure.
- (b) Any offender who is incapable of understanding this procedure or completing the grievance form in English language may request assistance.
- (c) Only PREA-related grievances regarding allegations of sexual abuse may be submitted by third parties, including fellow offenders, staff members, family members, attorneys, and outside advocates, on an offender's behalf. Such PREA related grievances from third parties must be submitted to the Warden of the facility where the offender is housed. A facility may require, as a condition of processing the third-party grievance, that the alleged victim consent to have the grievance submitted on their behalf and require their participation in subsequent steps in the grievance process. If the offender declines to have the third-party grievance processed on their behalf, the facility shall document the offender's decision.
- (d) Availability of the Procedure:
  - (1) The ARP shall be readily available to all offenders and staff for their information and review. It shall be available, where possible, on offender tablets. The ARP shall also be posted, where possible, throughout prison facilities or kept current in all libraries or in locations that make the procedure available for the offender to review, such as housing units.
  - (2) The procedure shall be available to all offenders, regardless of disciplinary, classification, or other administrative decisions affecting the offender, either by written copy or electronic tablet dependent on facility SOP or operational and security needs.

### **.0303 REPRISALS**

- (a) No reprisals shall be taken against any offender or staff member for a good faith use of or participation in the grievance procedure. The prohibition against reprisals should not be construed to prohibit discipline of offenders who do not use the system in good faith, in accordance with Section .0306(c)(5) herein.
- (b) False Reporting: Offenders will be held accountable for knowingly making false reports of unfounded incidents of sexual abuse against a staff member or another offender. If it is

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clearly established that a false accusation has been made, the offender may be subject to disciplinary action.

- (c) If an offender believes that a reprisal has occurred, a grievance describing the reprisal action may be submitted through the normal grievance process. The offender may submit written correspondence to the Secretary of Adult Correction.
- (d) If a staff member believes that a reprisal has occurred as a result of the employee's participation in or assistance with the grievance procedure, a written complaint stating the nature of the reprisal taken against the employee may be filed with the chain of command.

#### **.0304 SUBMISSION OF GRIEVANCES**

- (a) Any aggrieved offender in the custody of DAC may submit a paper grievance Form DC-410 at their housing facility. Paper forms may be submitted to custody staff, through facility mail, or in designated drop-box locations.
- (b) Dependent on housing and classification status, offenders may also submit grievances to their housing facility electronically through their offender tablet grievance application, when, and if, such application is made available to the offender population.
- (c) Offenders may submit up to three grievances regarding separate incidents. After an offender has three grievances pending, at any level of review, the offender may only submit a fourth grievance after a pending grievance has completed Step 2 review or has been resolved.
- (d) PREA related allegations shall be treated in accordance with DOP policy F .3400, Offender Sexual Abuse and Sexual Harassment Policy. If a grievance complains about sexual abuse or sexual harassment of an offender(s), immediate notification shall be made to the facility PREA Compliance Manager and a PREA investigation shall be initiated, if not already in the process. DAC's PREA office may review offender grievances to ensure compliance with PREA standards.
- (e) Offenders may submit grievances with related documentation, such as receipts or order forms, if the offender is in possession of said documents. If an offender is not in possession of the document, but is aware that it may exist, the offender can identify the supporting documentation within the text of the grievance. Offenders may also identify witnesses in the text of their grievances.

#### **.0305 SCREENING OFFICER**

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- (a) Wardens will appoint one or more screening officers. Screening officers shall be fair, knowledgeable regarding the grievance procedure, including time frames established therein, and capable of mediation of grievances at the facility level.
- (b) No employee who appears to be involved in a grievance shall participate in any capacity in the resolution process, except as a witness where necessary. In addition, no employee who appears to be involved in an offender sexual abuse or harassment allegation shall accept a grievance which suggests such personal involvement or shall participate in any capacity in the response to the grievance.
- (c) The screening officer will review grievances submitted by offenders and decide whether the grievance meets one of the rejection criteria set forth in Section .0304 and .0306 herein, or whether the grievance shall be accepted for facility response. This screening shall be completed within three days of receipt of the grievance.
- (d) Receipt of grievances, to include collection of drop-box locations or grievances transmitted through facility mail, shall occur every 24 hours. Wardens shall be responsible for ensuring there are sufficient screening officers to cover absences, holidays, and other non-working days.
- (e) Offenders shall receive written or electronic notice of whether the grievance has been accepted for processing or if it has been rejected, including the basis for rejection, within three days after receipt.
- (f) If the screening officer determines that the grievance can be considered under the procedure, the screening officer may forward it to the staff member whom the officer believes can best provide information or relief.

**.0306 REJECTION OF GRIEVANCES**

- (a) No offender grievance alleging sexual abuse or harassment shall be rejected.
- (b) With the exception of offender sexual abuse or harassment grievances, any grievance submitted **shall be** rejected at any level if it:
  - (1) Seeks to challenge matters already decided by a State or Federal court;
  - (2) Challenges a Parole Commission decision;
  - (3) Challenges a disciplinary action; or
  - (4) Challenges matters beyond the control of DAC.

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- (c) With the exception of offender sexual abuse or harassment grievances, a grievance **may be** rejected at any level if:
  - (1) An offender has submitted three grievances regarding separate incidents and none of the three previously submitted grievances have completed Step 2 review or been resolved.
  - (2) There has been a time lapse of more than 90 days between the alleged event and receipt of the grievance.
  - (3) The offender has requested a remedy for another offender, except in case of an allegation of sexual abuse or harassment. This shall not apply to grievances related to policies or conditions made on behalf of a group of offenders, in which the submitting offender is a member.
  - (4) The offender has requested a remedy for more than one unrelated incident. This shall not apply to grievances related to policies or conditions made as a pattern of incidents which are related in type.
  - (5) The offender's grievance directs toward any person language that is generally considered profane, vulgar, abusive, contemptuous, or threatening. Offenders who violate this rule may be subject to disciplinary action. The grievance may be resubmitted for processing after objectionable language has been eliminated.
- (d) All rejected grievances shall be reviewed and electronically retained by the Warden/designee to ensure compliance with appropriate rejection bases. The screening officer shall be responsible for ensuring that such review takes place at least monthly and that the electronic grievance records are accurate.
  - (1) The Warden may determine that the grievance should have been accepted, and not rejected, the offender shall be notified in writing and provided the opportunity to resubmit the grievance on a new DC-410 in accordance with Section .0304.
  - (2) If the offender declines this opportunity to resubmit the rejected grievance, the screening officer shall obtain a statement or refusal from the offender. The screening officer shall note the offender's decision in the comments related to the electronically retained grievance.

**.0307 TIME LIMITS**

- (a) From receipt of grievance to completion of step 3 review final disposition, all grievances shall be processed within 90 calendar days. The 90-day period commences the day after the grievance has been received.

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- (b) Time frames herein may be extended for up to 70 days if the normal time period for response is insufficient to issue an appropriate response.
- (c) If, at any step of the procedure, a response is not made within the prescribed time limits and there has been no extension of time to issue an appropriate response, the grievance may be forwarded to the next step for review.
- (d) At each step of grievance review (see Section .0309), the time limits are as follows:
  - Screening Response - 3 days after Receipt of Grievance
  - Step 1 Response - 15 days after Screening Response
  - Step 2 Response - 20 days after Appeal of Step 1 Response
  - Step 3 Response - 30 days after Appeal of Step 2 Response
- (e) Nothing in this section shall waive or in any way restrict the right or ability of DAC to assert a statute of limitations defense in a lawsuit brought by an offender.
- (f) Appeals must be requested within 24 hours of receipt of the current step response or the right to appeal shall be waived. The person to whom the appeal is directed has the discretion to accept a late appeal in the event of extenuating circumstances.
- (g) Wardens are responsible to ensure their staff are compliant with the grievance response time frames set forth herein. The Warden shall ensure that screening officers, or other staff, are maintaining monthly reports on past due grievance responses and taking corrective action regarding past due grievances.
- (h) An offender's current housing facility staff shall be responsible for issuing facility-based responses to offenders in writing, including but not limited to screening response, Step 1 response, and/or Step 2 response, where electronic delivery of the response is not feasible. The written responses shall be printed in duplicate. One copy may be retained by the offender and the second copy shall be retained by the facility. Step 3 responses shall be issued by the Inmate Grievance Resolution Board (IGRB).

**.0308 EMERGENCY GRIEVANCES**

- (a) Emergency grievances must be labeled as such and are grievances regarding matters which pose imminent substantial risk of personal injury or serious and irreparable harm to an offender.
- (b) Emergency grievances shall be submitted at an offender's housing facility and forwarded immediately, without substantive review, to the level at which corrective action can be taken by the facility screening officer. Review at the correction action level shall include

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a determination as to whether the grievance is in fact of an emergency nature. Review at the corrective action level shall conclude with a Step 2 response, including any action taken in response to the grievance, within five days.

- (c) Absent a substantiated determination that the grievance is of an emergency nature set forth above, all other matters shall not constitute the basis for use of an emergency grievance. Grievances determined not to be of an emergency nature will be routed through the normal grievance process for response.

**.0309 GRIEVANCE REVIEW PROCEDURE**

(a) Step 1 Review:

- (1) After acceptance of a grievance, the screening officer shall forward the grievance to the staff member who can best provide Step 1 investigation and response. No employee who appears to be involved in an offender sexual abuse or harassment allegation shall participate in any capacity in the response.
- (2) The staff responsible for investigation and response to the offender grievance shall provide this formal Step 1 response within 15 days following the screening response.
- (3) For offender sexual abuse or harassment grievances, the following response shall be provided: Your grievance has been identified as an allegation of offender sexual abuse or harassment. Your grievance has been forwarded to the Warden for appropriate action according to the Prison Rape Elimination Act of 2003 and DOP policy F .3400, Offender Sexual Abuse and Sexual Harassment Policy.
- (4) For grievances submitted related to "offender claims regarding alleged disability," "ADA," and/or "accommodation," the response process should indicate in writing that the offender was given a Form DC-746, Offender Request for Accommodation. This includes any grievance that may be rejected because the offender has requested a remedy for more than one event.
- (5) The staff member will conduct an investigation into the offender's allegations or concerns and prepare a Step 1 response. Staff shall attach any documentation or statements used in the investigation to the grievance electronic record.
- (6) The response only will be provided to the offender either in paper copy or electronically, depending upon the offender's ability to access a tablet and dependent on the offender's housing or classification status.

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- (7) Staff who prepared and signed Step 1 response shall afford the offender an opportunity to have the Step 1 explained in an attempt to resolve the grievance.
  - (8) The offender shall sign the Step 1 response within 24 hours after delivery of the response and designate whether the offender wishes to appeal the response or accept the response.
  - (9) If, at the conclusion of 15 days after the screening response, absent an extension of time, staff are unable to respond to the offender, the grievance and any investigation materials related thereto shall be forwarded to Step 2. The offender shall be provided notice of the time frame violation and forwarding to Step 2.
  - (10) If at any step of the procedure, the offender refuses or is otherwise unavailable to document the Step response with either "appeal" or "accept", staff shall document the refusal or unavailability automatically forward the grievance to the next step in the ARP.
- (b) Step 2 Review:
- (1) If the offender elects to appeal the Step 1 response to the Warden, the offender should select "appeal" on the Step 1 response within 24 hours of notification of the Step 1 decision. The Step 1 responder shall forward the appeal to the Warden/designee upon notification and explanation of the decision reached at Step 1.
  - (2) Lack of response from the offender shall be deemed acceptance of the Step 1 response after 24 hours. Facilities shall not accept late appeal notices absent exigent circumstances. If the offender is unavailable to review the Step 1 response, the facility shall automatically forward the Step 1 response to Step 2.
  - (3) The Warden/designee shall investigate the grievance and review records gathered at Step 1 and complete the investigation within 20 days after the appeal to Step 2.
- NOTE: All offender sexual abuse or harassment related grievances must be investigated by a specially trained PREA investigator at Step 2.
- (4) After completing the investigation and ensuring the record is adequately documented for review, the Warden/designee shall complete a Step 2 response to the offender's grievance. The Warden should address their review of the Step 1 response and any additional measures taken to address the offender's grievance. Staff shall attach any documentation or statements used in the investigation to the grievance electronic record.

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- (5) The response only will be provided to the offender either in paper copy or electronically, depending upon the offender's ability to access a tablet and dependent on the offender's housing or classification status.
  - (6) The Warden/designee who prepared and signed the Step 2 response shall afford the offender an opportunity to have the Step 2 response explained in an attempt to resolve the grievance.
- (c) Step 3 Review:
- (1) If the offender is not satisfied with the Step 2 decision, the offender may appeal to the IGRB as designee for the Secretary of Adult Correction. If the offender elects to appeal the Step 2 response to the IGRB, the offender should select "appeal" on the Step 2 response indicating the offender is not satisfied with the Step 2 decision. The Step 2 responder shall then forward the appeal to the IGRB.
  - (2) Lack of response from or refusal to sign by the offender shall be deemed an acceptance of the Step 2 response after 24 hours. Facilities shall not accept late appeal notices absent exigent circumstances. If the offender is unavailable to review the Step 2 response, the facility shall automatically forward the Step 2 response to Step 3.
  - (3) The Executive Director of the IGRB or designated IGRB Grievance Examiner (IGE) shall review all grievances that are assigned to the section.
  - (4) In reviewing the grievance, the IGE shall conduct an independent investigation of the grievance record and any matters related thereto. The IGE may rely on any investigations already completed. The IGE shall have access to offenders and staff at facilities and shall review records relevant to the grievance.
  - (5) Following their investigation, the IGE shall determine whether the grievance has been satisfactorily resolved by the facility. If the grievance has been satisfactorily resolved by the facility, the IGE will dismiss the grievance as resolved and state the reasoning that the facility's resolution is satisfactory.
  - (6) If the facility has not satisfactorily resolved the grievance, the IGE may resolve the grievance through mediation and communication with all interested parties.
  - (7) The IGE may also determine if the grievance should be dismissed for lacking merit, lacking supporting evidence, or exceeding the scope of the ARP. The IGE shall forward their decision to the offender within 30 days from the date of the offender's appeal from Step 2.

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- (8) The decision of the IGE shall be binding, unless the Secretary of Adult Correction finds that such relief is not appropriate, gives a written explanation for this finding, and makes an alternative order of relief or denies the grievance.
- (9) The decision by the IGE or a modification by the Secretary of Adult Correction shall constitute the final step of the ARP.

**.0310 TRANSFERS DURING GRIEVANCE PROCESS**

- (a) If an offender who has submitted a grievance is transferred to another DOP facility while the offender's grievance is being considered at either Step 1 or Step 2, the Warden/designee at the sending facility will assure that the current pending step review is completed and will then forward the grievance to the Warden/designee at the receiving facility for further processing.
- (b) It is ultimately the responsibility of the sending facility, or the facility named in the grievance to collect information, evidence, or documents related to the allegations listed in the grievance. However, it shall be the responsibility of the housing or receiving facility to ensure that the offender receives a timely response and for entry of any appeal information from said response. Wardens must ensure that staff are aware of their responsibilities and maintain accurate contact information to coordinate responses in transfer situations.
- (c) If an offender who has submitted a grievance is no longer in the custody of DOP or is otherwise unavailable, the reviewing authority shall complete review at the current step. Processing shall then be considered complete and the Form DC-410 will be distributed appropriately.
- (d) Grievances not fully processed due to the unavailability of the offender when the offender remains in the custody of DOP under a current sentence, the grievance shall be forwarded through the appeal process such as listed in Section .0309 for unavailability to sign appeal form. The unavailability shall be documented by staff signature.
- (e) If an offender who has submitted a grievance related to sexual abuse or harassment is no longer at the facility or in custody, the investigation into the allegations shall continue as per policy.

**.0311 RECORD MAINTENANCE AND CONFIDENTIALITY**

- (a) Records regarding submission and disposition of grievances shall be stored in a manner consistent with North Carolina State Retention Schedule at RC No. 1111.3, which applies specifically to offender grievances. If the grievance is initiated in paper format, the paper

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documents shall be retained until the completion of the grievance appeals process, plus three years.

- (b) The retention schedule permits that documents be stored electronically or in paper copy. Electronic records are only acceptable to be maintained during the grievance appeals process if the grievance was initiated by electronic means and the offender is capable of receiving grievance appeal responses in electronic format. Otherwise, paper records shall be maintained until the completion of the grievance appeals process plus three years.
- (c) Procedure Review. The Board shall evaluate the functionality of the ARP and review summaries of offender grievances at least quarterly.
- (d) Any comments from staff, offenders, or members of the public regarding the perceptions of the effectiveness and credibility of the ARP shall be presented to the Board at their quarterly meetings. All evaluations of the ARP shall be reviewed by the Secretary of Adult Correction.

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Roy Cooper, Governor

Todd Ishee, Secretary

## MEMORANDUM

**To:** Chairs, House Appropriations Subcommittee on Justice and Public Safety  
Chairs, Senate Appropriations Subcommittee on Justice and Public Safety  
Chairs, Joint Legislative Oversight Committee on Justice and Public Safety

**From:** Todd Ishee, Secretary

**Re:** Inmate Grievance Resolution Board Annual Report, Fiscal Year 2022-2023

**Date:** September 26, 2023

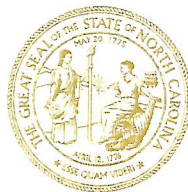
This memorandum is presented as the Annual Report of the North Carolina Inmate Grievance Resolution Board ("IGRB"), as directed by Section 16C.13B (b) of Session Law 2015-241, which provides in relevant portion:

The Department of Public Safety (Adult Correction) and the Inmate Grievance Resolution Board shall report by October 1 of each year to the chairs of the House of Representatives and Senate Appropriations Committees on Justice and Public Safety and the Joint Legislative Oversight Committee on Justice and Public Safety on the Inmate Grievance Resolution Board. The annual report shall include the following with respect to the prior fiscal year:

- (1) Brief summary of the inmate grievance process
- (2) Number of grievances submitted to the Board
- (3) Number of grievances resolved by the Board
- (4) Type of grievance by category
- (5) Number of orders filed by examiners.

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**FROM THE OFFICE OF:**  
Todd Ishee  
Secretary  
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## **Section 1:**

### **Brief Summary of the Inmate Grievance Process**

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#### **A. Introduction**

Pursuant to Chapter 148, Article 11A of the North Carolina General Statutes, the North Carolina Department of Adult Correction (“NCDAC”) has established an Administrative Remedy Procedure (“ARP”) by which offender grievances may be shared and addressed. See N.C.G.S. § 148-118.1 and see NCDAC-Prisons Policy & Procedures G.0300, Administrative Remedy Procedure. Both state and federal law require that offenders exhaust administrative remedies prior to filing a lawsuit against NCDAC or Prisons. See N.C.G.S. § 148-118.2 and, for federal guidelines, 42 U.S.C. § 1997e(a).

The Article further establishes the IGRB as a separate agency within NCDAC. See N.C.G.S. § 148-118.6, et seq. The IGRB is comprised of 5 members of the public, whom are appointed to 4-year terms by the Governor. The Board may perform any functions assigned to it by the Governor and meets quarterly to maintain general review of the ARP with grievance summaries and statistical information. The IGRB employs an Executive Director, Grievance Examiners, and administrative support who conduct IGRB operations and business, including “investigat[ion] of inmate grievances” pursuant to the ARP.

#### **B. Revisions to the Grievance Process**

During FY 2022-2023, the Board adopted substantial revisions to the ARP to increase the availability, functionality, and transparency of the offender grievance process. The policy revisions were published in the September 1, 2023, North Carolina Register and are attached to this memorandum for informative purposes. The revisions were also sent to the United States Department of Justice in accordance with 28 CFR § 40.20 (2022). The revisions are currently in process of issuance and are anticipated to be effective in October 2023.

The revisions modernize the offender grievance process, allowing for electronic submission of offender grievances through offender’s tablets. See Section .0304 Submission of Grievances. The revisions also raise limitations on offender grievance submission, permitting up to three grievances regarding separate incidents. See Section .0306(c)(1) Rejection of Grievances. Lastly, the revisions establish clearly defined roles and responsibilities of prison facility staff throughout the grievance process. See Sections .0305 Screening Officer and .0309 Grievance Review Procedure.

#### **C. ARP Training and Audits**

Throughout the past two fiscal years, Board staff undertook a statewide training initiative, reaching over 700 staff members at all prison facilities. The trainings were facility-based and paired with an audit of the facility grievance practices. Training topics included the history and purpose of the grievance process as well as more technical information for the processing of offender grievances. Board members also participated in the facility training visits.

Board staff have already begun internal training on the grievance application available on the offender tablets and anticipate training on the tablet application for facility staff this fall.

#### **D. Communication of the Procedure**

Upon entrance to prison, every offender is given written notification of the grievance process; a verbal explanation of the grievance process; and, the opportunity to ask questions about the grievance process. Physical copies of grievance forms will remain available to the offenders upon request and copies of the procedure are to be posted in the facilities or available from the offender library. At facilities where the grievance process is available on offender tablets, the grievance application will maintain an electronic version of grievance forms and an electronic copy of the grievance policy. If the offender is not capable of understanding the procedure or completing the grievance form, they may request assistance from staff or fellow offenders (where permissible based on their classification or housing assignment).

#### **E. Submission of Complaints**

The procedure encourages offenders to informally attempt to resolve their grievances with prison staff. If an offender cannot resolve their grievance informally, they may file a written grievance regarding their complaints, utilizing a Form DC-410 or, where available, electronically transmitted through their offender tablets. The forms are completed by the offender and may be submitted to any staff member at their housing facility. Each grievance should be concerning one specific action, incident, policy, or condition within the facility or within Prisons as a whole.

#### **F. Emergency Grievances**

Offenders may also submit emergency grievances which are defined as matters which present a substantial risk of physical injury or other serious and irreparable harm to the grievant if regular time limits are followed. Confidential grievances have been eliminated in the planned revision to the ARP as all grievances are considered confidential, according to both statute and policy.

#### **G. Grievances related to Sexual Abuse or Sexual Harassment**

Grievances related to allegations of offender sexual abuse or sexual harassment are given special accommodations within the ARP. All grievances related to sexual abuse or harassment are: escalated to Step 2 level of review; assigned to a specially-trained PREA investigator; and, provided to the Department's Prison Rape Elimination Act ("PREA") Office. Grievances regarding sexual abuse or harassment are the only grievances that may be submitted by third parties if the offender agrees to participate in the grievance process.

#### **H. Prohibition of Reprisals**

Reprisals by staff for an offender's good faith use of the grievance process are explicitly prohibited. Offenders are prohibited from making false allegations against staff through the grievance process.

#### **I. Rejection of Grievances**

Each facility is required to appoint a facility screening officer who maintains responsibility for receipt, processing, and screening of offender grievances. Following submission by the offender, screening

officers review the grievances and notify the offender whether the grievance has been accepted for processing or rejected within 3 days. Reasons for rejection are limited and set forth in Section .0306 of the ARP. Facility heads are charged with periodic review of rejected grievances to ensure the rejections are consistent with policy.

#### **J. Grievance Review Process:**

The grievance process is comprised of 3 steps and shall be completed within 90 days.

##### **a. Step 1:**

After initial screening and acceptance into the grievance process by the facility screening officer, a grievance is assigned for review and investigation to the staff member whom the screening officer believes can best provide information related to the grievance. The assigned staff member should prepare a written Step 1 response to the grievance, with supporting documentation, within 15 days. The response is provided in writing to the offender, explaining the basis for the response and attempting to resolve the grievance. The offender shall then sign the grievance response to designate whether they agree or disagree with the Step 1 response, including whether they wish to appeal the grievance to Step 2 of review.

##### **b. Step 2:**

Within 20 days following the appeal from Step 1, the facility head, or designee, reviews the Step 1 findings and conducts any necessary additional investigation into the grievance. The facility head, or designee, then completes a Step 2 written response to the offender and has this response delivered to the offender. Again, the response is presented to the offender and they sign to designate whether they agree or disagree with the response, including whether they wish to appeal the grievance to the IGRB for Step 3 of the grievance review process.

##### **c. Step 3:**

If the offender chooses to appeal the grievance to Step 3, the offender's housing facility electronically transmits the appeal to the IGRB, where the appeal is assigned to a Grievance Examiner. The Grievance Examiner reviews the grievance record pursuant to the procedures established by the ARP. Examiners may conduct an independent investigation limited to the specific issues brought forward in the grievance; or examiners may rely on the investigations already completed by the named facility. Where appropriate, Examiners may attempt to resolve grievances through mediation with all parties.

At the conclusion of such review, investigation, and mediation, the Examiner issues an Order, which completes Step 3 review of the grievance. The Order may provide such relief as is appropriate or may deny or dismiss the grievance appeal. Orders granting relief to offenders shall be transmitted to the Secretary and the Director of Prisons. The Order is binding unless the Secretary: (i) finds that such relief is not appropriate; (ii) gives a written explanation for this finding; and (iii) makes an alternative order of relief or denies the grievance relief. N.C.G.S. § 148-118.8(b).

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## Section 2: The Number of Grievances Received by the Board

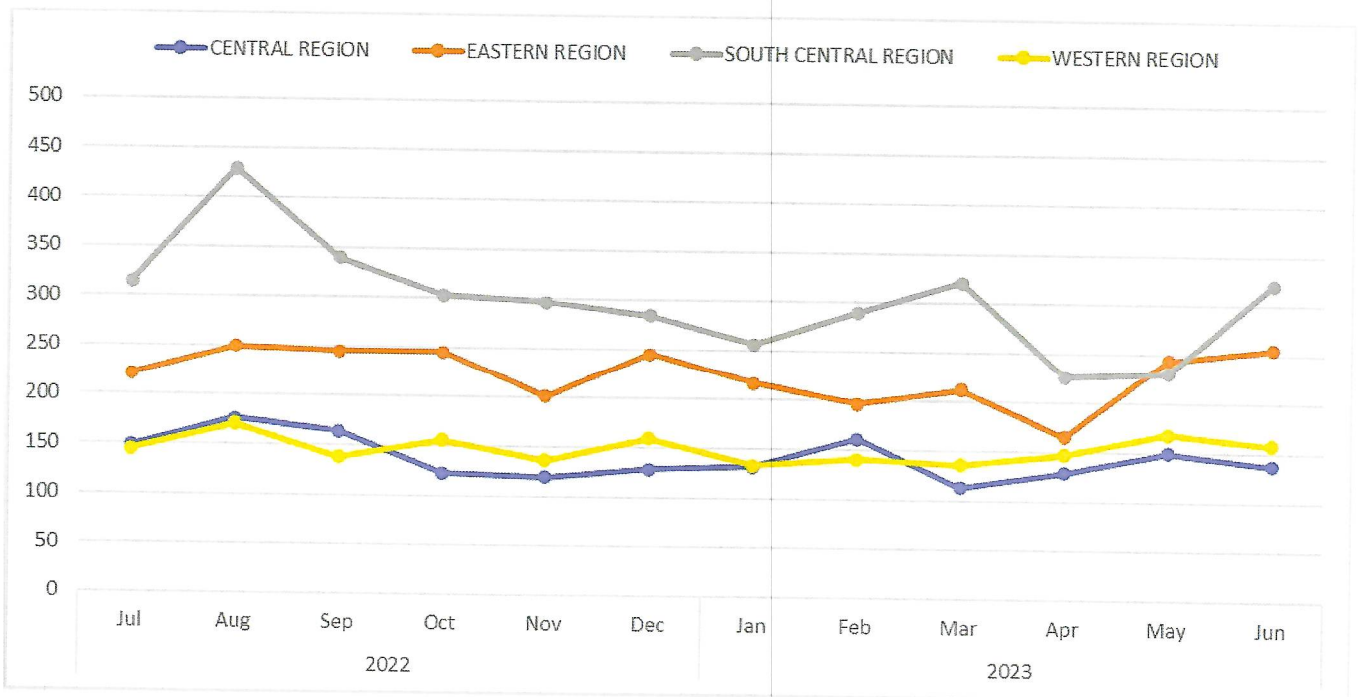
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In Fiscal Year 2022-2023, the IGRB received 9,791 Step 3 offender grievance appeals. This represents a 9% decrease in the number of grievance appeals received compared to FY 2021-2022 and a combined 20% decrease since FY 2020-2021. The decrease in grievance appeals may correlate to several factors: increased training for facility staff participating in the grievance process; continued easing of pandemic restrictions and resumption operations in Prisons; and offenders receiving increased access to tablets for communication, programming, and entertainment.

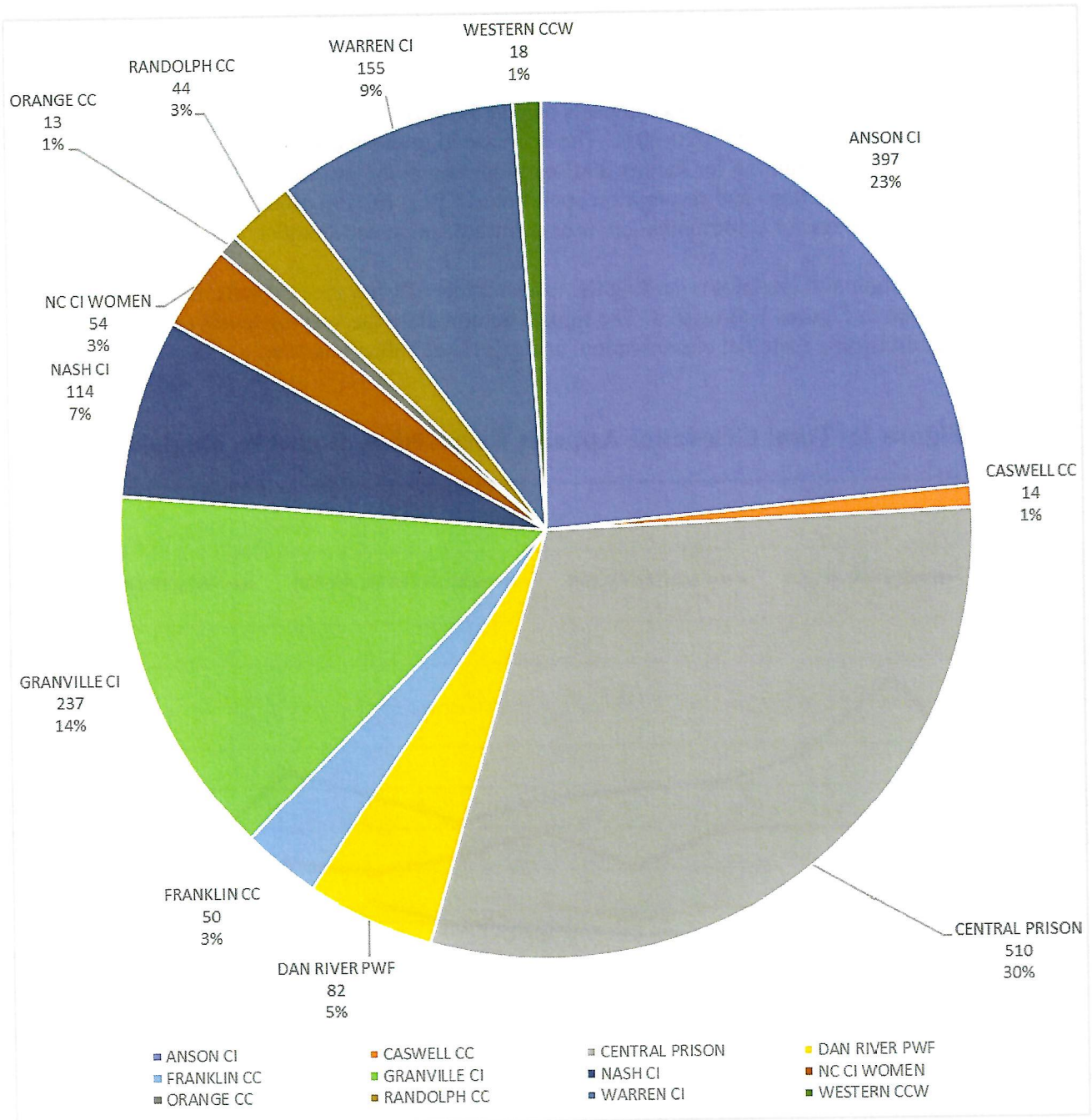
Statistical information and graphics regarding the total number of grievance appeals received at the IGRB are included in Figures 1 through 8. The figures demonstrate the varying levels of grievances across regional divisions, custodial classification, and grievance subject matter.

**Figure 1: Total Grievance Appeals Received by Board by Region**

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**Figure 2: Grievance Appeals Received by Board by Facility - Central Region**



**Figure 3: Grievance Appeals Received by Board by Facility - Eastern Region**

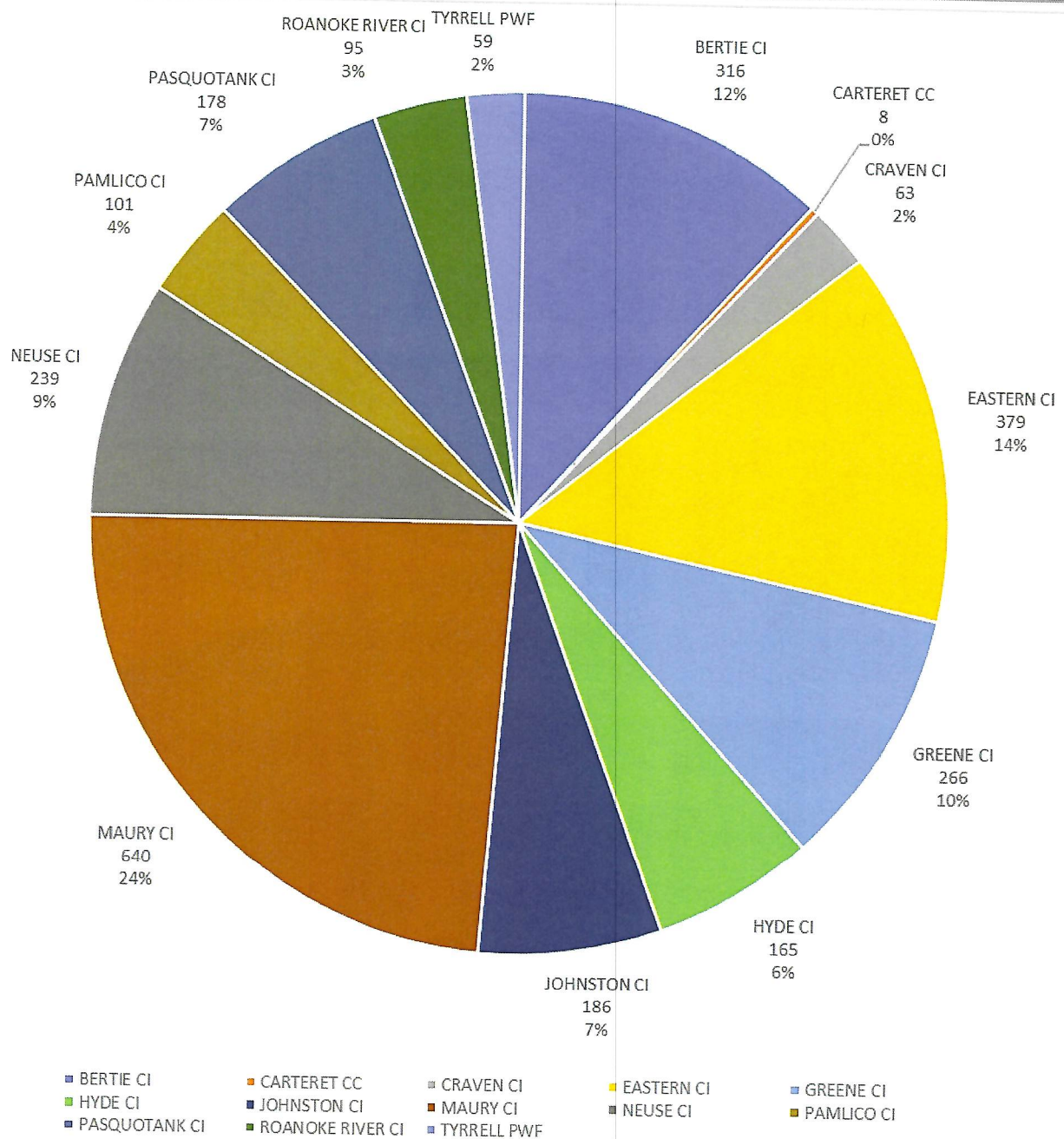
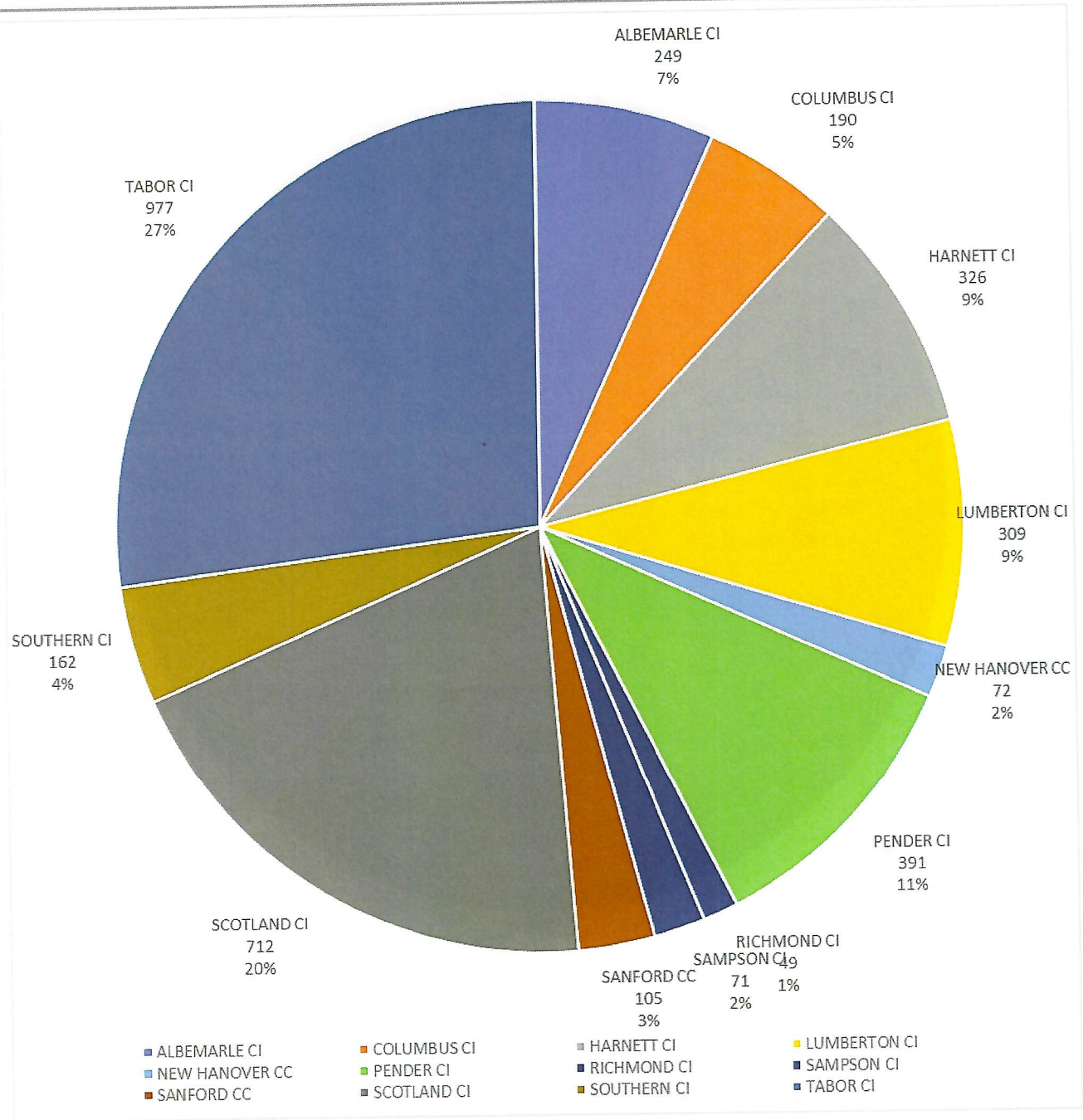
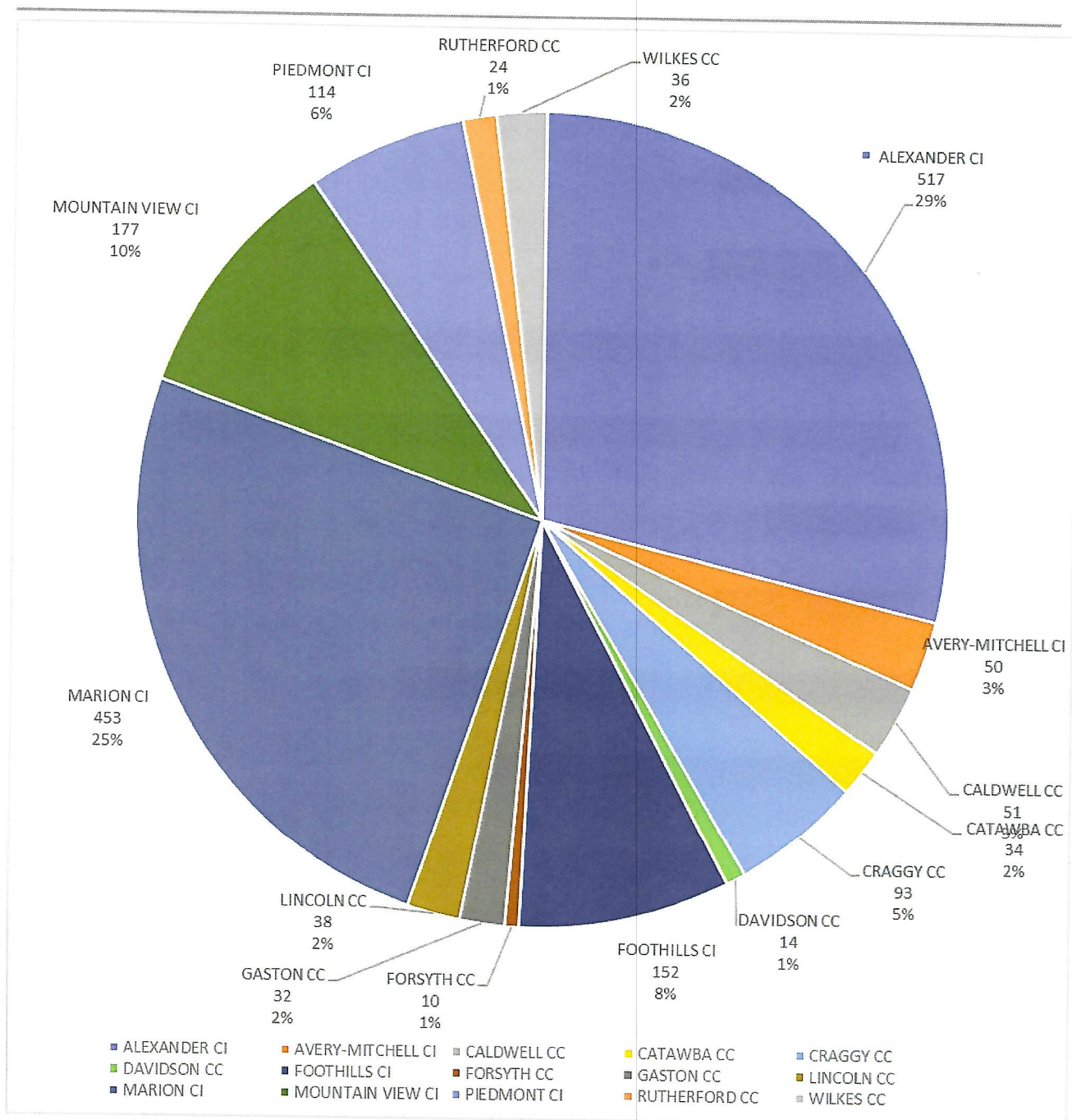


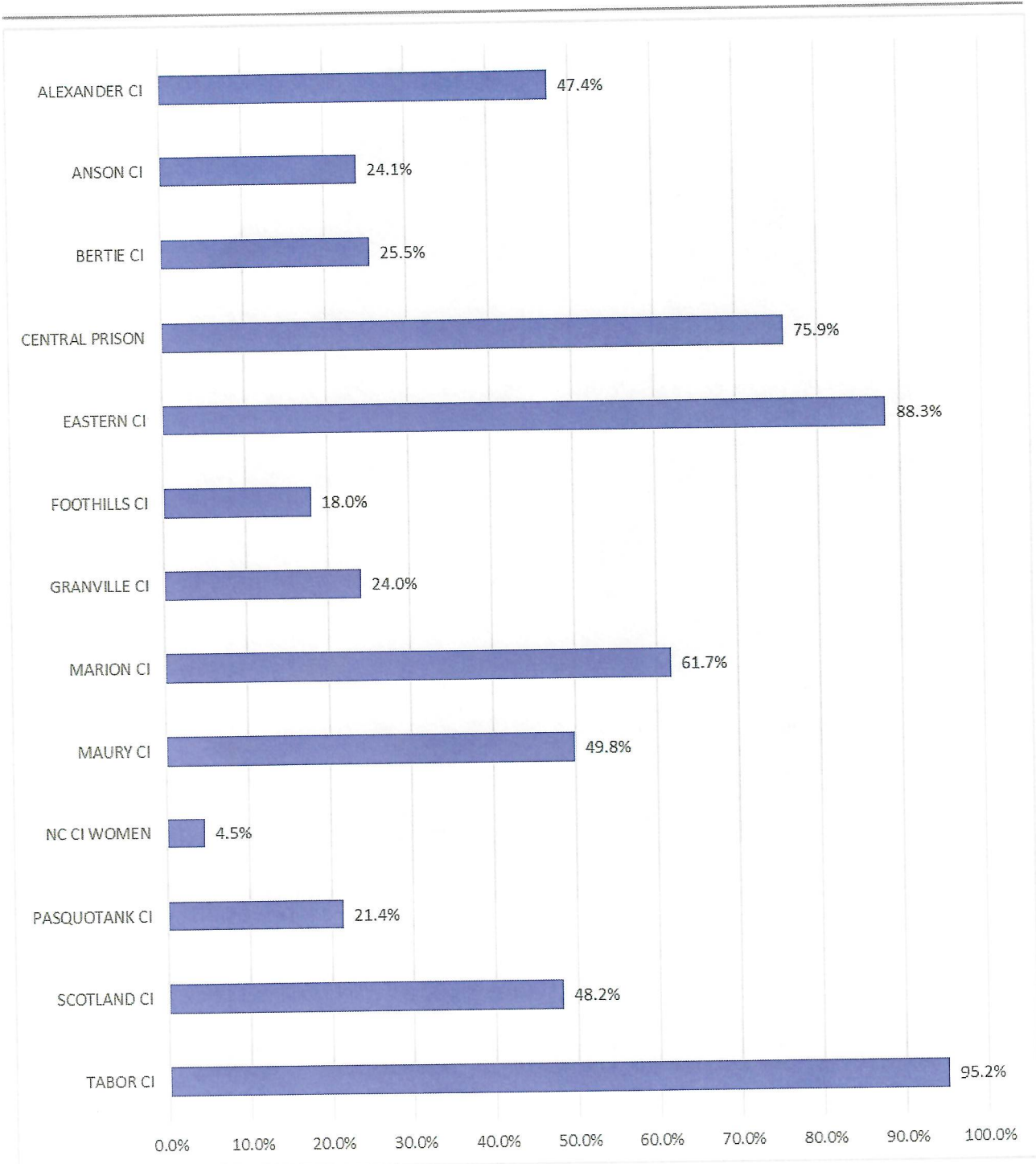
Figure 4: Grievance Appeals Received by Board by Facility -South Central Region



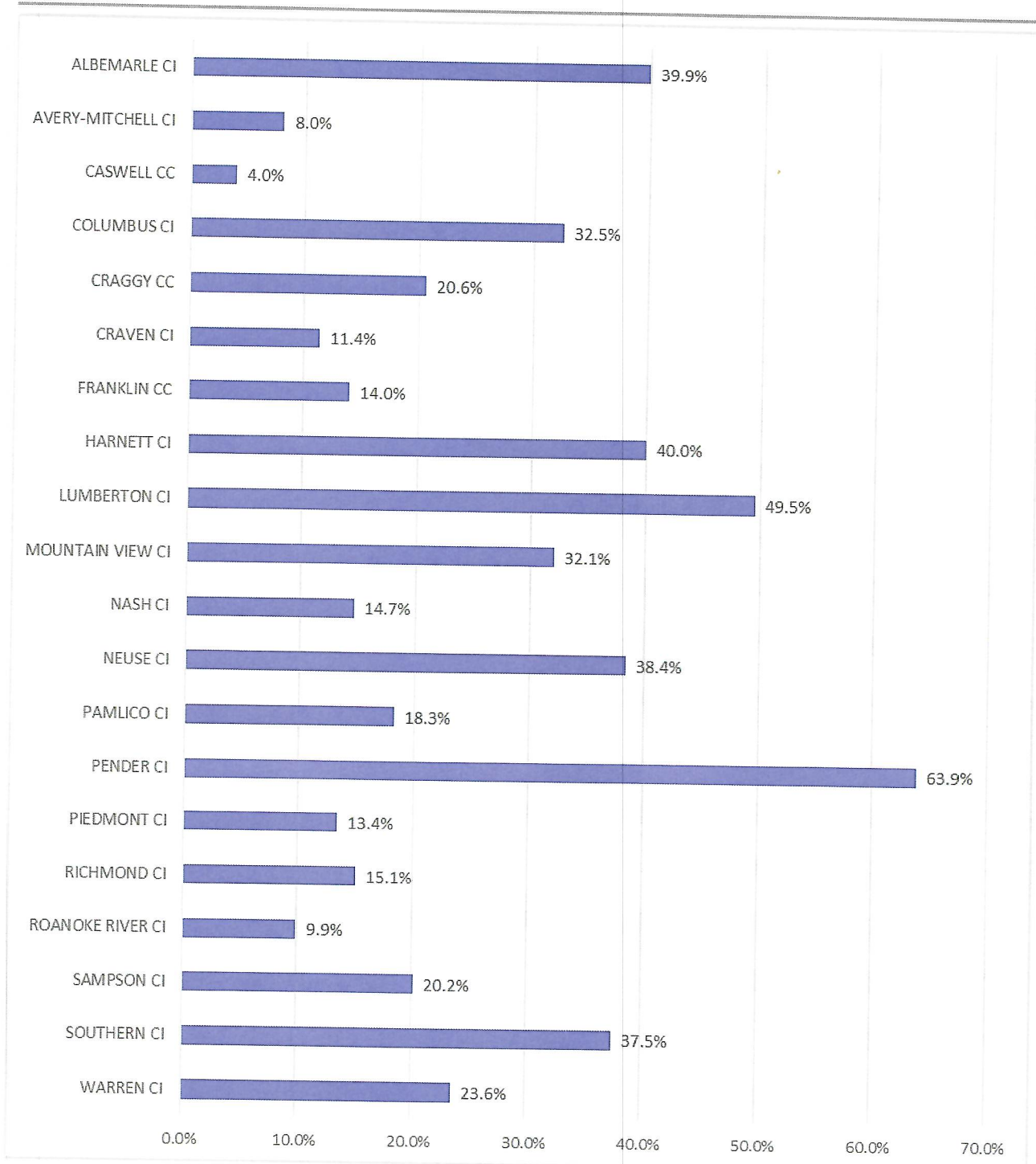
**Figure 5: Grievance Appeals Received by Board by Facility - Western Region**



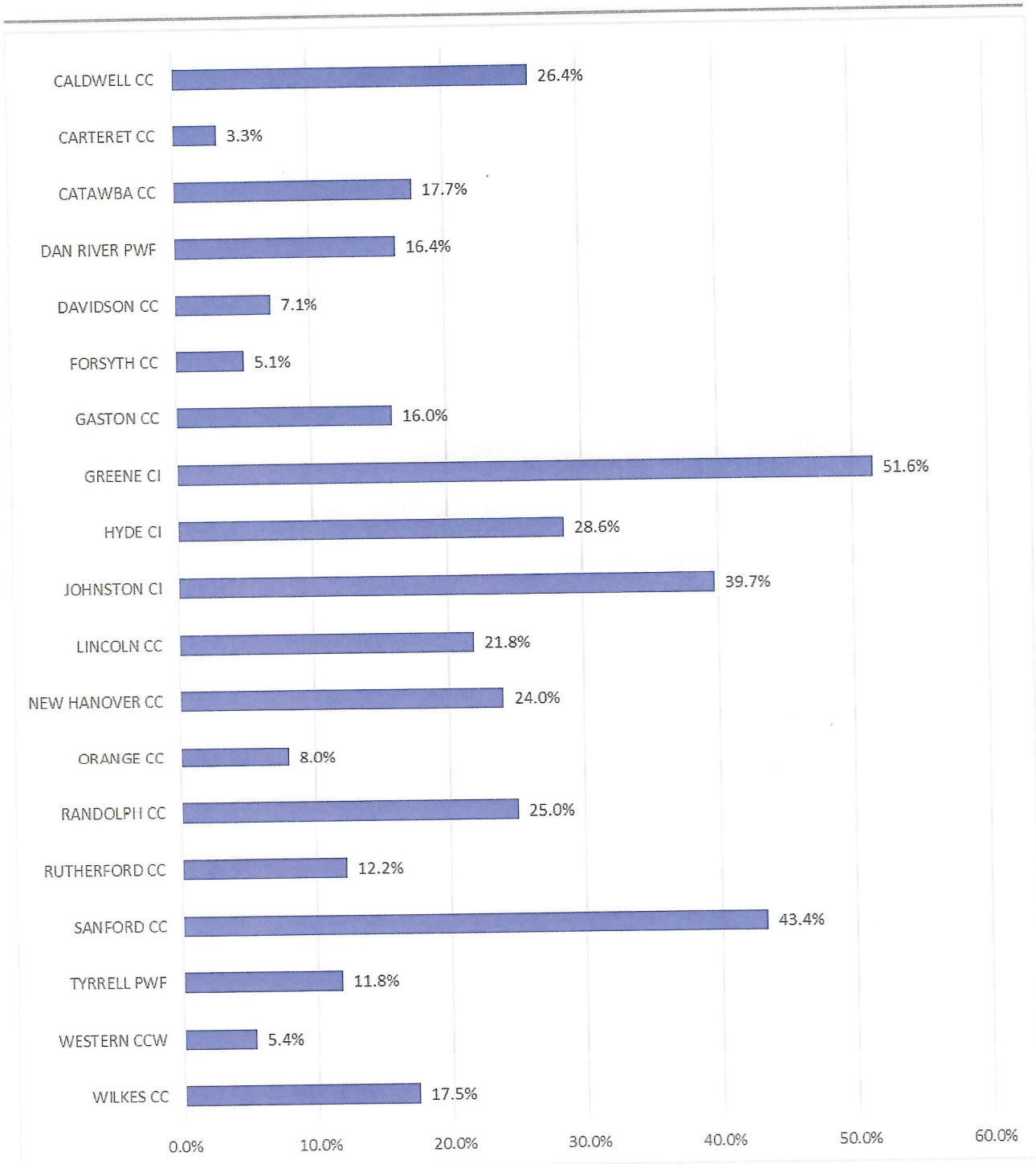
**Figure 6: Grievances Appeals Per Standard Population - Close Custody**



**Figure 7: Grievances Appeals Per Standard Population - Medium Custody**



**Figure 8: Grievances Appeals Per Standard Population - Minimum Custody**



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### Section 3: The Number of Grievances Resolved by the Board

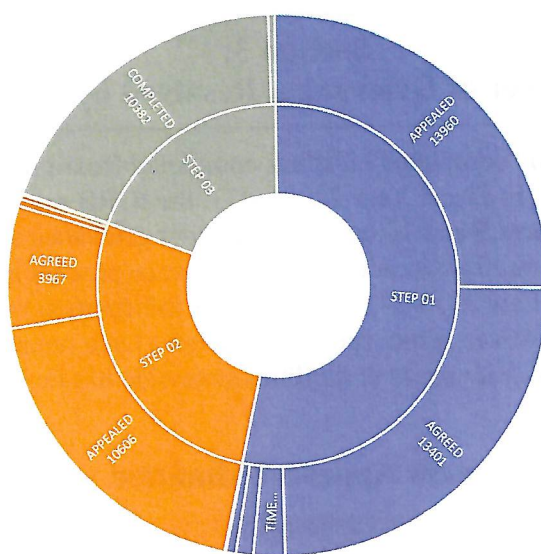
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A grievance appeal is considered “completed” if it has completed Board review and a final response has been mailed to the offender. In Fiscal Year 2022-2023, the IGRB resolved and completed 8,768 offender grievance appeals. Figures 9 and 10 track the offender grievance submissions by level of review and demonstrate the general functionality of the grievance process at the facility step levels. Section 16C.13B (b) of Session Law 2015-241 only requests information related to grievance appeals to Step 3, or the Board level. However, while functionality rates have remained relatively static since FY 2021-2022, the total accepted grievances at facilities statewide has declined approximately 12% during FY 2022-2023.

**Figure 9: Grievances Appeals Submitted with Outcomes**

STEP	OUTCOME	COUNT
STEP 01	AGREED	11601
STEP 01	APPEALED	12208
STEP 01	COMPLETED	517
STEP 01	OFFENDER RELEASED	236
STEP 01	PENDING	546
STEP 01	TIME VIOLATION	762
STEP 02	AGREED	3291
STEP 02	APPEALED	9029
STEP 02	COMPLETED	34
STEP 02	OFFENDER RELEASED	122
STEP 02	PENDING	474
STEP 03	COMPLETED	8768
STEP 03	PENDING	264

**Figure 10: Grievances Appeals Submitted with Outcomes**



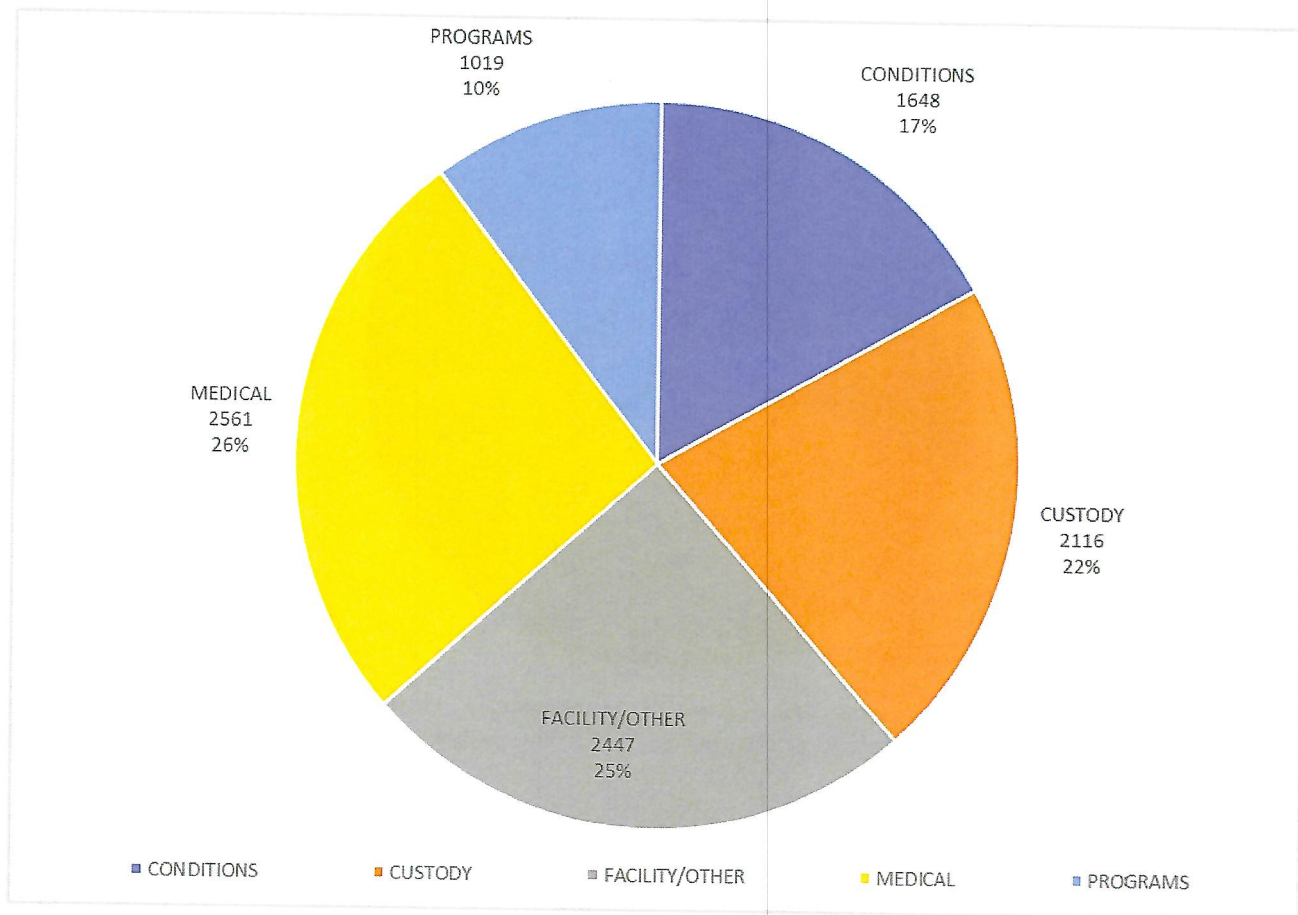
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#### **Section 4: The Type of Grievances by Category**

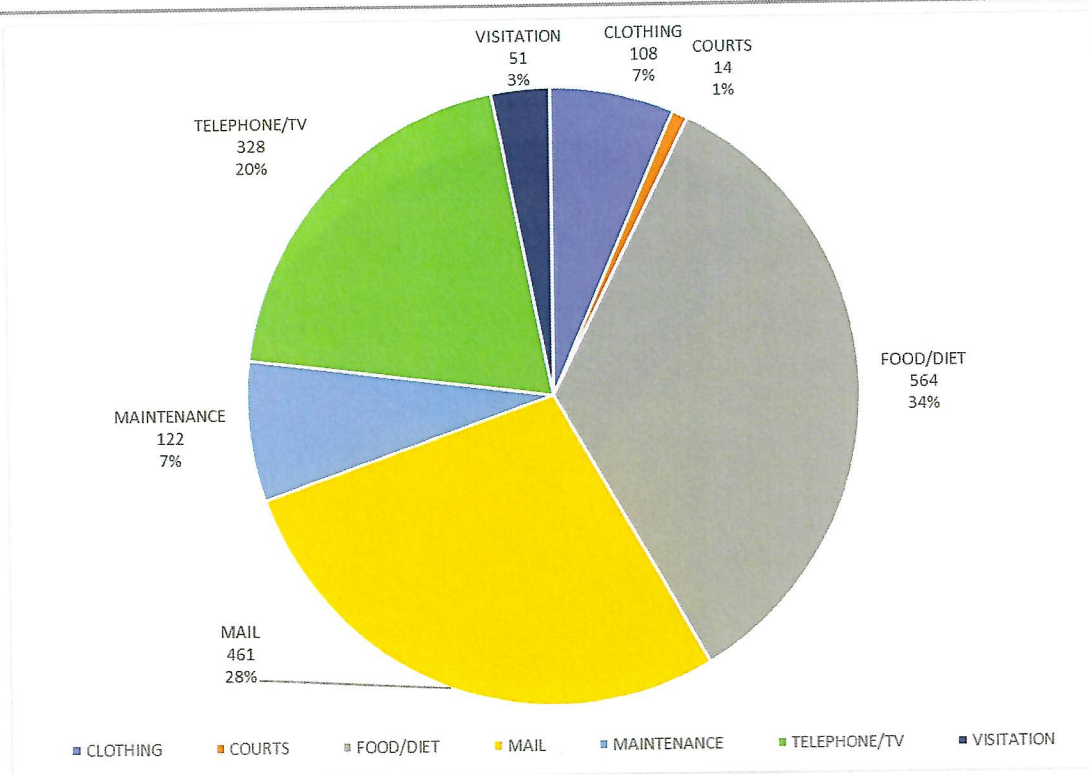
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Information regarding the categories of the Step 3 grievance appeals received at the IGRB are included below. Figures 11 through 22 track the 5 broad subject matter categories and the 35 discreet sub-categories within those areas.

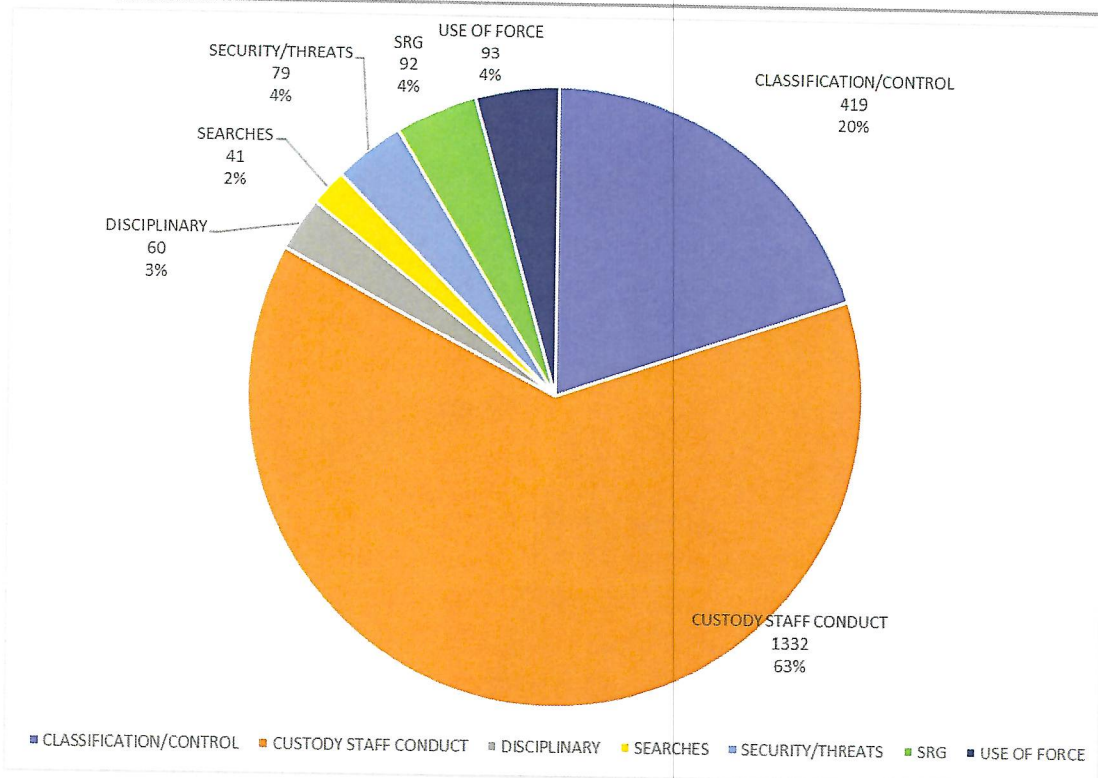
**Figure 11: Grievance Appeals by Main Category:**



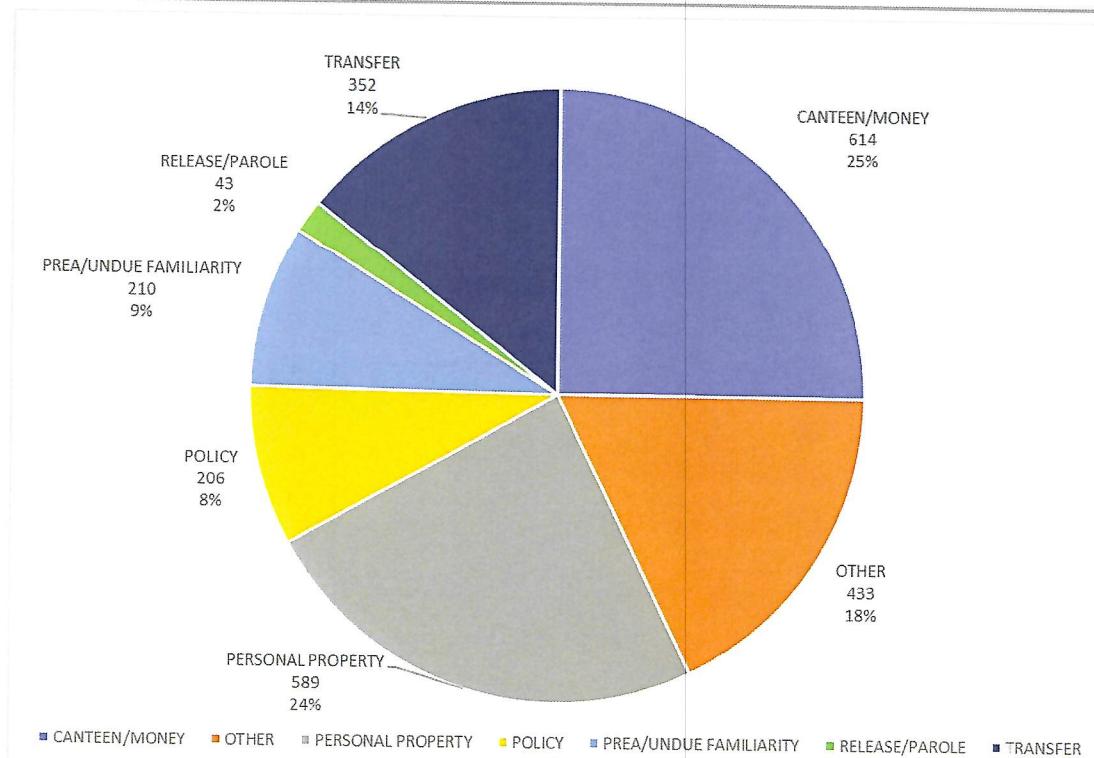
**Figure 12: Grievance Appeals by Sub-Category – Conditions:**



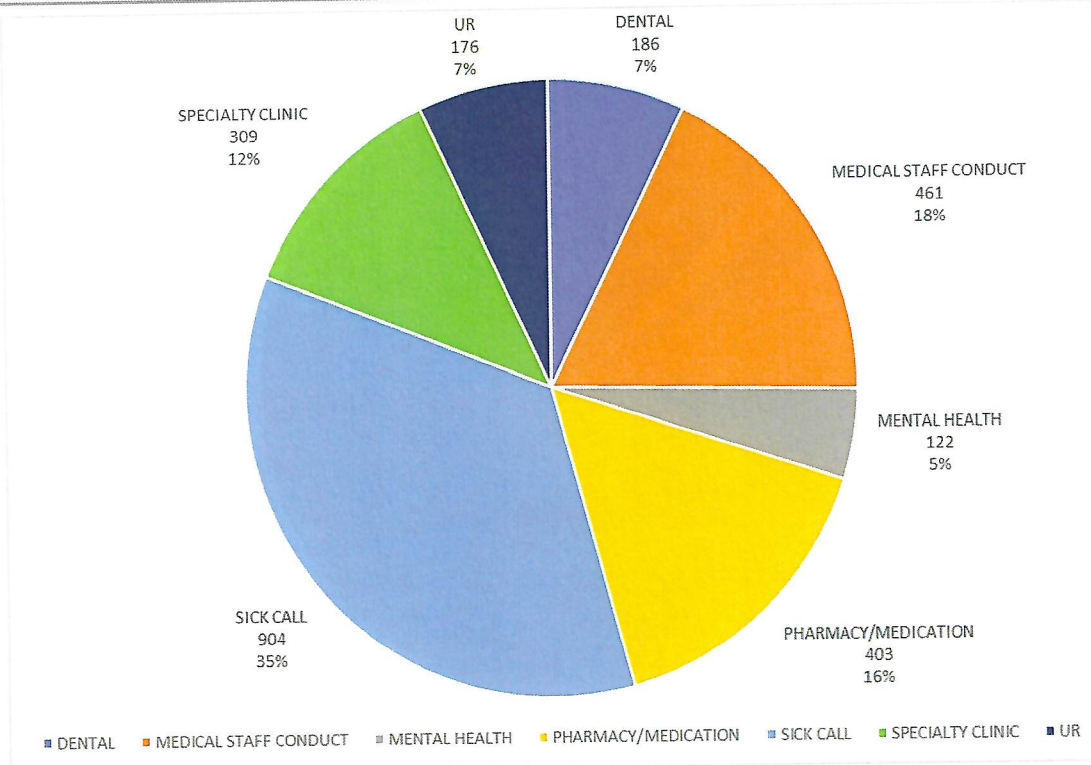
**Figure 13: Grievance Appeals by Sub-Category – Custody**



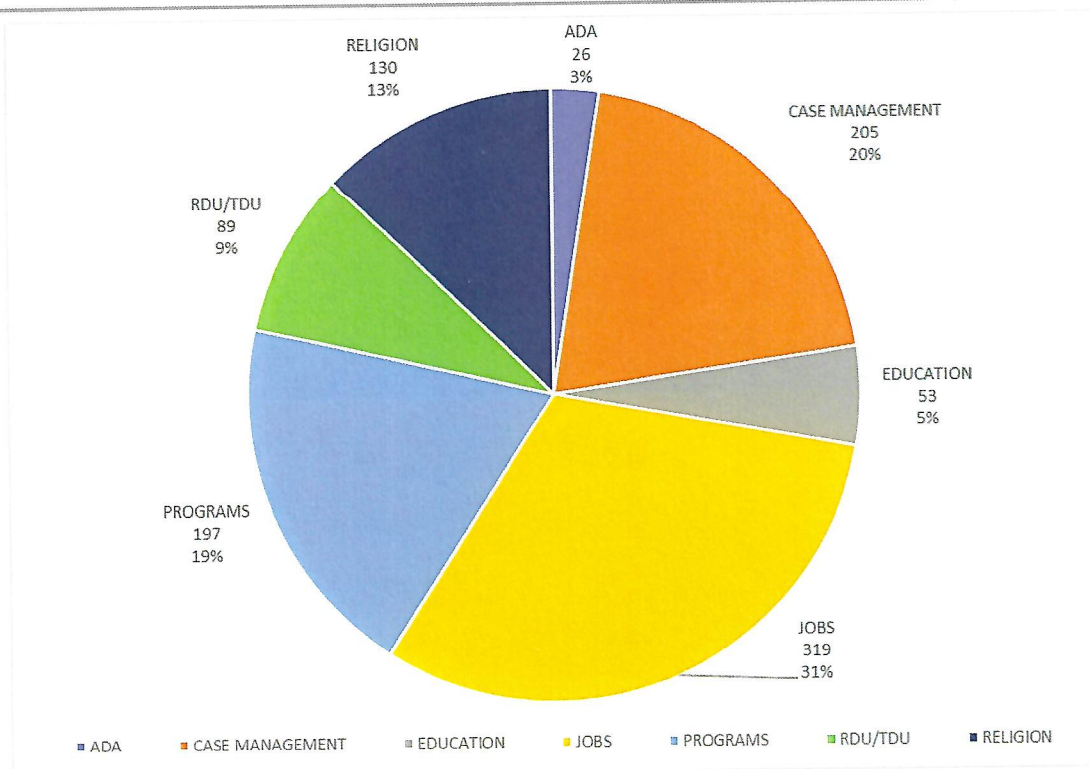
**Figure 14: Grievance Appeals by Sub-Category - Facility/Other**



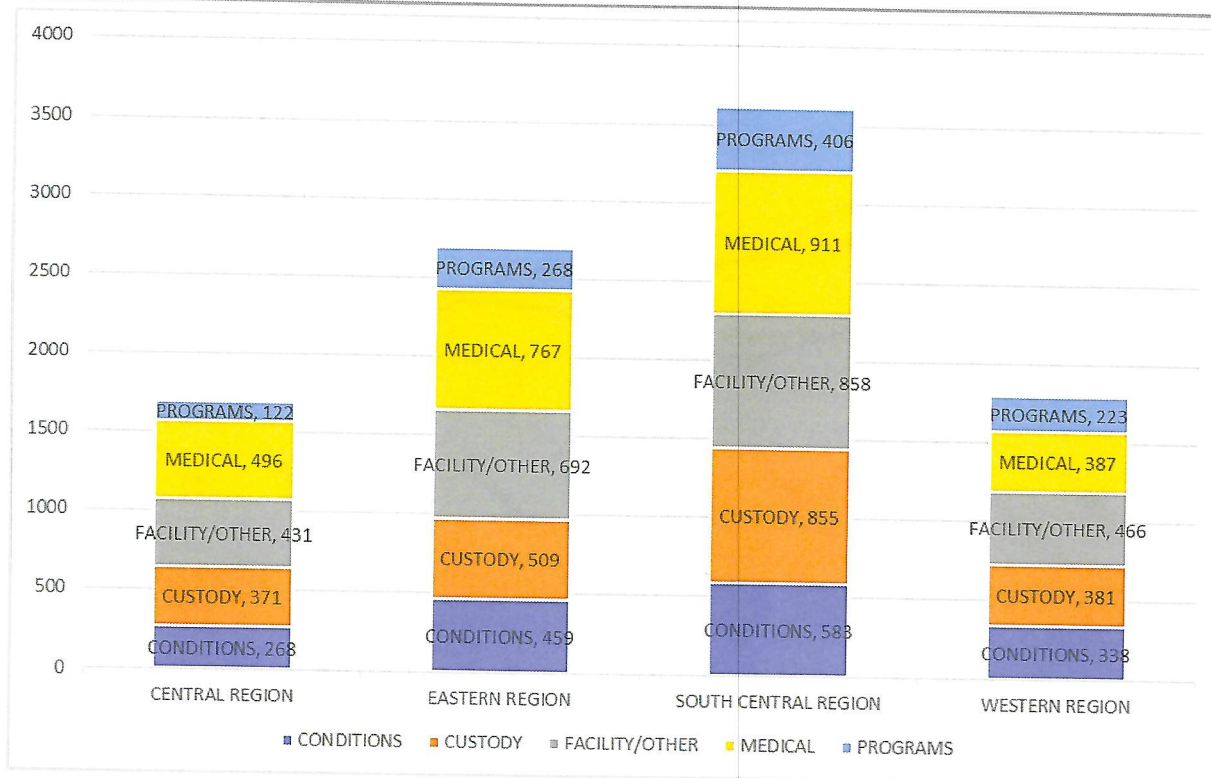
**Figure 15: Grievance Appeals by Sub-Category – Medical**



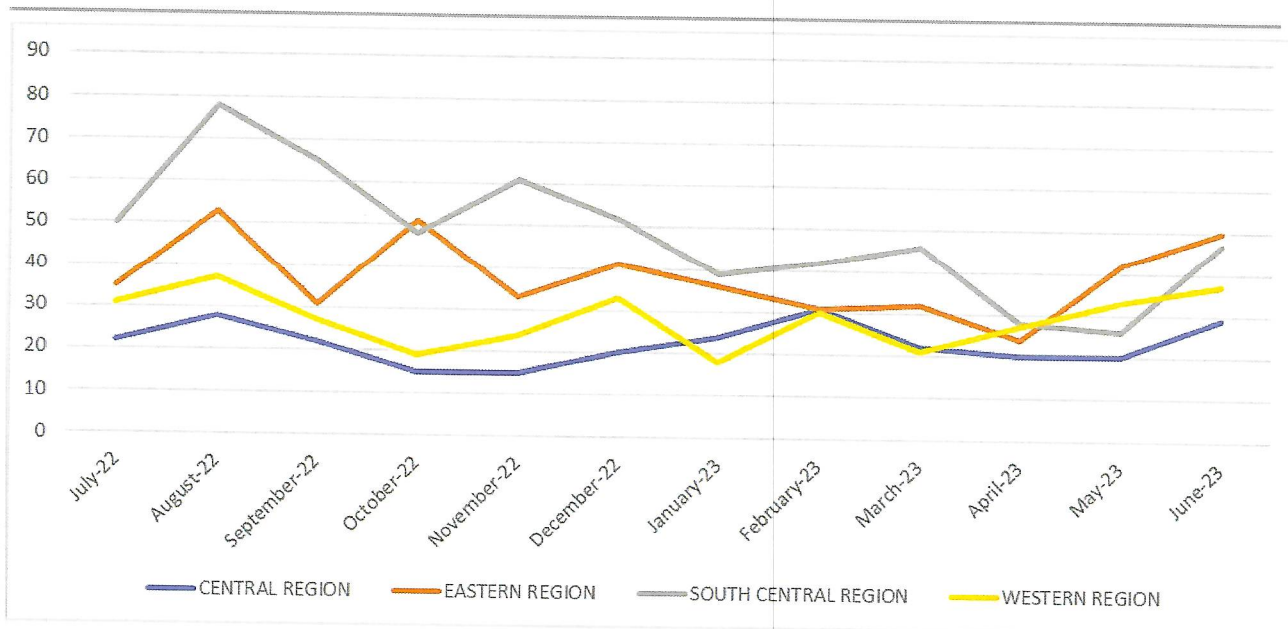
**Figure 16: Grievance Appeals by Sub-Category – Programs**



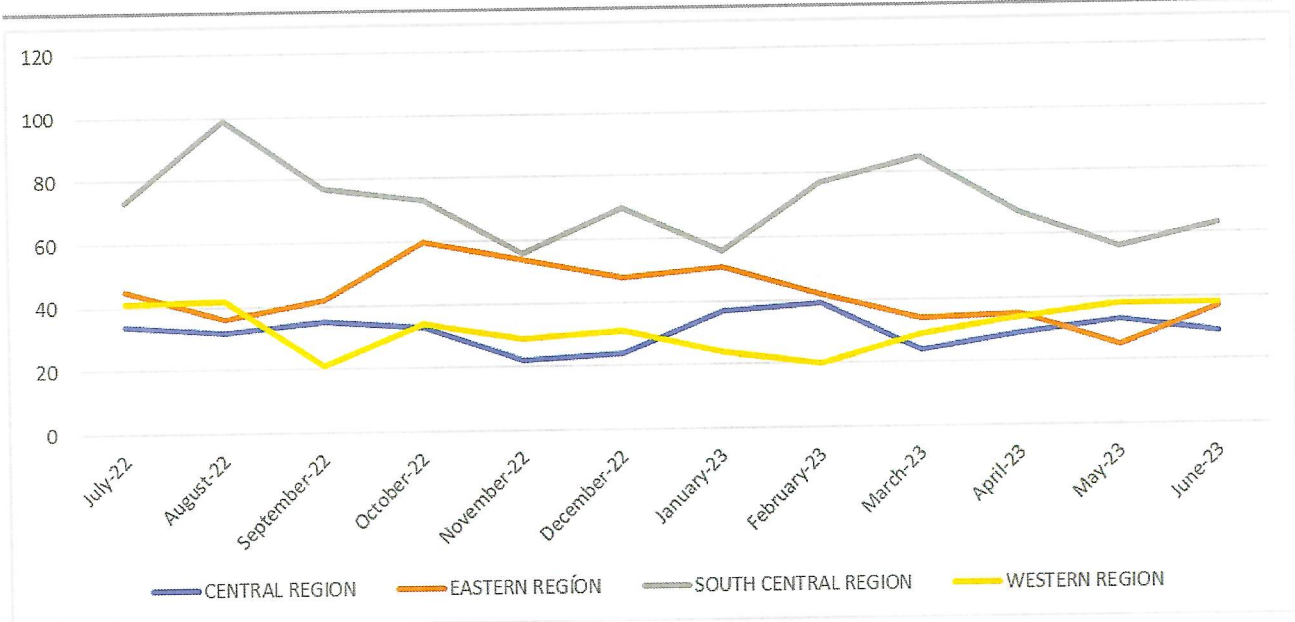
**Figure 17: Grievance Appeals by Region and Category**



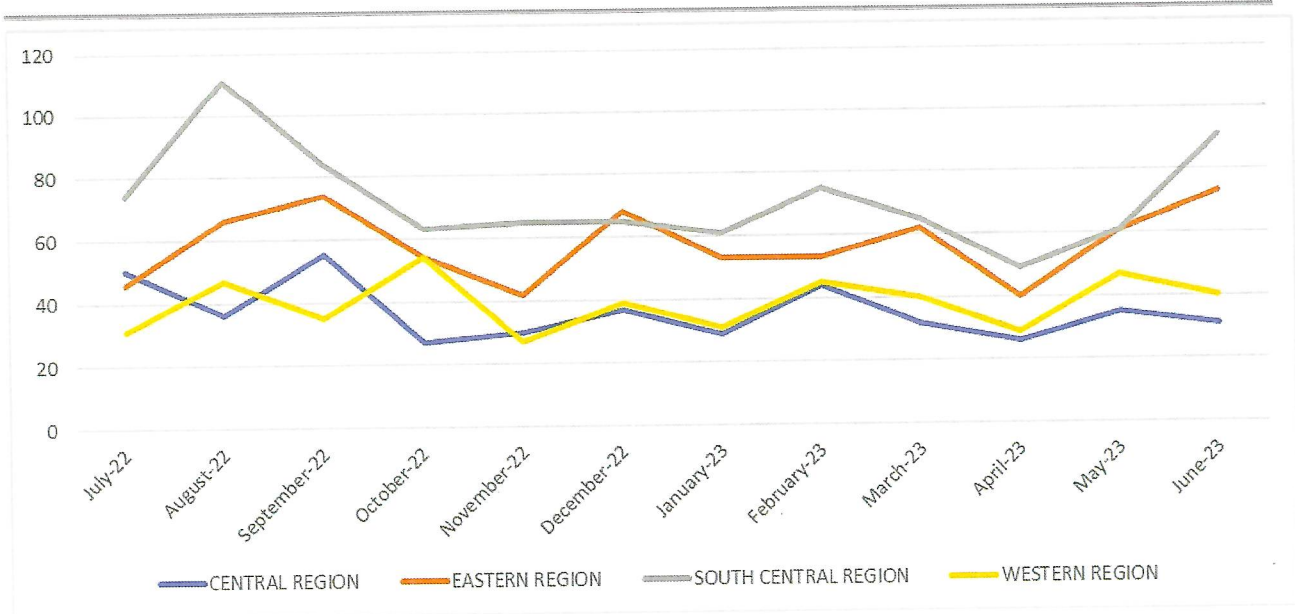
**Figure 18: Regional Grievance Appeals Trends by Category – Conditions**



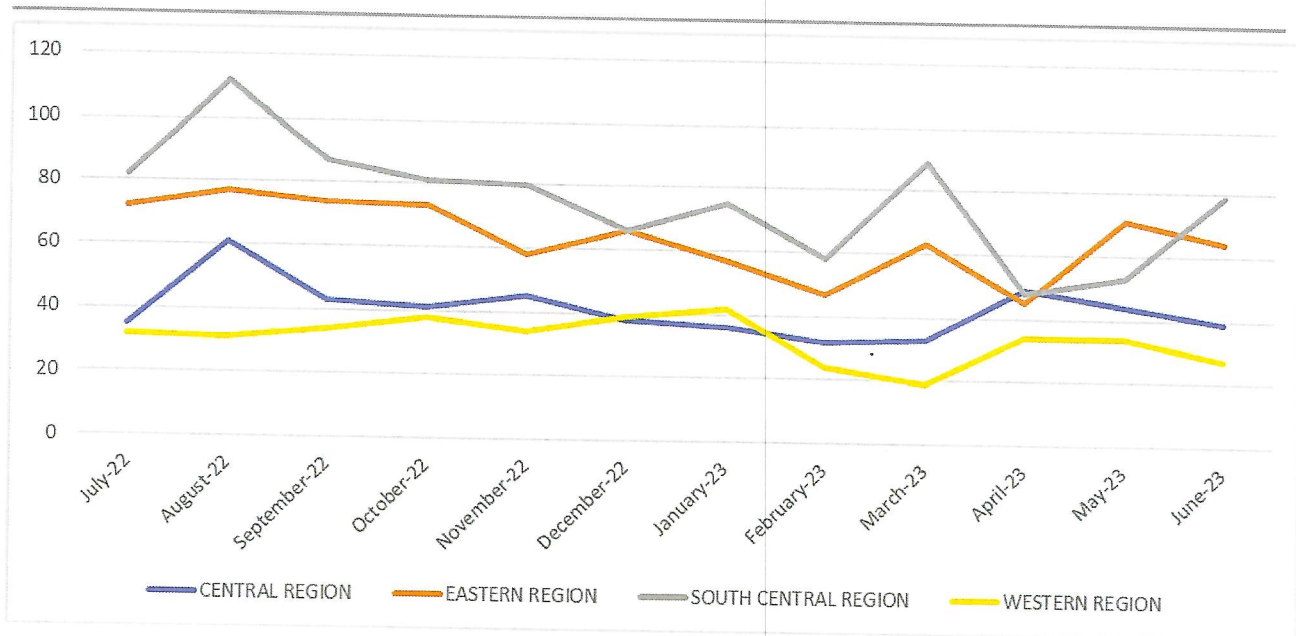
**Figure 19: Regional Grievance Appeals Trends by Category – Custody**



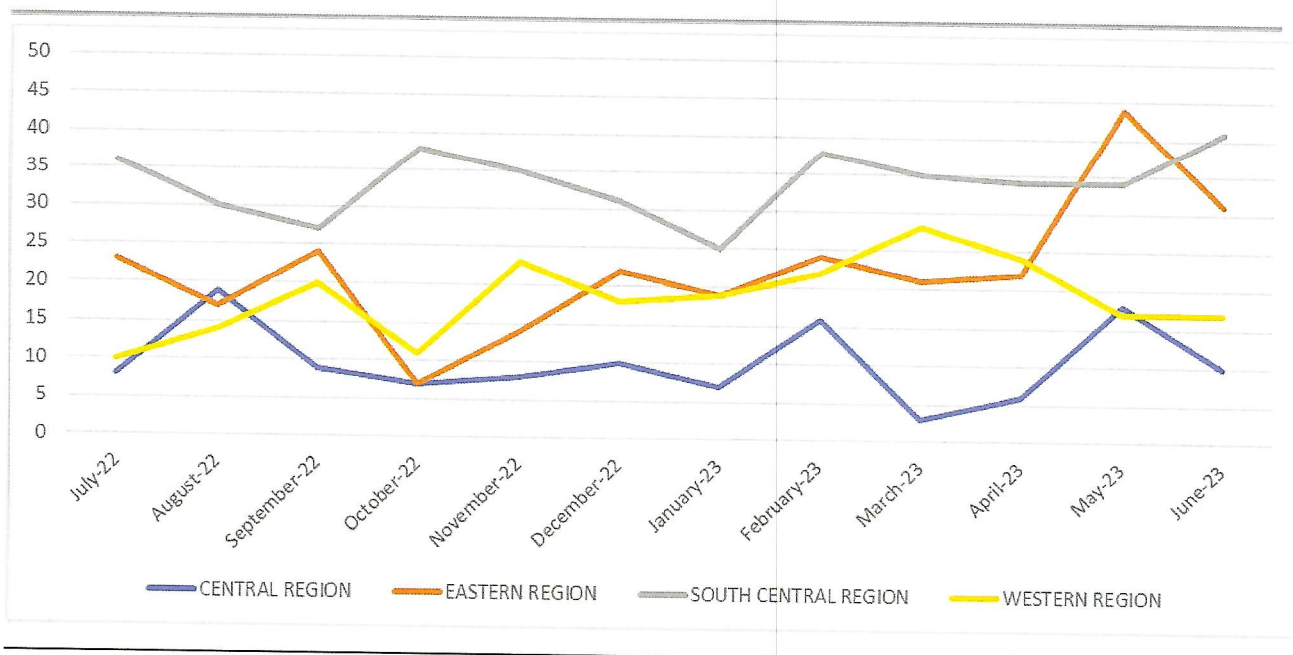
**Figure 20: Regional Grievance Appeals Trends by Category – Facility/Other**



**Figure 21: Regional Grievance Appeals Trends by Category – Medical**



**Figure 22: Regional Grievance Appeals Trends by Category – Programs**



## Section 5: The Number of Orders Filed by the Board

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Following their investigations, Grievance Examiners employed by the Board issued 9,835 written orders during Fiscal Year 2022-2023. The disposition or merit codes of the responses to Step 3 offender grievances appeals are listed below in Figure 23. Merit Code “Resolved-IGRB Staff” indicates that the Grievance Examiner took affirmative action and resolved the offender’s grievance, such as engage in informal mediation with a prison facility. Merit Code “Resolved-Prison Staff” indicates that the prison facility provided the offender with a satisfactory resolution in response to the grievance and no further action was necessary.

**Figure 23: Disposition/Merit Code of IGRB Orders:**

Merit Code	Count
Dis.-Lacks merit	1,202
Dis.-Lacks supporting evidence	1,499
Dis.-Out of scope	267
Dis.-Unable to substantiate	61
Inmate no longer pursuing	1
Inmate paroled/released	64
Resolved-Prison Staff	4,259
Resolved-IGRB Staff	2,482
<b>Total</b>	<b>9,835</b>