



North Carolina Department of Public Safety

Inmate Grievance Resolution Board

Roy Cooper, Governor
Erik A. Hooks, Secretary

Timothy D. Moose, Chief Deputy Secretary
Kimberly D. Grande, Executive Director

October 1, 2019

MEMORANDUM

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

From: Erik A. Hooks, Secretary, North Carolina Department of Public Safety *EAH*
Timothy D. Moose, Chief Deputy Secretary *TDM*
Kimberly D. Grande, Executive Director, North Carolina Inmate Grievance Resolution Board *KDG*

Re: Inmate Grievance Resolution Board Annual Report

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 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.

Section 1

Brief Summary of the Inmate Grievance Process

A. Introduction:

Pursuant to Chapter 148, Article 11A of the North Carolina General Statutes, the North Carolina Department of Public Safety, Division of Adult Correction (“NCDPS-DAC”) 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 NCDPS-Prisons Policy & Procedures G.0300, Administrative Remedy Procedure.

The Article further establishes the IGRB as a separate agency within NCDPS-DAC. See N.C.G.S. § 148-118.6. The Board itself is comprised of 5 public members, who are appointed to 4 year terms by the Governor. See N.C.G.S. § 148-118.6. The Board performs any functions assigned to it by the Governor and maintains general review of the ARP. The Board meets quarterly to review summaries and statistics related to offender grievances and to conduct other regular Board business. See N.C.G.S. § 148-118.6. The IGRB employs an Executive Director and Grievance Examiners who conduct “investigat[ion] of inmate grievances” pursuant to the ARP. See N.C.G.S. § 148-118.8.

Both state and federal law require that offenders exhaust administrative remedies prior to filing a lawsuit against NCDPS-DAC. See N.C.G.S. § 148-118.2 and, for federal guidelines, 42 U.S.C. § 1997e(a).

B. Communication of the Procedure:

Every offender is given written notification of the grievance process upon intake into the prison system, along with a verbal explanation and the opportunity to ask questions about the procedure. A physical copy of the procedure is also posted at every prison facility and commonly available for review through the offender library. If the offender is not capable of understanding the procedure or completing the grievance form, they may request assistance from fellow offenders (where permissible based on their classification or housing assignment) or from staff.

C. 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. Grievance forms are required to be submitted by the offender individually and may be submitted to any staff member at their housing facility. Each grievance should be concerning a specific action, incident, policy, or condition within the facility or within Prisons as a whole. Offenders are limited to addressing a single issue per grievance.

D. Emergency and Confidential Grievances:

Offenders may also submit emergency grievances and confidential grievances. Emergency grievances 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 may be submitted directly to the Director of Prisons and may be mailed as legal mail. These grievances bypass the ordinary review process and are forwarded immediately to the facility head level (or higher) for review.

E. 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. In instances involving allegations of sexual abuse, grievances may be initially submitted by third parties, such as other offenders, family members, or outside offender advocates. In the event such a grievance is received, the grievance must be accepted for processing if the alleged victim agrees to participate in the grievance process. The grievances 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.

F. 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.

G. Rejection of Grievances:

Each facility is required to appoint a facility screening officer for the receipt and processing of offender grievances. Following submission by the offender, screening officers review the grievances for acceptance or rejection within 3 days. Reasons for rejection are limited and set forth in Section .0306 of the ARP. If the grievance is rejected by the screening officer, the offender is informed of the rejection reason in writing. The offender is also given the opportunity to appeal the rejection to the facility head.

H. Time Limitations:

Time limitations are imposed on both the submission of grievances and their review. All offender grievances must be submitted within 90 days of the alleged incident. From the date of submission, grievances should complete review within 90 days. If at any point in the process a response is not made within the prescribed time limit, the grievance is automatically forwarded to the next step of review. Prisons may grant an extension of time to respond for up to 70 days where necessary.

I. Grievance Review Process:

The grievance process is comprised of 3 steps, as follows:

a. Step 1:

After initial screening and acceptance into the grievance process by the facility screening officer, a grievance is forwarded for review by 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 and provide supporting documentation to the screening officer within 15 days. After receipt of the response, the screening officer shall meet with the offender to explain the response

and, if feasible, to attempt 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 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).

J. Expansion of Grievance Process to Confinement in Response to Violation Facilities:

Throughout Fiscal Year 2018-2019, the Board adopted a truncated grievance review process which is only available to those offenders housed in Confinement in Response to Violation ("CRV") centers throughout the State, as CRV centers house prisoners according to the statutory definitions set forth in N.C.G.S. § 148-118.4. The process timelines were abbreviated in order to afford those offenders the opportunity to participate in an external grievance review process while still encouraging informal resolution of offender complaints in a manner consistent with the center's rehabilitative goals. See July 8, 2019, Memorandum from Kenneth Lassiter, Director of Prisons (Appendix - A1) and see generally N.C.G.S. § 15A-1344.

Section 2

The Number of Grievances Received by the Board

In Fiscal Year 2018-2019, the IGRB received 13,412 offender grievance appeals. This represents a 0.45% increase in the number of grievances received compared to FY 2017-2018. Statistical information and graphics regarding the total number of grievance appeals received at the IGRB are included below. The figures track the 4 regional groups of prisons and the number of appeals sent to the IGRB by that region during Fiscal Year 2018-2019. There are also comparison charts for facilities based on offender custodial classification.

Figure 1 - Grievance Appeals Received by Board by Region

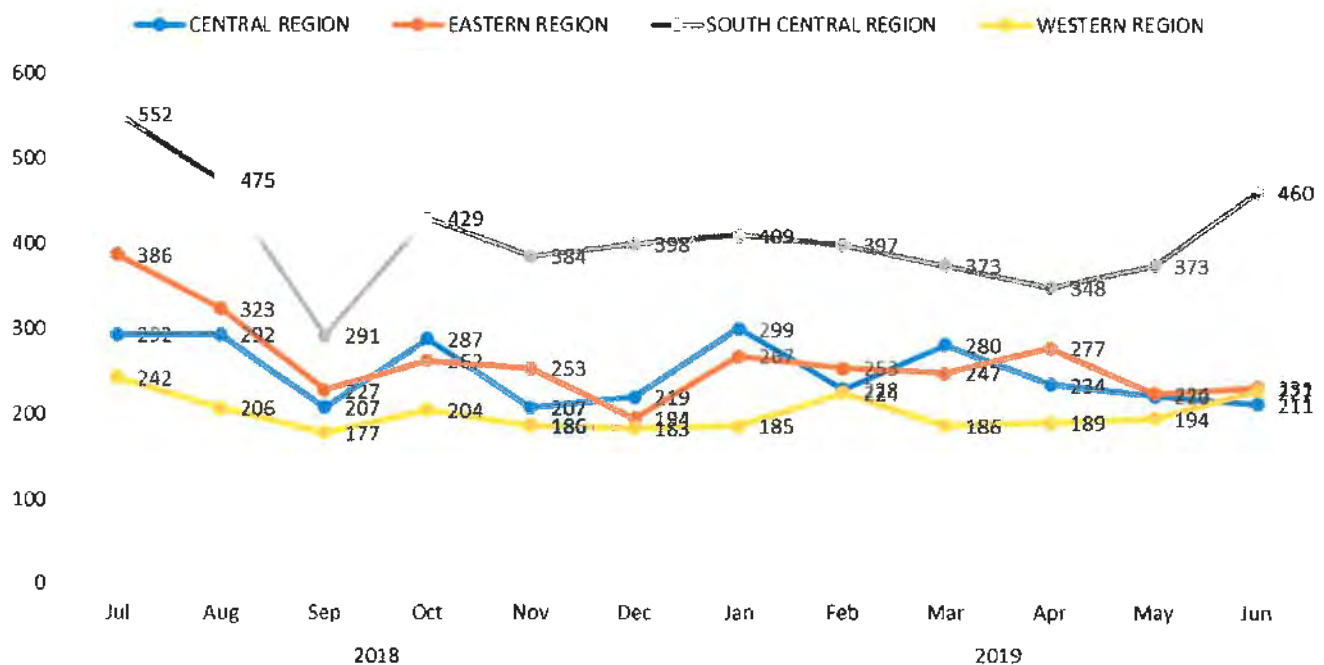


Figure 2 - Grievance Appeals Received by Board by Facility – Central Region

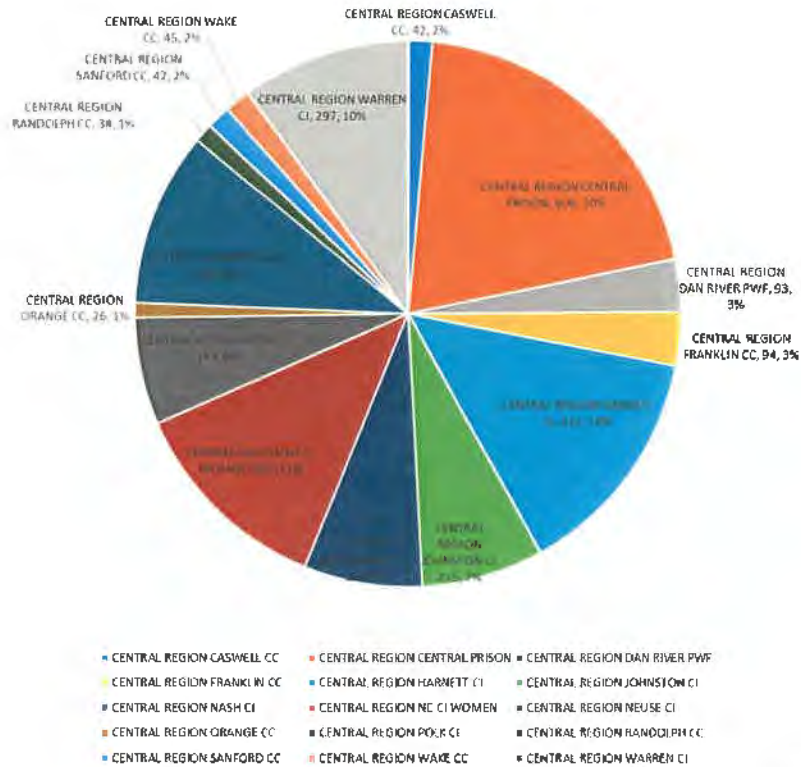


Figure 3: Grievance Appeals Received by Board by Facility – Eastern Region

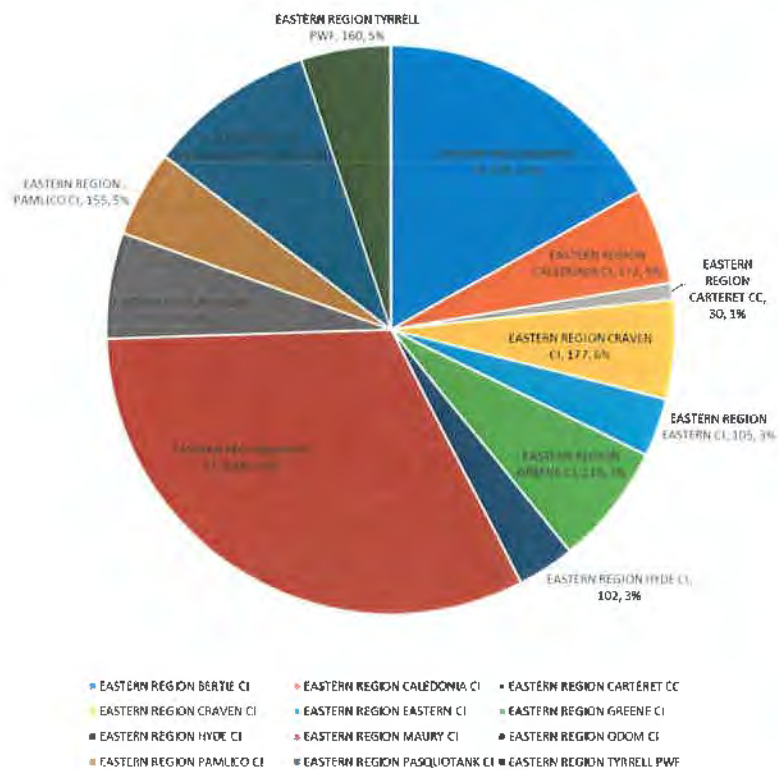


Figure 4: Grievance Appeals Received by Board by Facility - South Central Region

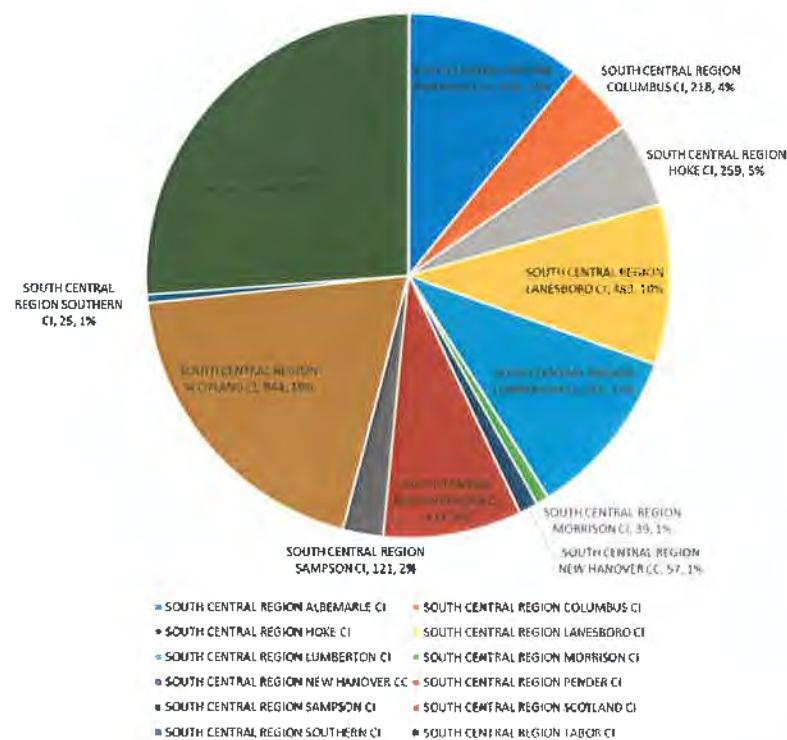


Figure 5: Grievance Appeals Received by Board by Facility - Western Region

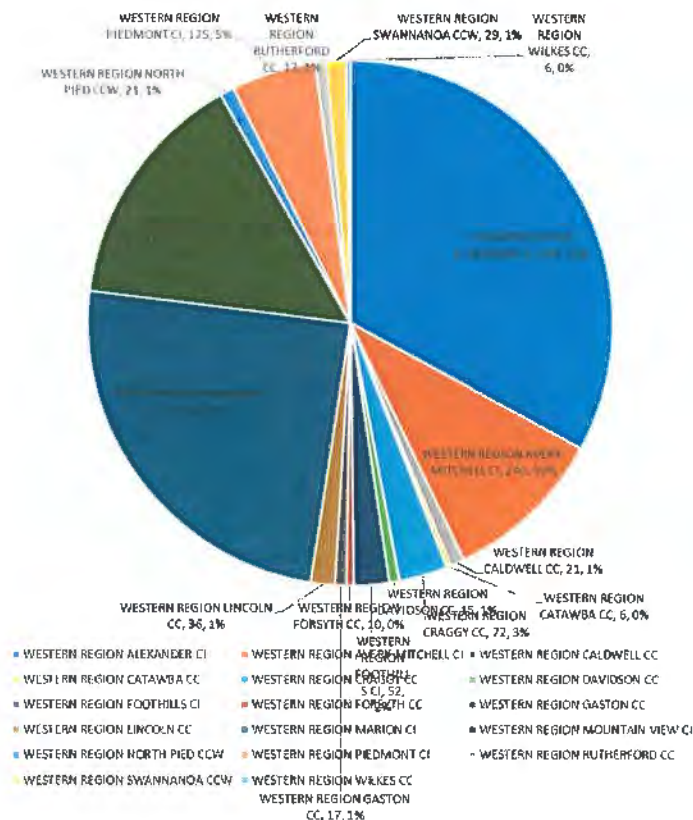


Figure 6: Grievances Appeals Per Standard Population - Close Custody Grade

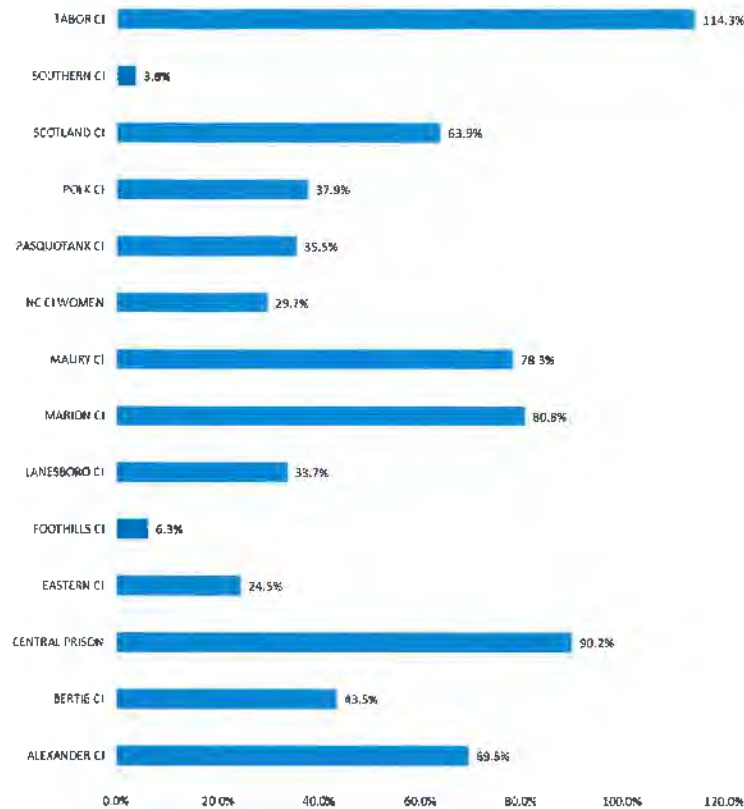


Figure 7: Grievances Appeals Per Standard Population – Medium Custody Grade

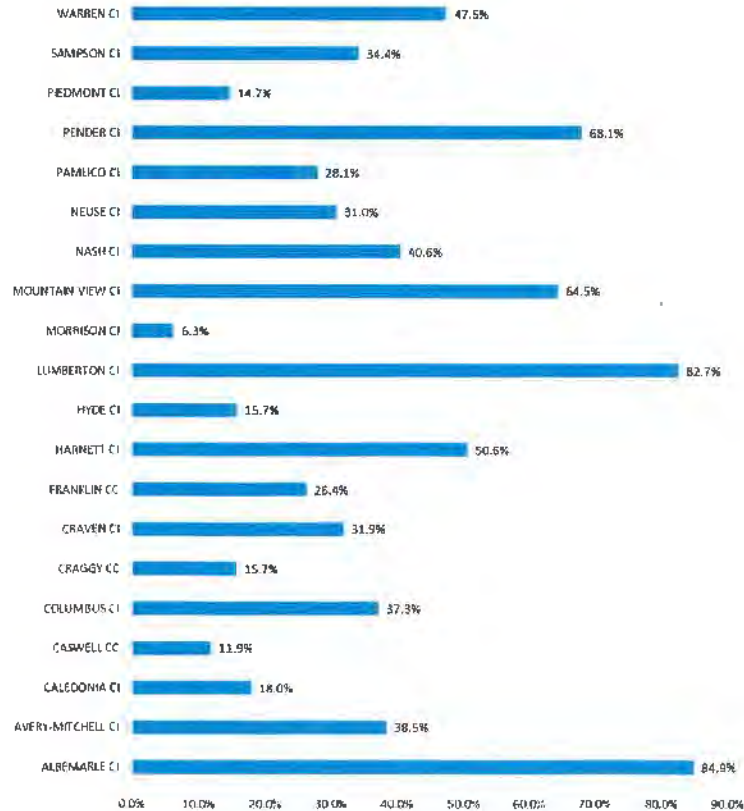
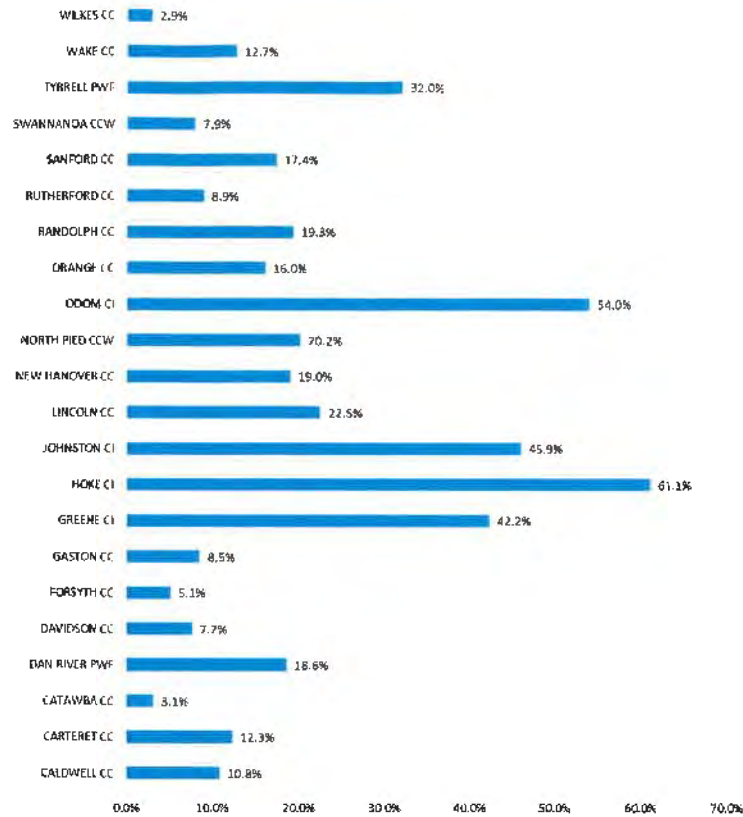


Figure 8: Grievances Appeals Per Standard Population - Minimum Custody Grade



Section 3

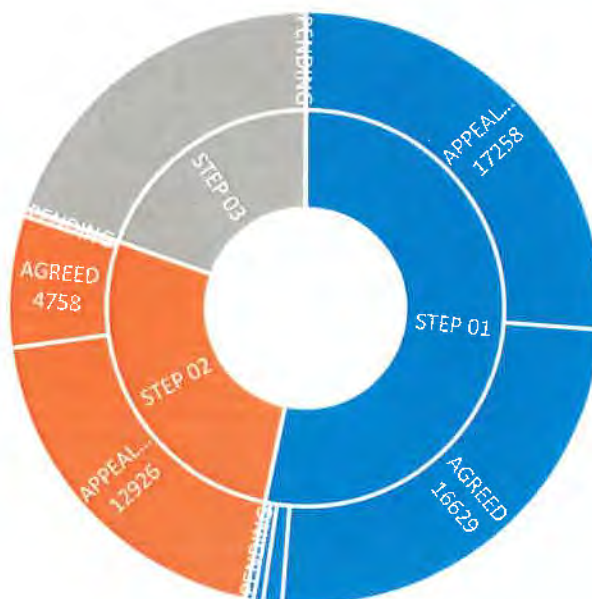
The Number of Grievances Resolved by the Board

For purposes of this answer, a grievance is considered “resolved” if it has completed Board review and a final response has been mailed to the offender. In Fiscal Year 2018-2019, the IGRB resolved 12,920 offender grievances. This number varies from the number received because grievances are received on a daily basis and a grievance received in one fiscal year may not be resolved until the next fiscal year. The figures track the offender grievance submissions at each level of review: Step 1, Step 2, and Step 3. The figures also demonstrate the general efficacy of the ARP process at the facility step levels.

Figure 9: Grievances Appeals Submitted with Outcomes

STEP	OUTCOME	COUNT
STEP 01	AGREED	16629
STEP 01	APPEALED	17258
STEP 01	COMPLETED	289
STEP 01	OFFENDER RELEASED	347
STEP 01	PENDING	2
STEP 01	TIME VIOLATION	681
STEP 02	AGREED	4758
STEP 02	APPEALED	12926
STEP 02	COMPLETED	38
STEP 02	OFFENDER RELEASED	241
STEP 02	PENDING	4
STEP 03	COMPLETED	12920
STEP 03	PENDING	8

Figure 10: Grievances Appeals Submitted with Outcomes



Section 4

The Type of Grievances by Category

Again, in Fiscal Year 2018-2019, the IGRB received 13,412 offender grievance appeals. Statistical information and graphics regarding the categories of the grievance appeals received at the IGRB are included below. The figures track the 5 broad subject matter categories and the discreet sub-categories within those areas.

Figure 11: Grievance Appeals Received by Board by Main Category

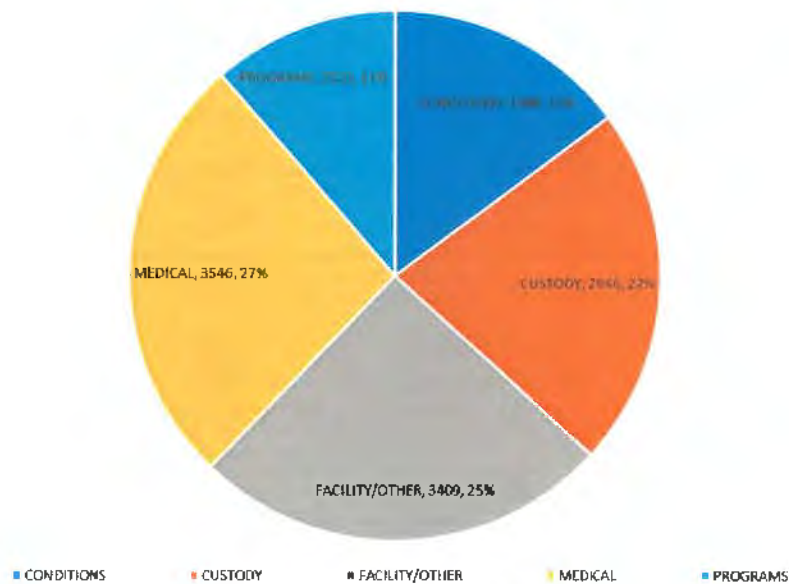


Figure 12: Grievance Appeals Received by Board by Category – Conditions

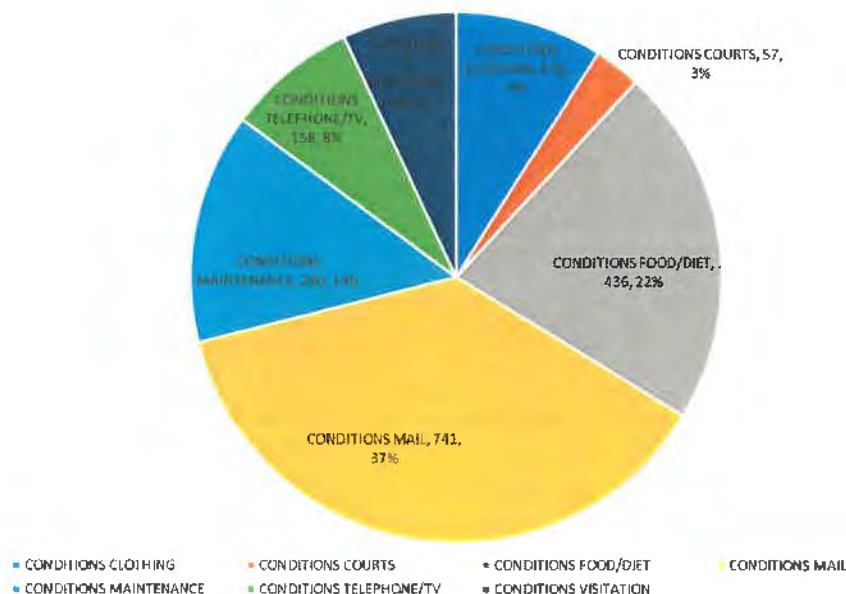


Figure 13: Grievance Appeals Received by Board by Category – Custody

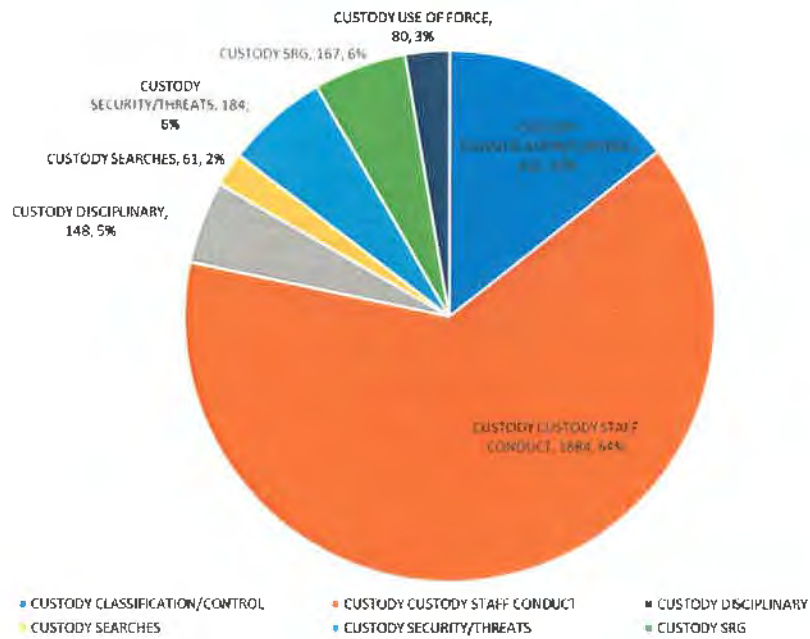


Figure 14: Grievance Appeals Received by Board by Category – Facility/Other

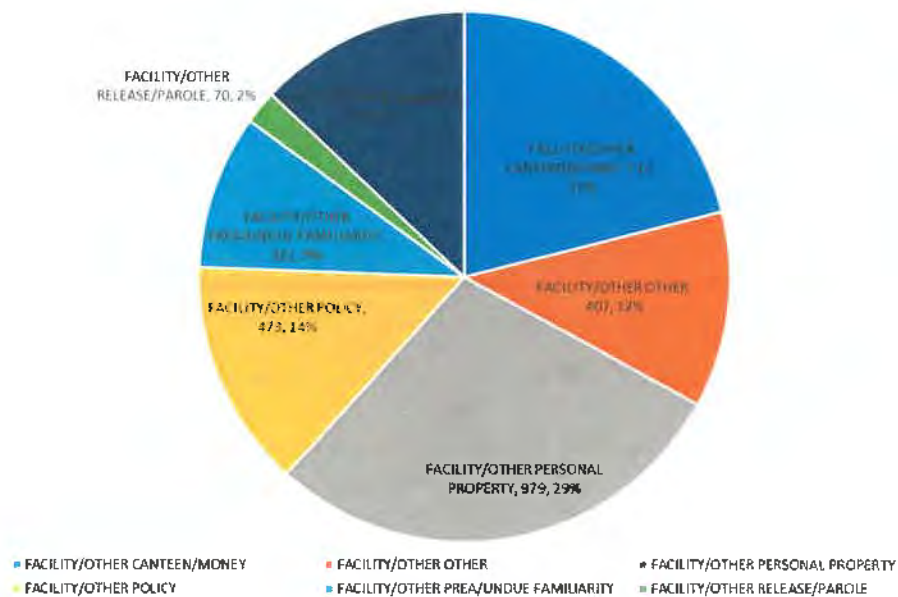


Figure 15: Grievance Appeals Received by Board by Category – Medical

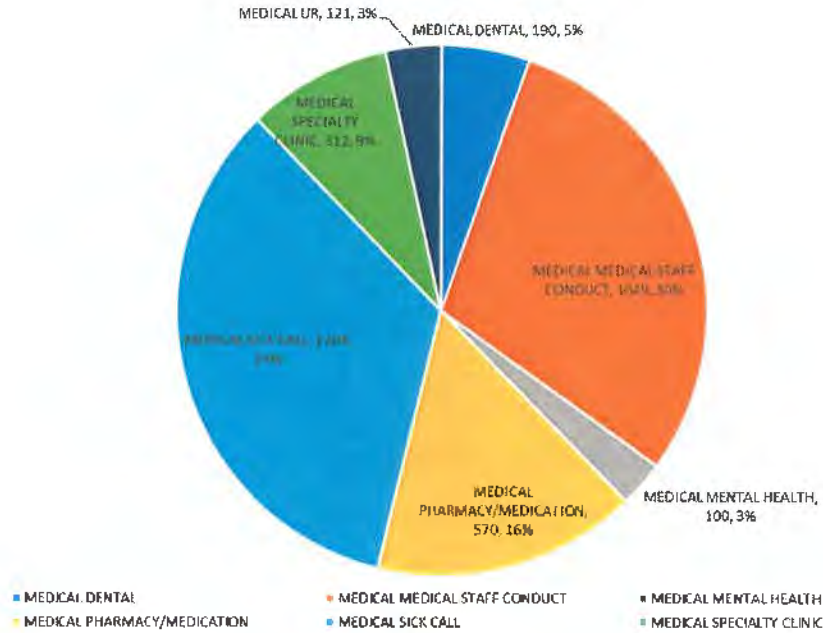
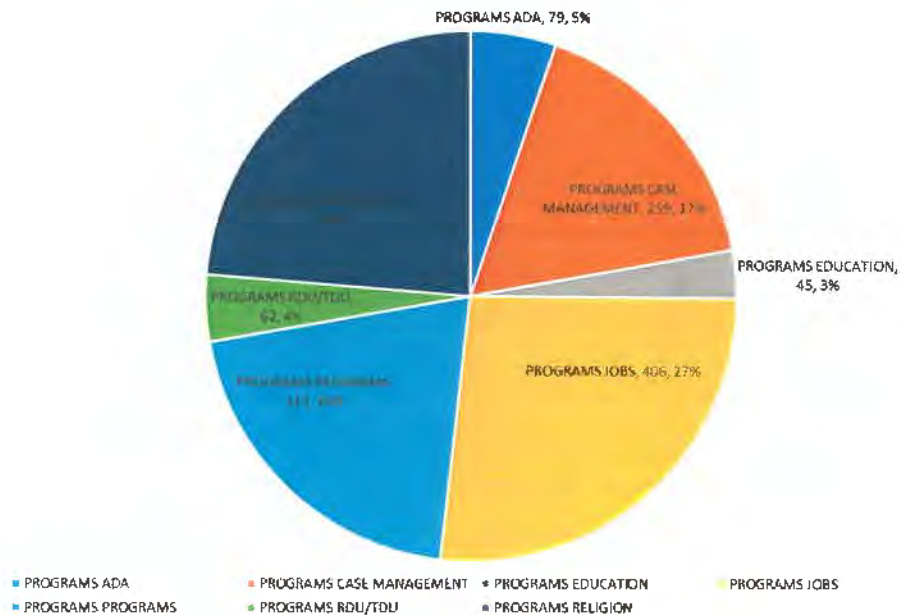


Figure 16: Grievance Appeals Received by Board by Category – Programs



Section 5

The Number of Orders Filed by the Board

To date, the Board has considered every written response to be an order written. By that measure, the Grievance Examiners issued 13,059 Orders during Fiscal Year 2018-2019. The disposition or merit codes of grievances are listed below:

Merit Code	Count
Dis.-Lacks merit	2,224
Dis.-Lacks supporting evidence	2,035
Dis.-Out of scope	445
Dis.-Unable to substantiate	15
Inmate no longer pursuing	22
Inmate paroled/released	143
Other	2
Resolved-DOC Staff	6,609
Resolved-IGRB Staff	1,564
Total	13,059



North Carolina Department of Public Safety

Prisons

Roy Cooper, Governor
Erik A. Hooks, Secretary

Timothy D. Moose, Chief Deputy Secretary
Todd E. Ishee, Commissioner of Prisons
Kenneth E. Lassiter, Director

MEMORANDUM

TO: Ben Anderson and Bruce Hodges
CRV Center Directors

FROM: Kenneth E. Lassiter, Director

DATE: July 8, 2019

RE: CRV Grievance Procedures

Effective July 10, 2019, the CRV Centers will be able to use the following procedures to resolve offender grievances. These procedures will also be found in the CRV Manual.

.0304 CRV Grievances

(a) Offenders with unresolved issues about the conditions of the facility or the circumstances of their confinement may have their issues addressed through the following steps:

(1) The offender should seek to resolve the issue with the involved staff through direct informal communication or;

(2) If the issue remains unresolved, the offender may write a statement regarding the issue on a request form and bring the form to CRV staff for discussion and resolution at the weekly Town Hall meeting. Town Hall meetings are held at a minimum of once per week in each dorm and are chaired by custody and probation staff members.

(3) If the issue remains unresolved, the offender may submit a grievance on form DC-410 within 24 hours after the Town Hall meeting. The Residential Manager or designee will respond in writing to the grievance within seven (7) days.

(4) If the offender disagrees with the Residential Manager's response, the offender may within 24 hours appeal the grievance response to the Center Director. The Center Director or designee will respond in writing to the escalated grievance within ten (10) working days.

(5) If the offender disagrees with the Center Director's response, the offender may appeal in writing to the Inmate Grievance Resolution Board within 24 hours.

(b) If and when an offender submits a written grievance (DC-410), the grievance will be handled according to Chapter G, section .0300 of the Administrative Remedy Procedure, except that the deadlines set forth in (4) and (5), above, shall apply.

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(c) If an offender believes the issue is of a confidential nature, the grievance may be submitted directly to the CRV Director or designee, according to the operations procedures of the CRV Center.

(d) Availability of Procedure:

- (1) A copy of the grievance procedure shall be readily available to all offenders and staff for their information. It shall be posted in conspicuous locations throughout the facility and shall be kept current in library.
- (2) The procedure shall be available to all offenders, regardless of any disciplinary, classification or other administrative decisions affecting the offender.

cc: Sarah Cobb
LaDonna Browning
Peter Buchholtz
Kimberly Grande
Jodi Harrison
File