



North Carolina Department of Public Safety

Adult Correction and Juvenile Justice

Pat McCrory, Governor
Frank L. Perry, Secretary

W. David Guice, Commissioner

MEMORANDUM

TO: Chairs of House Appropriations Subcommittee on Justice and Public Safety
Chairs of Senate Appropriations Committee on Justice and Public Safety
Chairs of Joint Legislative Oversight Committee on Justice and Public Safety

FROM: Frank L. Perry, Secretary
W. David Guice, Commissioner

RE: Inmate Grievance Resolution Board Report

DATE: April 5, 2016

Pursuant to Section 16C.13B.(a) of Session Law 2015-241, *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.*

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(1) Brief summary of the inmate grievance process.

Before filing lawsuits, in accordance with federal and state law, inmates must exhaust the Department's Administrative Remedy Procedure or Inmate Grievance Process. Under the procedure inmates within the custody of the Division of Adult Correction are provided an opportunity for administrative settlement of legitimate grievances. Most grievances can be resolved quickly through informal communication with authorities at the facility level. When this method is not possible, formal channels of communication for the resolution of grievances are provided.

A grievance is a written complaint by an inmate or on the inmate's behalf concerning an action, incident, policy, condition, or alleged PREA (Prison Rape Elimination Act) allegation within the facility or Prisons. All inmates are provided written and oral notification of the grievance process and those who are incapable of understanding the procedure or completing the grievance form may request assistance.

The Administrative Remedy Procedure affords a successful grievant a meaningful remedy to include but not be limited to, an order requiring that specific action be taken, modification of Prisons policy, restoration or restitution for personal property, and such other remedies that will meaningfully resolve the grievance presented.

If several inmates submit grievances on one issue or incident, these grievances are processed as a group and the same response is provided to all inmates.

Inmates may also submit Emergency 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. These grievances are forwarded immediately without substantive review to the Facility Head or to the level at which corrective action can be taken. Confidential grievances may be submitted directly to the Director of Prisons and mailed as legal mail.

Grievances are reviewed by screening officers (Facility Heads or their designees) for acceptance or rejection. Reasons for rejection are set forth in policy and no grievance involving allegations of sexual abuse or harassment may be rejected. Time limitations are imposed and all grievances should be processed within ninety (90) days. If at any point in the procedure a response is not made within the prescribed time limit, the grievance is forwarded to the next step. A formal written response to the inmate shall be made within fifteen (15) days from the date of acceptance of the grievance.

Prisons may grant an extension of time to respond for up to 70 days if the normal time period for response is insufficient to make an appropriate decision. The inmate is notified in writing of any extensions and provided a date the decision will be made.

Step 1: An inmate may submit a grievance to the Facility Head or designated screening officer or other staff members by mail or hand delivery. The screening officer reviews the grievance and decides whether to accept, reject or return under criteria set in policy. The screening must be done within three (3) days of the submitted grievance. If the screener determines the complaint can be considered, he or she forwards it to the staff member who the officer believes can best provide information or relief. A written response and supporting documentation is prepared and returned to the screening officer. The screening officer then meets with the inmate to explain the response and attempts to resolve the grievance. The screening officer then reports that to the Facility Head or designee. A formal response is provided to the inmate within fifteen (15) days from the date of acceptance of the grievance. If the grievance is rejected by the screening officer, the inmate is informed of the rejection reason in writing. The Facility Head reviews all copies of rejected

grievances and initials off on them. The Facility Head may also determine the grievance should be accepted and if so, the inmate is provided the opportunity to resubmit the grievance.

Step 2: If the inmate is not satisfied with the results of Step 1, he or she may request relief from the Facility Head. This appeal must be made in writing within twenty-four (24) hours of notification of the decision in Step 1. The Facility Head may investigate the grievance or may assign a staff member to investigate it. The investigation must be completed within thirty (30) days. After the investigation is complete, the Facility Head indicates the decision and reasons for the decision, completes a written response and assures it is delivered to the inmate within twenty (20) days from the date of request for Step 2 review. The Facility Head (or designee) may explain the decision to the inmate in an attempt to resolve the grievance. If the inmate has complaints on the action or inaction of the Facility Head, the grievance will be forwarded to the Prisons Region Director for completion of Step 2 review.

Step 3: This review occurs when the inmate is not satisfied with the Step 2 decision and the inmate appeals to the Secretary of Public Safety through the Inmate Grievance Examiner. This appeal must be made in writing on the appropriate form within twenty-four (24) hours of notification of the Step 2 decision. If the inmate appeals, the facility screening officer shall immediately forward the completed form to the Executive Director of the Grievance Resolution Board by electronic mail via DPS's Correspondence Tracking System.

All grievances assigned to the Inmate Grievance Resolution Board are reviewed. An independent investigation may be conducted that is limited to the specific issues brought forward in the grievance. The Inmate Grievance Examiner attempts to resolve the grievance through mediation. The Inmate Grievance Examiner will order relief as appropriate or deny the grievance. The order for relief is forwarded to the Secretary of Public Safety within twenty (20) days from the date of the inmate's appeal from Step 2. The decision is also provided to the Director of Prisons. The Director of Prisons (or designee) reviews the grievance and makes comments to the Secretary of DPS within twenty (20) days. The Secretary of DPS reviews the comments and approves the decision of the Inmate Grievance Examiner or makes written findings that the relief ordered is not appropriate. If the relief order is found not appropriate, a written explanation for the findings must be given and an alternative order for relief must be made. The final decision will be delivered to the inmate by the Inmate Grievance Examiner with a copy to the Director of Prisons within thirty (30) days of transmittal of the decision of the Inmate Grievance Examiner. The decision by the Inmate Grievance Examiner or a modification by the Secretary of DPS constitutes the final step of the Administrative Remedy Procedure.

(2) Number of grievances submitted to the Board: * (The Inmate Grievance Resolution Board does not receive inmate grievances, but rather inmate grievance appeals.)

13,112

(3) Number of grievances resolved by the Board: * (The Inmate Grievance Resolution Board does not receive inmate grievances, but rather inmate grievance appeals.)

13,112

(4) Type of grievance by category: * (The Inmate Grievance Resolution Board does not receive inmate grievances, but rather inmate grievance appeals.)

Categories	Count
Assignment	762
Peers	38
PREA	6
Staff	2,229
Transfer	283
Clothing	110
Facility	232
Medical	4,642
Unit policy	1,586
Classification	499
Disciplinary	164
Food	368
Programs	631
Property	1,561
Other	1
Total	13,112

5) Number of orders filed (written) by examiners:

13,112