



North Carolina Department of Public Safety

Inmate Grievance Resolution Board

Roy Cooper, Governor
Casandra Skinner Hoekstra, Interim Secretary

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

September 9, 2021

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: Casandra Skinner Hoekstra, Interim Secretary
Timothy D. Moose, Chief Deputy Secretary
Kimberly D. Grande, Executive Director, Inmate Grievance Resolution Board

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, Adult Correction and Juvenile Justice ("ACJJ") 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. Both state and federal law require that offenders exhaust administrative remedies prior to filing a lawsuit against NCDPS 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 ACJJ. 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 statute spells out that the group 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. 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 are available to the offenders upon request and copies of the procedure are to be posted in the facilities or available from the offender library. 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).

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. 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.

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 Commissioner of Prisons and may be mailed as legal mail. If the confidential grievance

meets the policy requirements, 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. 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.

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 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.

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 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).

J. Confinement in Response to Violation Facilities

In 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.

Section 2: The Number of Grievances Received By the Board

In Fiscal Year 2020-2021, the IGRB received 12,126 Step 3 offender grievance appeals. This represents a 2.9% increase in the number of grievance appeals received compared to FY 2020-2021. The small increase in grievance appeals may correlate to pandemic restrictions and operations in Prisons. Statistical information and graphics regarding the total number of grievance appeals received at the IGRB are included below. 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

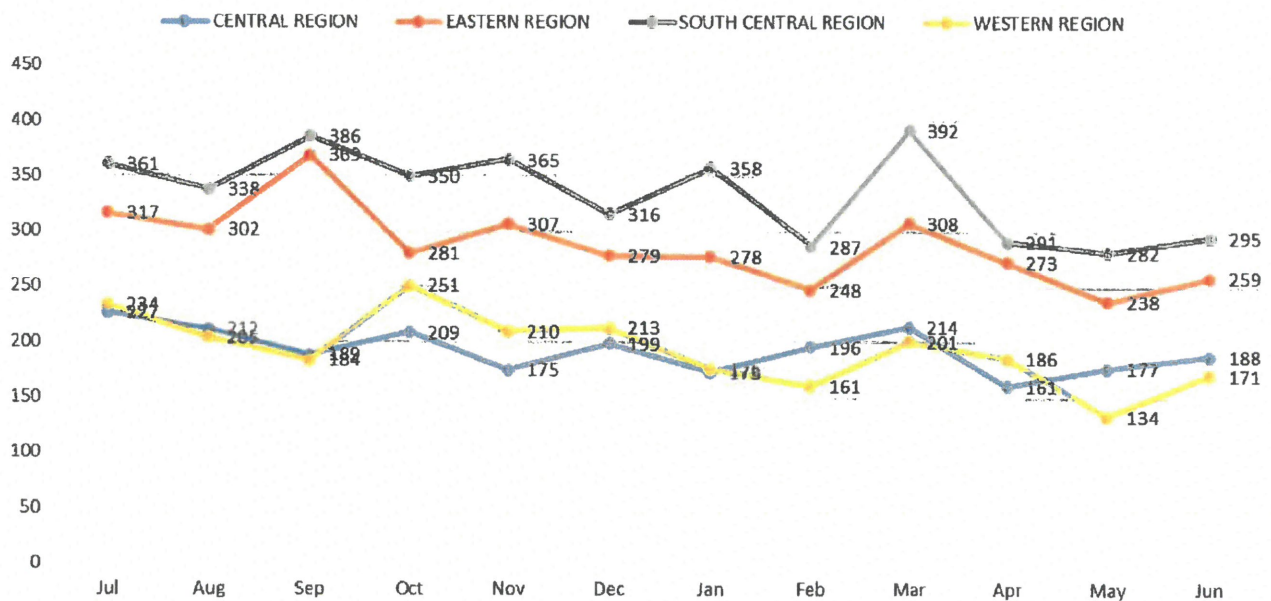


Figure 2: Grievance Appeals Received by Board By Facility - Central Region

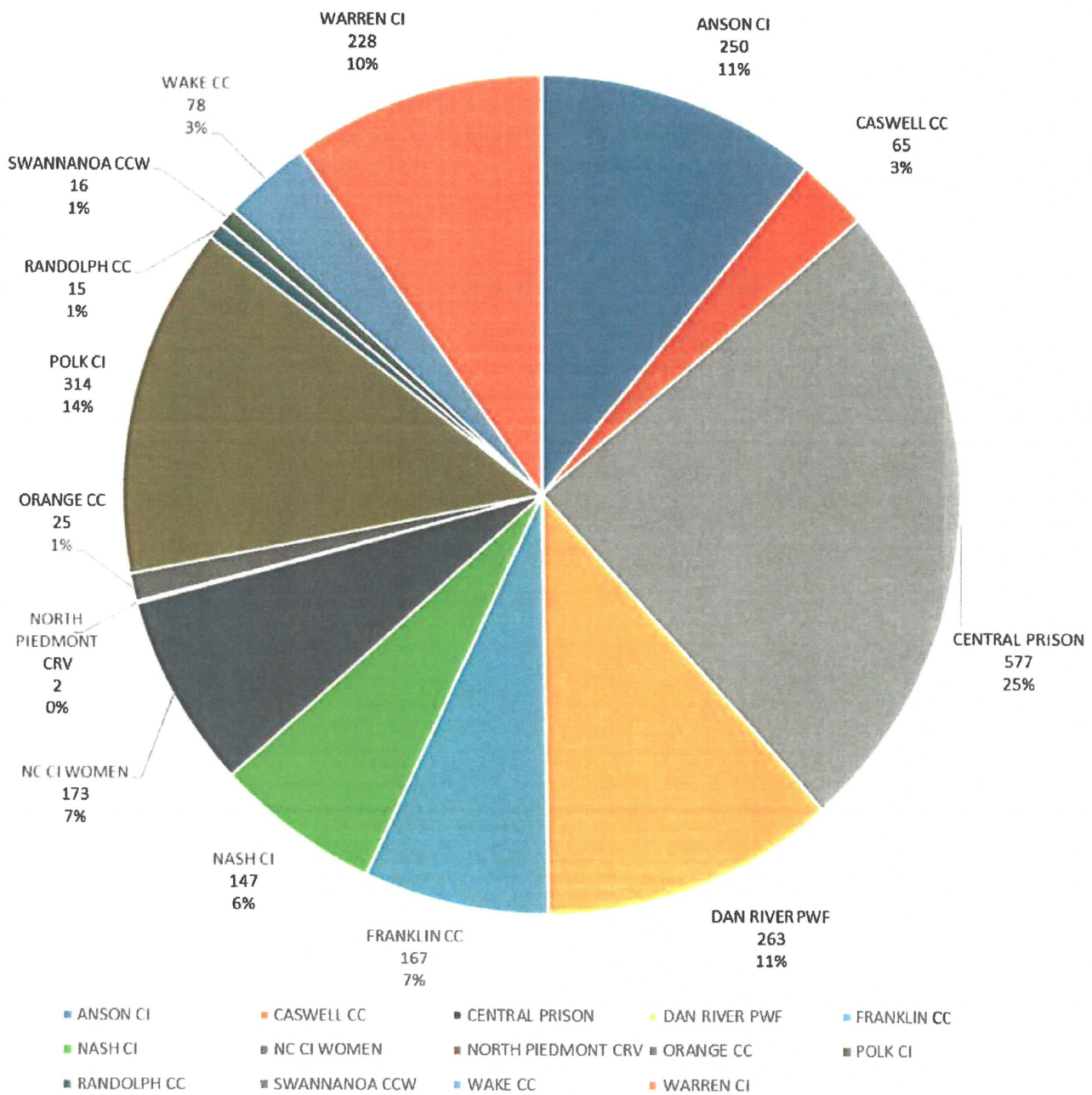


Figure 3: Grievance Appeals Received by Board By Facility - Eastern Region

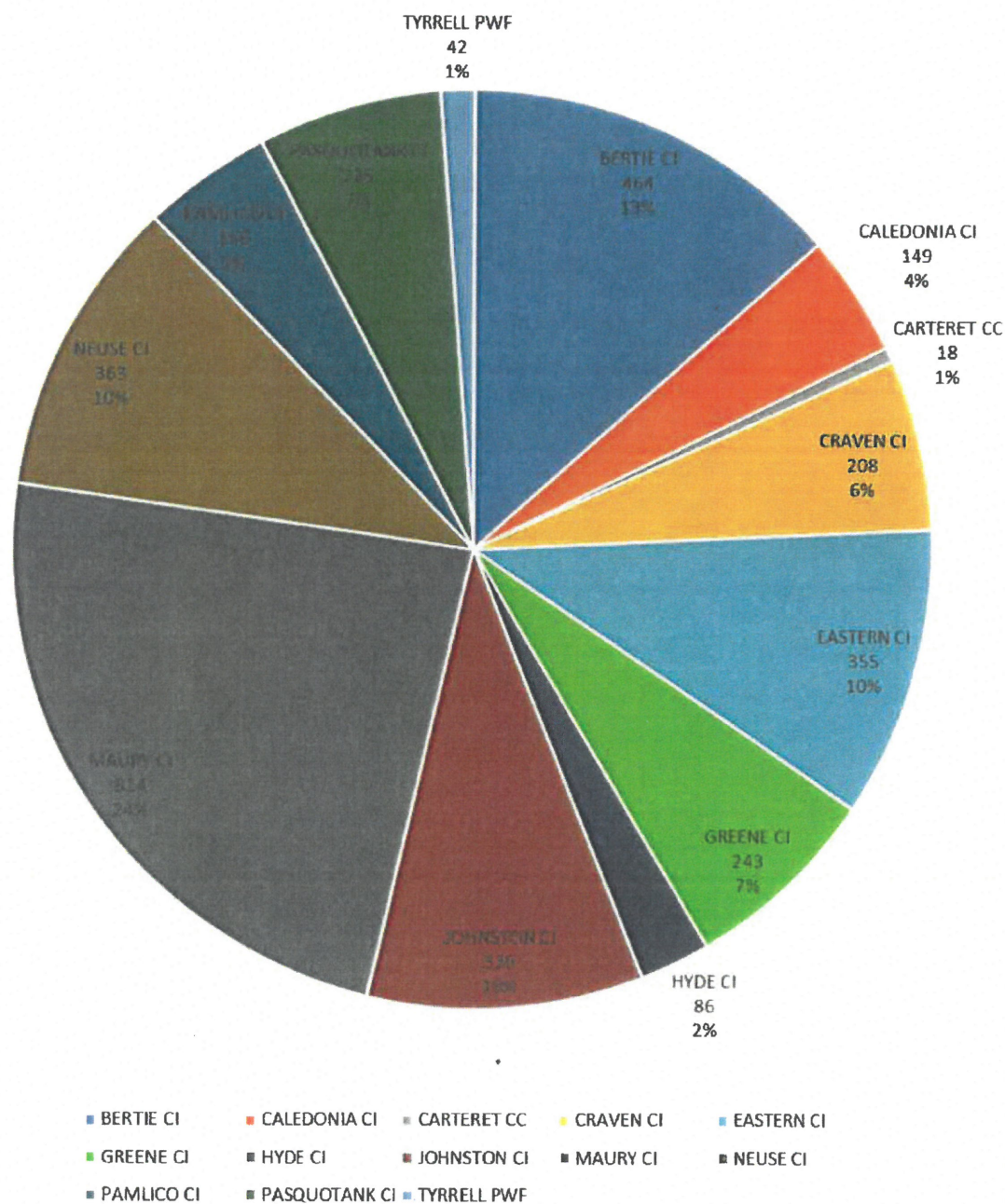


Figure 4: Grievance Appeals Received by Board By Facility - South Central Region

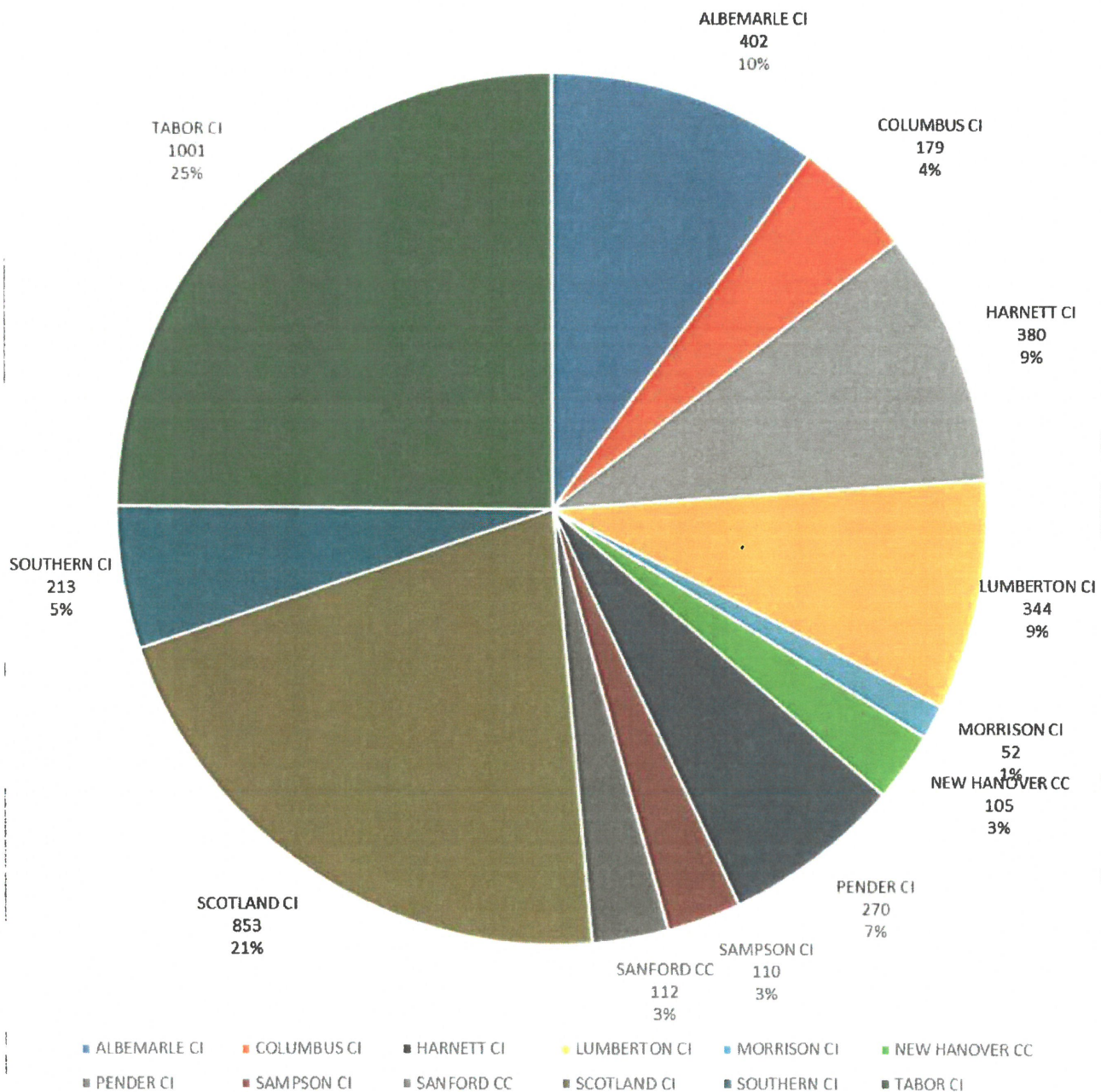


Figure 5: Grievance Appeals Received by Board By Facility - Western Region

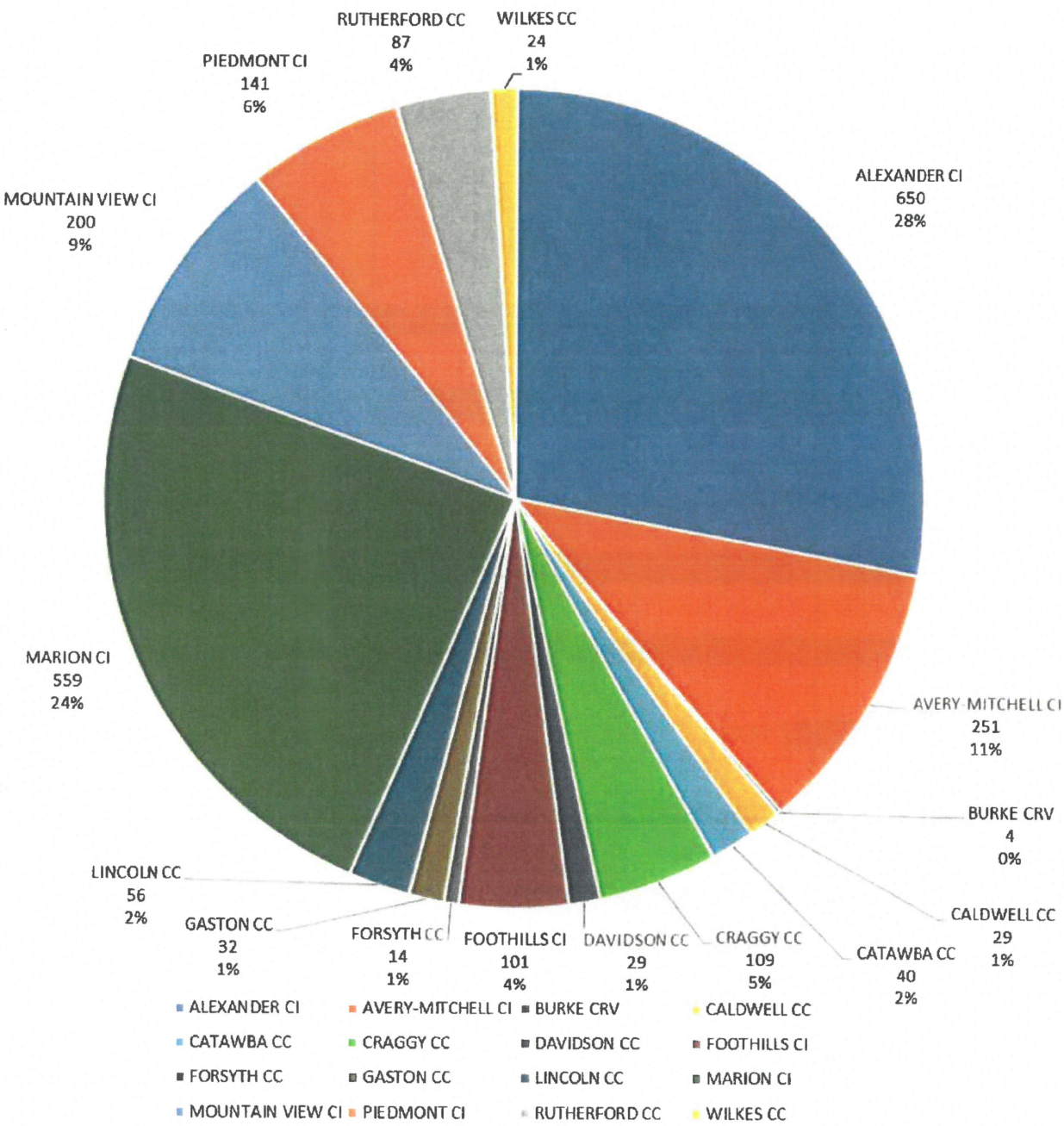


Figure 6: Grievances Appeals Per Standard Population - Close Custody

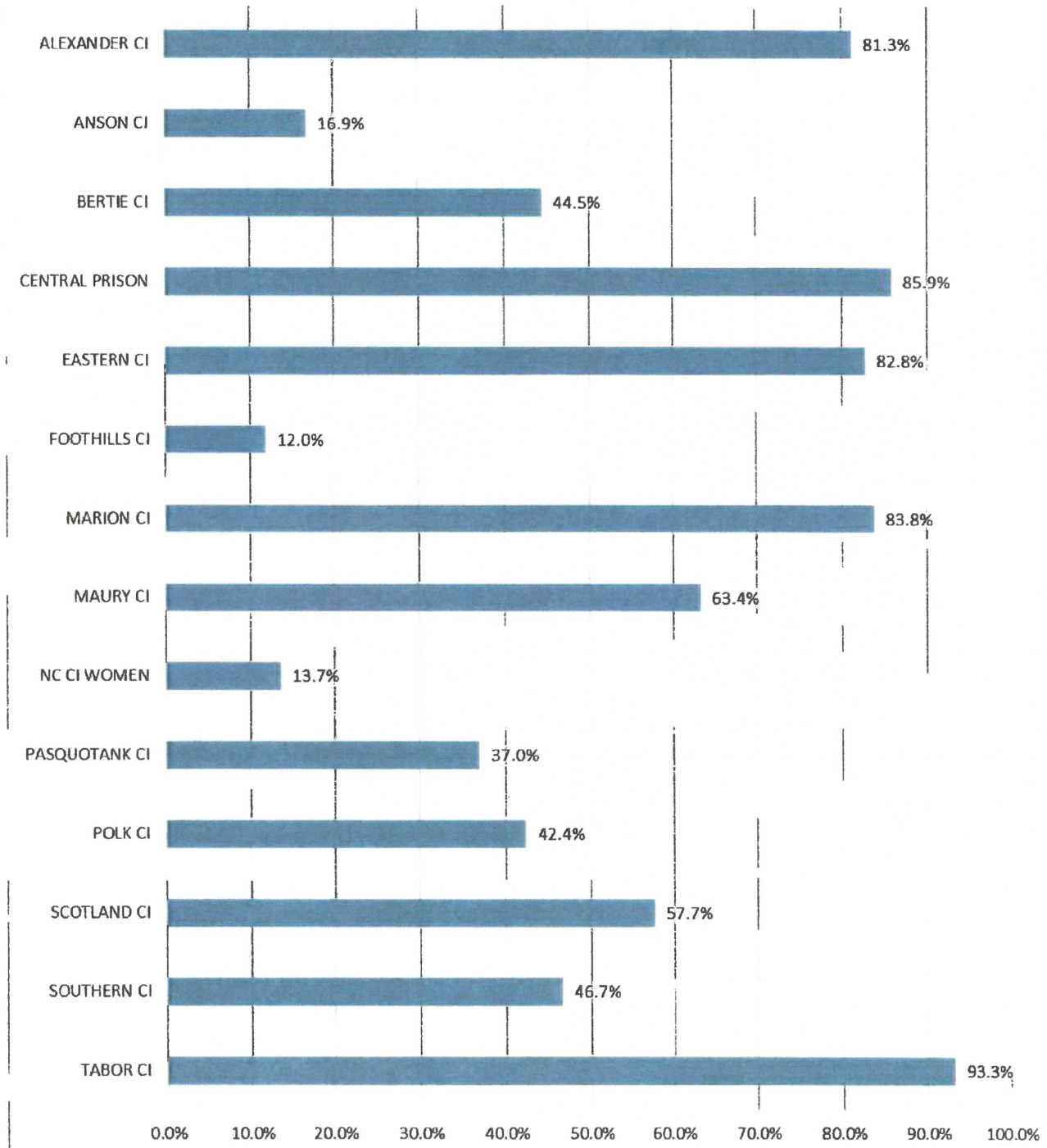


Figure 7: Grievances Appeals Per Standard Population - Medium Custody

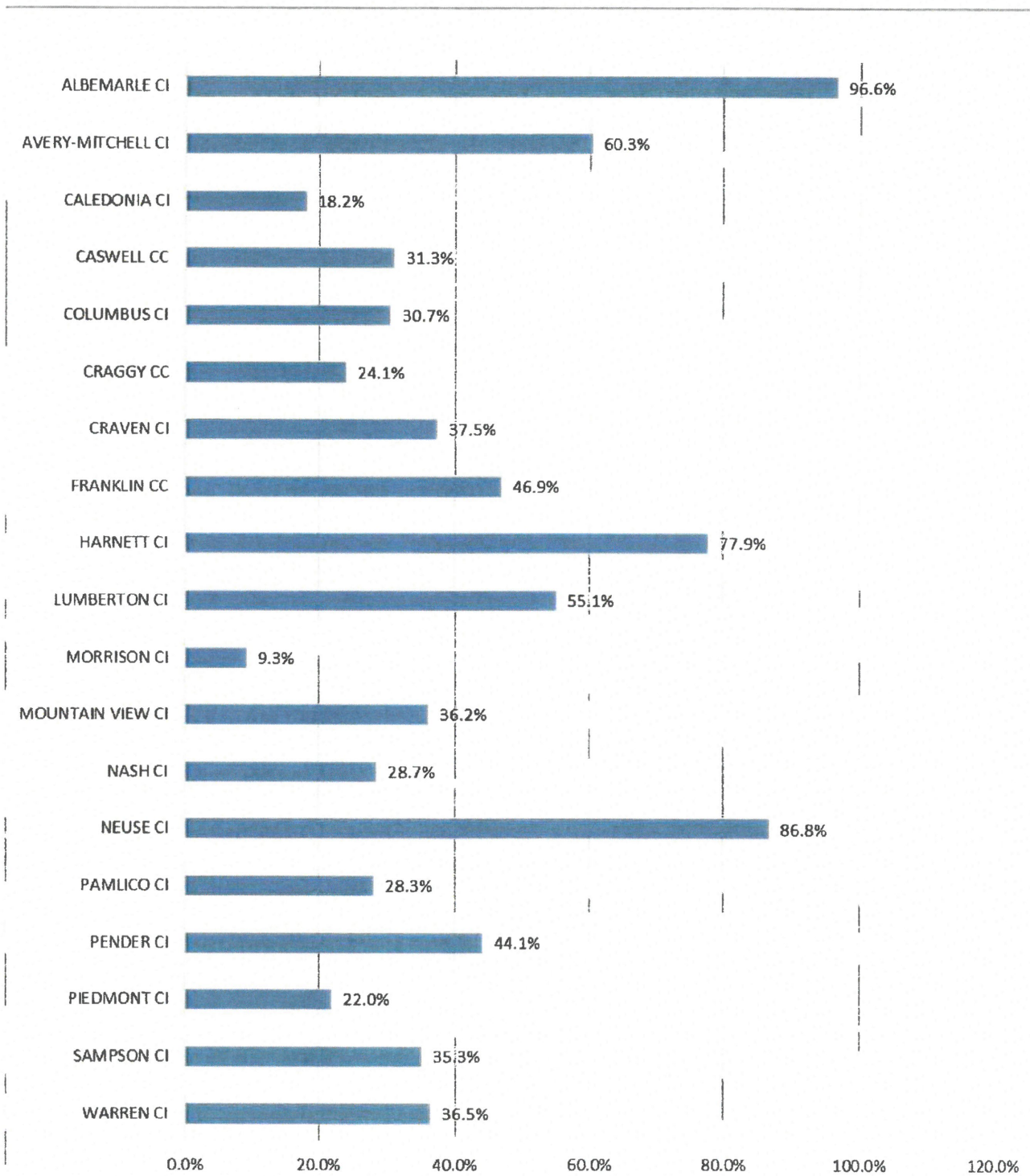
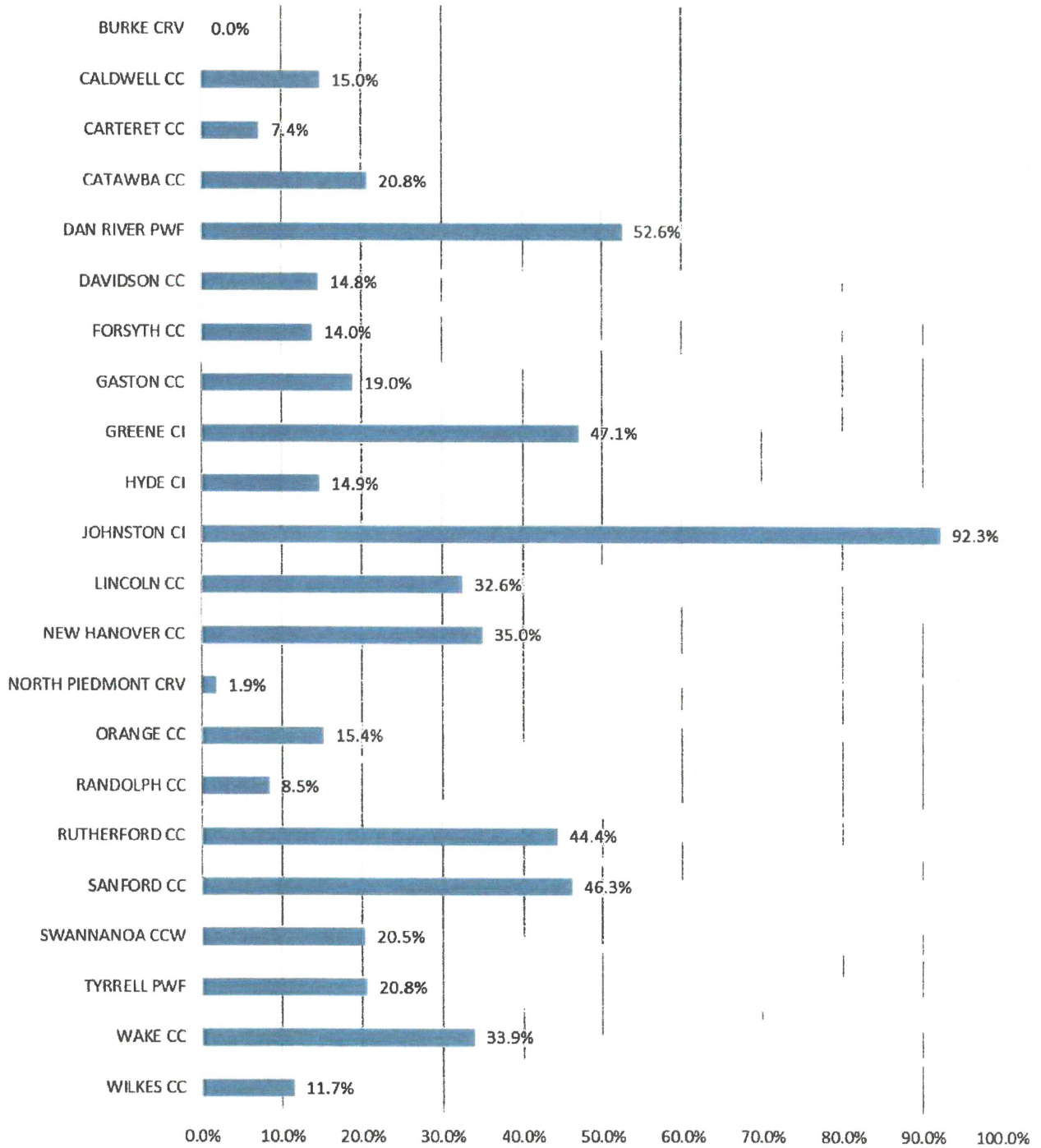
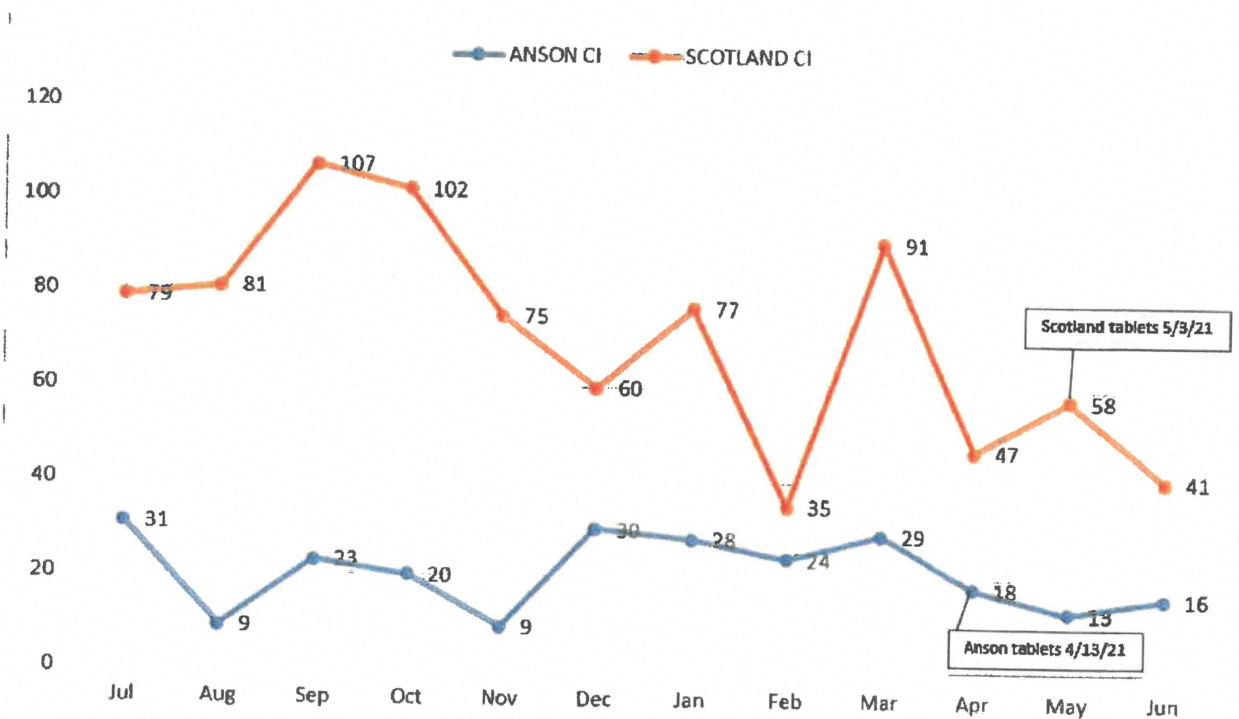


Figure 8: Grievances Appeals Per Standard Population - Minimum Custody



For informational purposes and to the extent Section 16C.13B(b) of Session Law 2015-241 requires information related to the total number of Step 3 grievance appeals submitted to the IGRB, the IGRB is tracking whether there is a reduction in Step 3 grievance appeals from facilities benefitting from the expansion of offender tablet access. See DPS Prison Reform Report 2021-08-20. For FY 2020-2021, two prison facilities had completed the implementation of the tablet project with sufficient data to reflect the project's potential impact on offender Step 3 grievance appeals.

Figure 9: Grievances Appeals Submitted with Outcomes



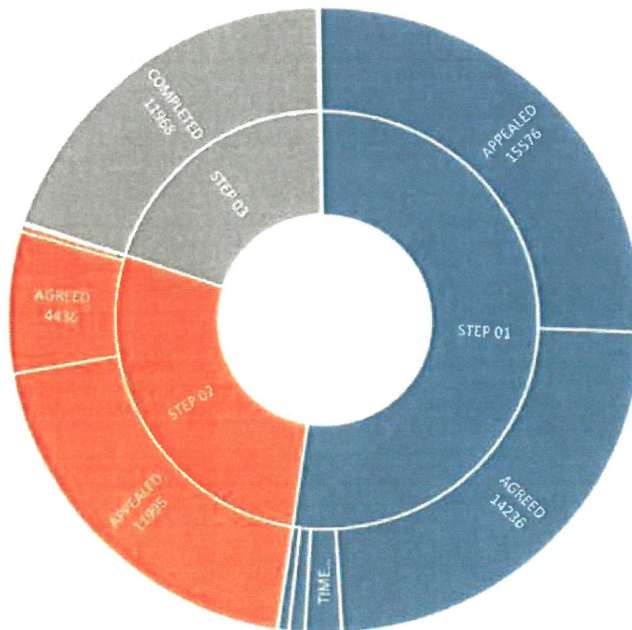
Section 3: The Number of Grievances Resolved By the Board

A grievance appeal is considered “resolved” if it has completed Board review and a final response has been mailed to the offender. In Fiscal Year 2020-2021, the IGRB resolved 11,968 offender grievance appeals. The figures below track the offender grievance submissions by level of review and also demonstrate the general efficacy of the ARP process at the facility step levels.

Figure 10: Grievances Appeals Submitted with Outcomes

STEP	OUTCOME	COUNT
STEP 01	AGREED	14236
STEP 01	APPEALED	15576
STEP 01	COMPLETED	506
STEP 01	OFFENDER RELEASED	341
STEP 01	PENDING	7
STEP 01	TIME VIOLATION	1121
STEP 02	AGREED	4436
STEP 02	APPEALED	11995
STEP 02	COMPLETED	47
STEP 02	OFFENDER RELEASED	209
STEP 02	PENDING	20
STEP 03	COMPLETED	11968
STEP 03	PENDING	29

Figure 11: Grievances Appeals Submitted with Outcomes



Section 4: The Type of Grievances by Category

In Fiscal Year 2020-2021, the IGRB received 12,126 offender Step 3 grievance appeals. Information regarding the categories of the Step 3 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 12: Grievance Appeals By Main Category:

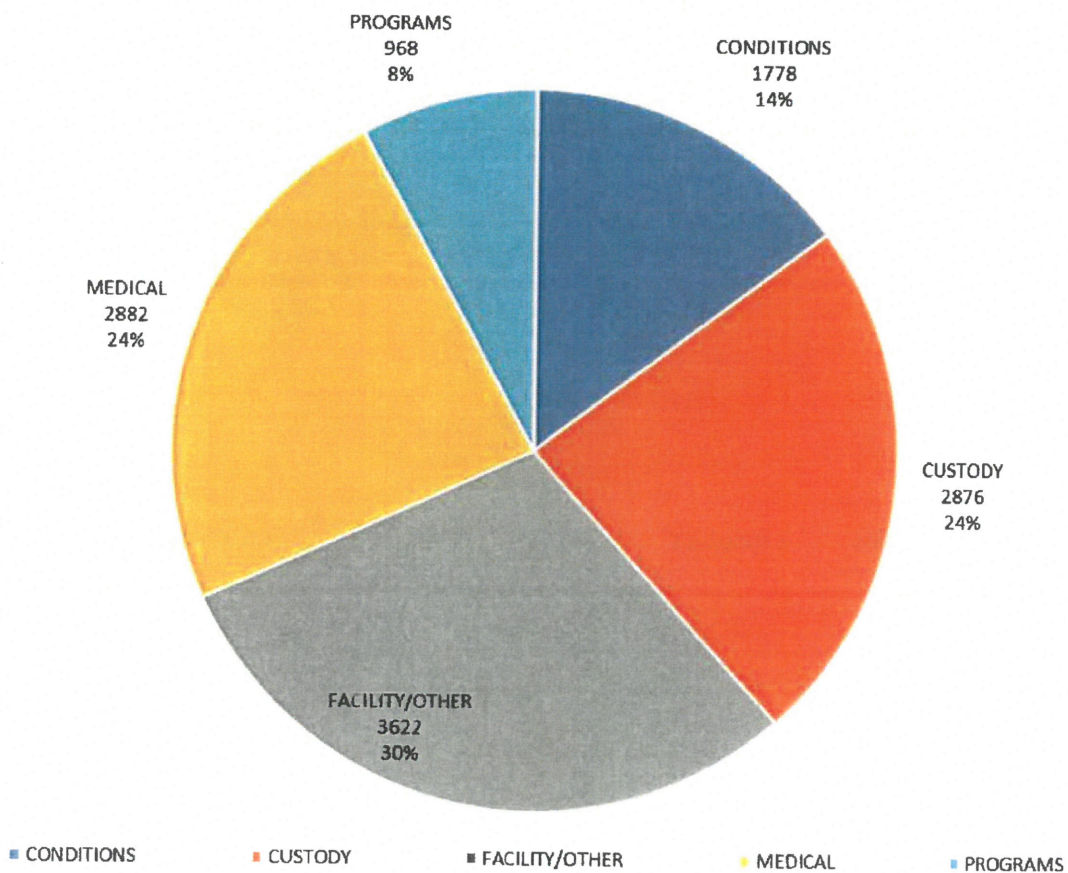


Figure 13: Grievance Appeals By Sub-Category – Conditions:

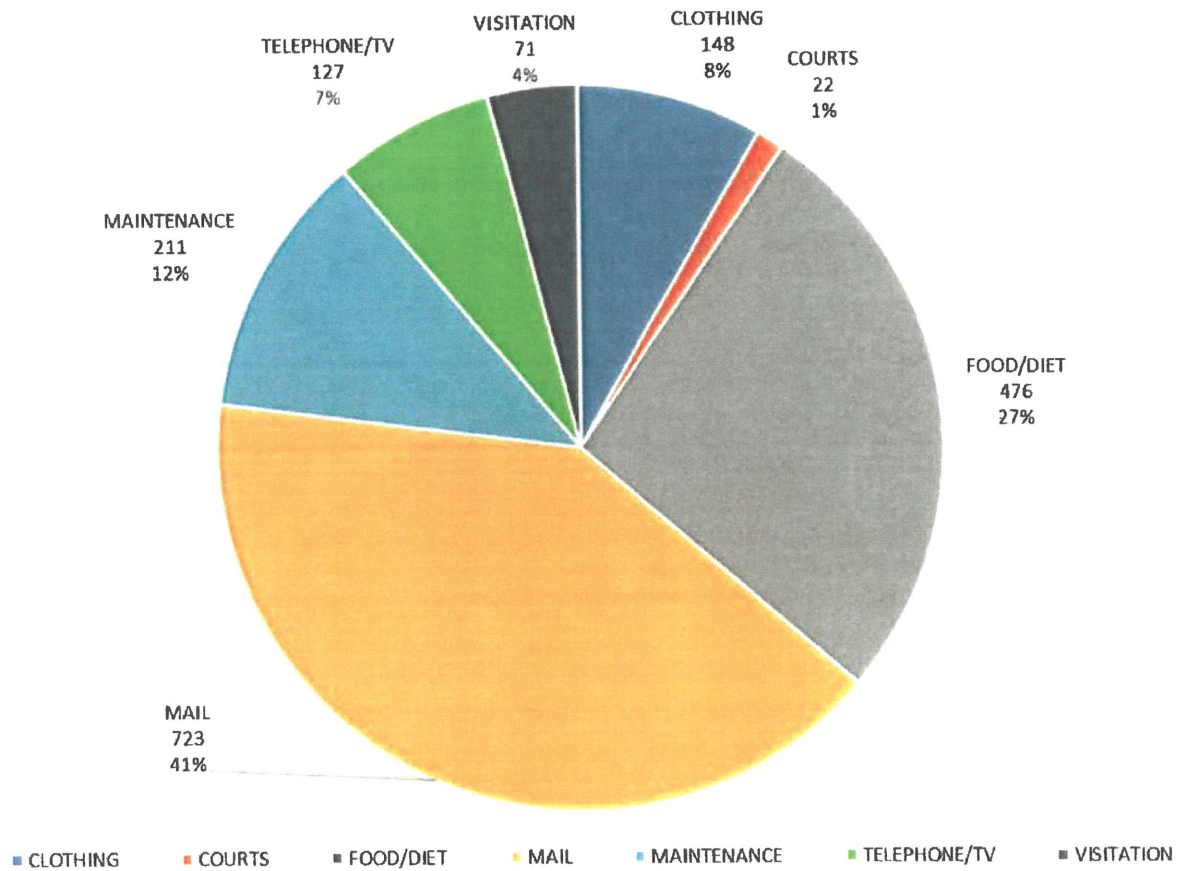


Figure 14: Grievance Appeals By Sub-Category – Custody

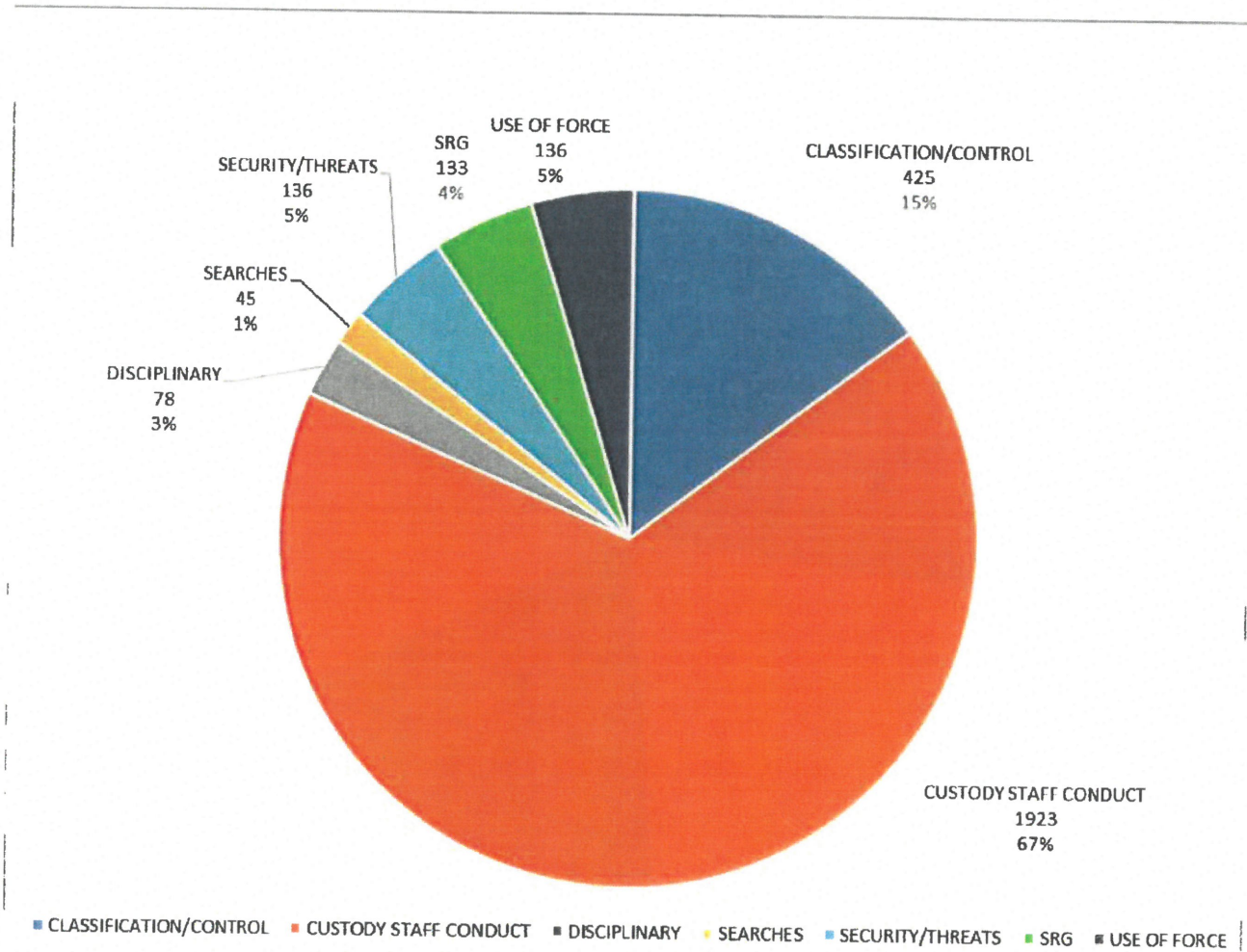


Figure 15: Grievance Appeals By Sub-Category - Facility/Other

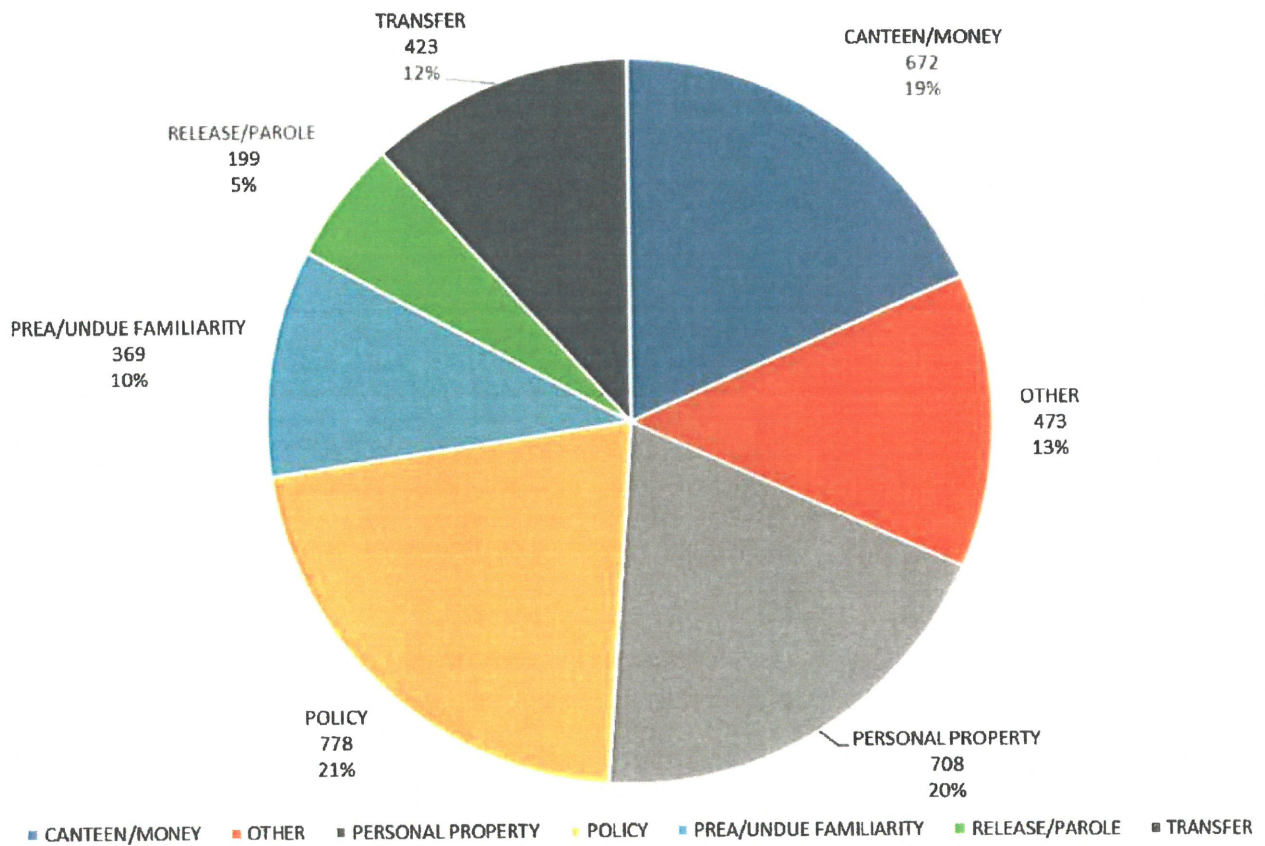


Figure 16: Grievance Appeals By Sub-Category – Medical

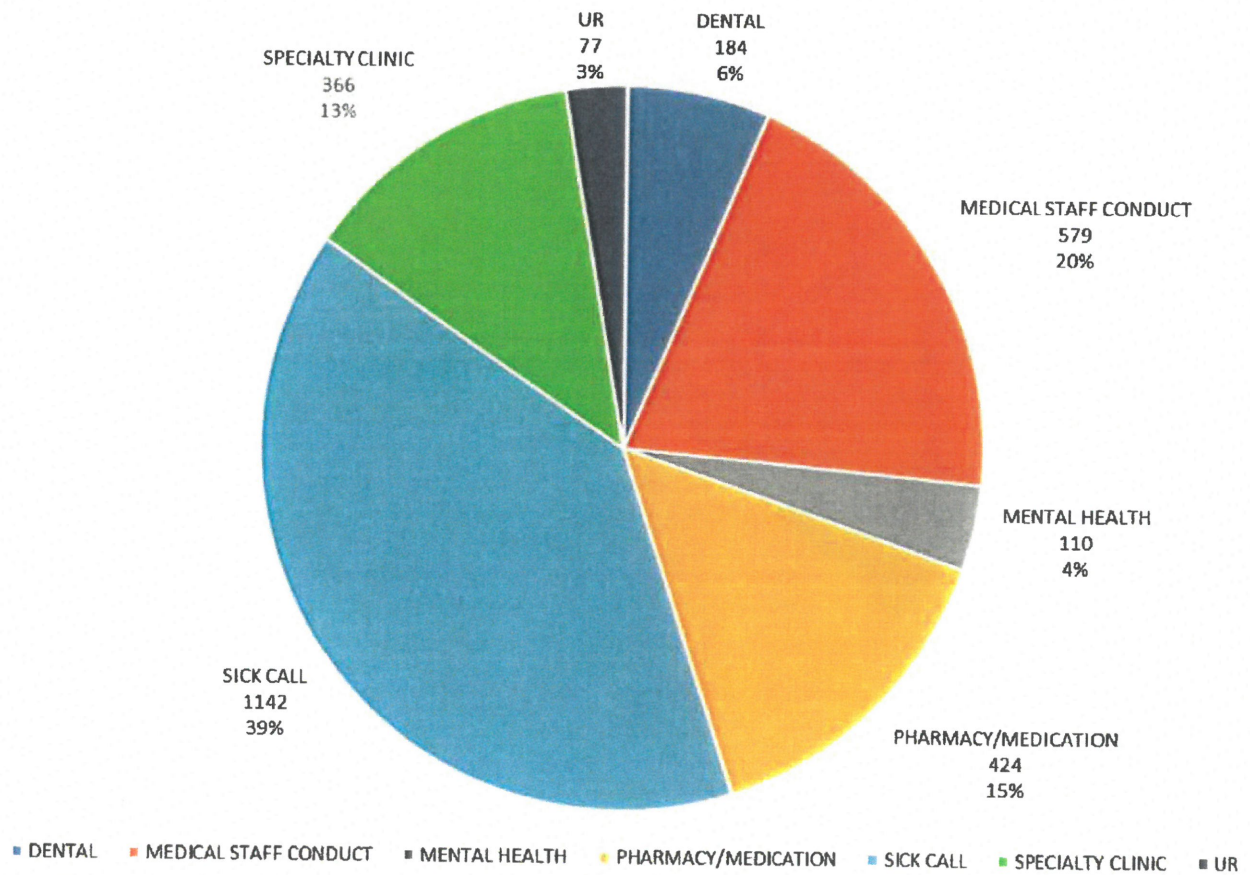


Figure 17: Grievance Appeals By Sub-Category – Programs

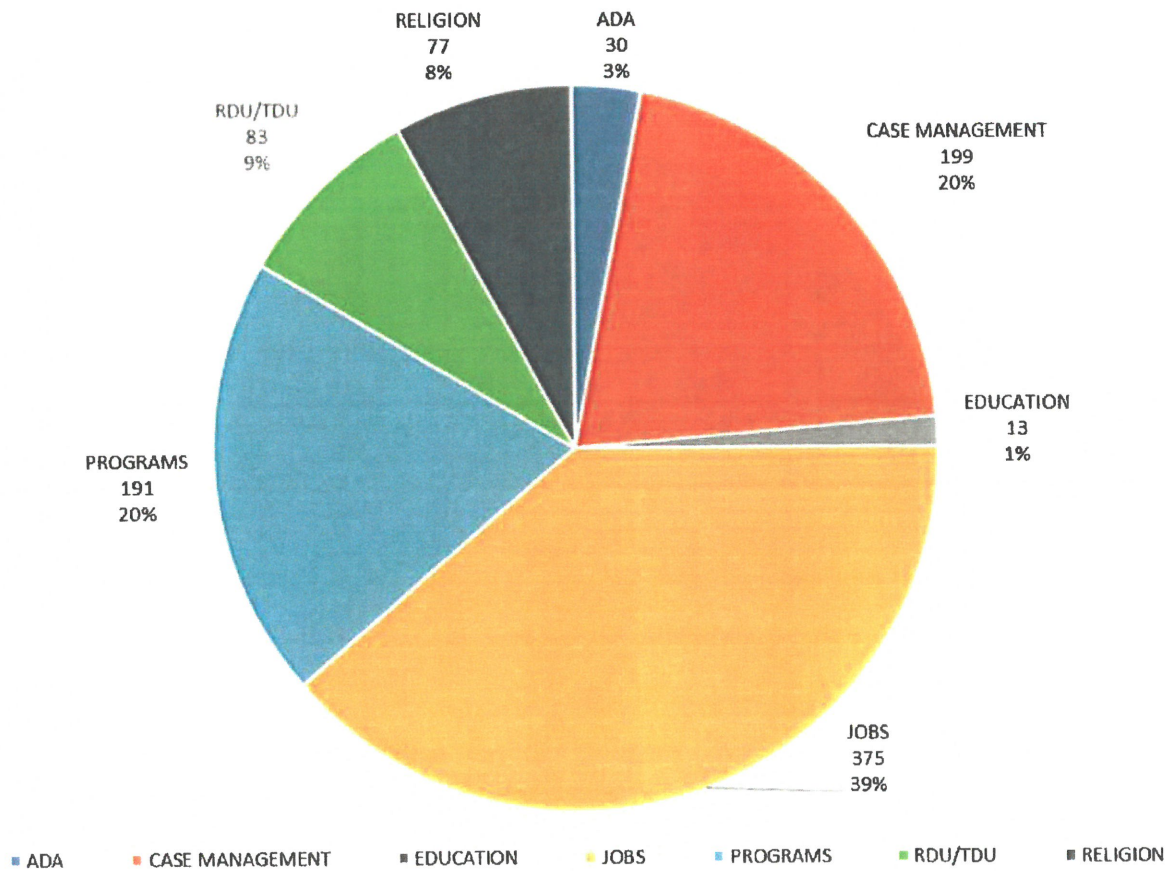


Figure 18: Grievance Appeals By Region and Category

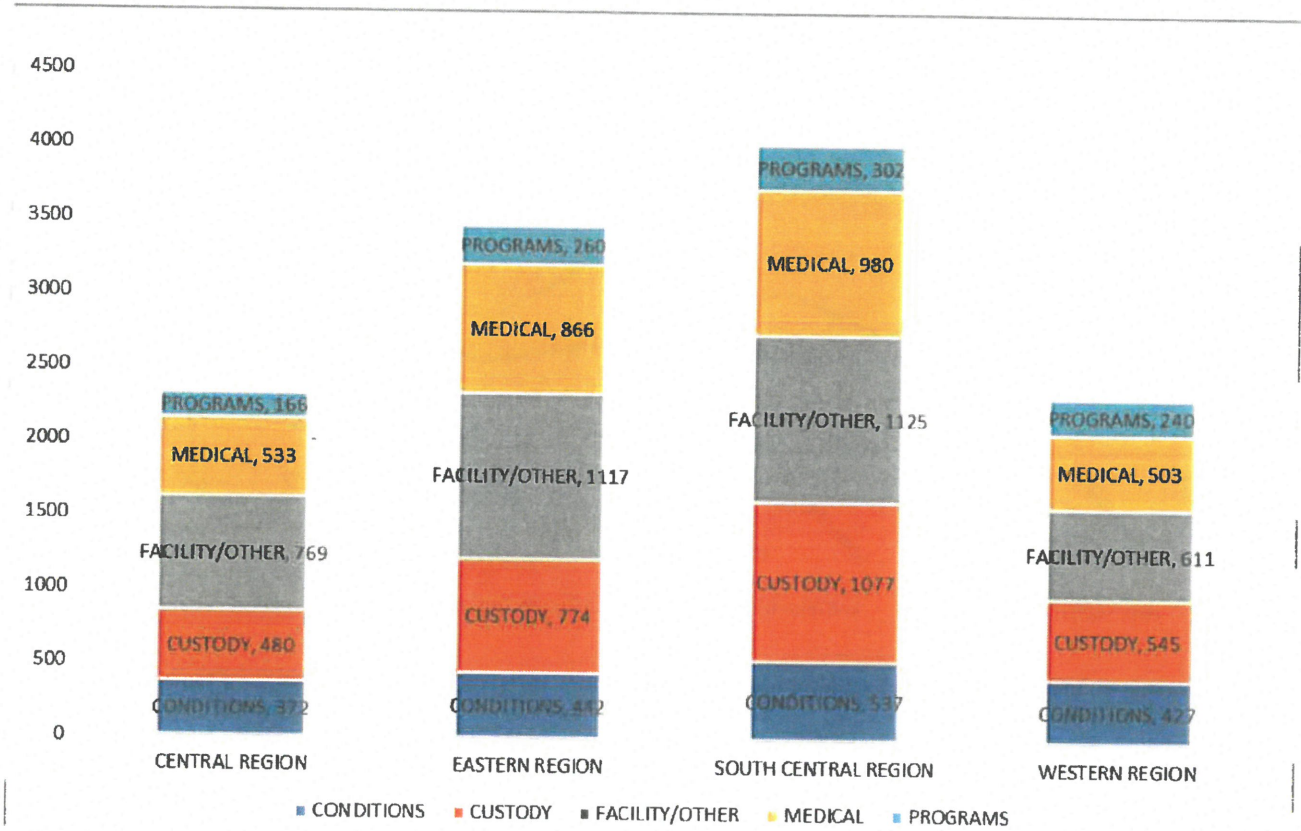


Figure 19: Regional Grievance Appeals Trends by Category – Conditions

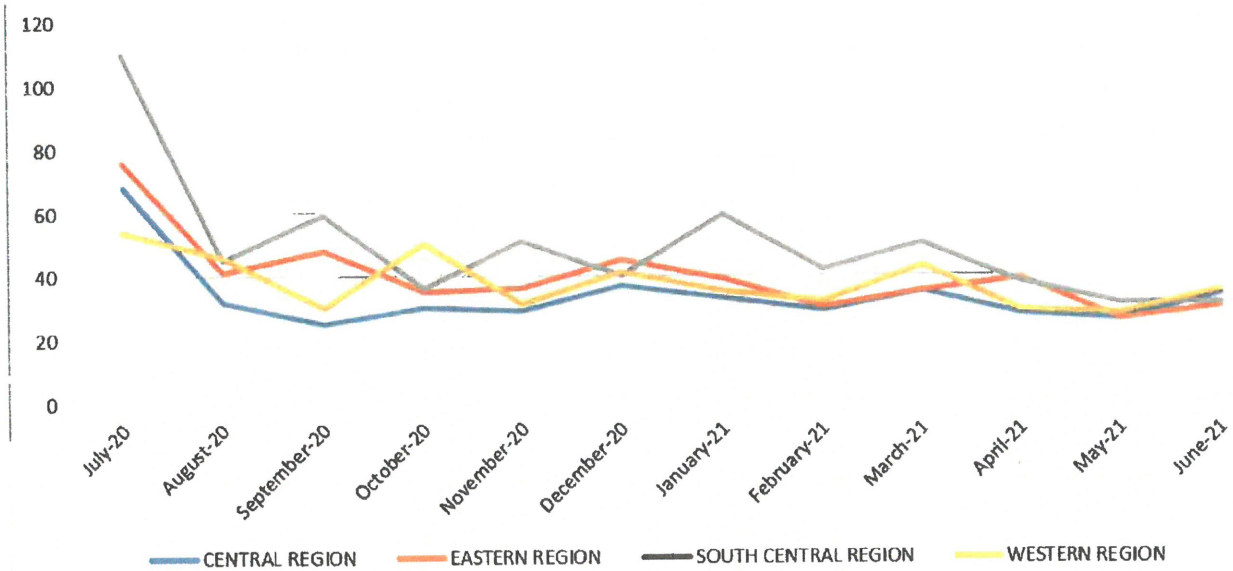


Figure 20: Regional Grievance Appeals Trends by Category – Custody

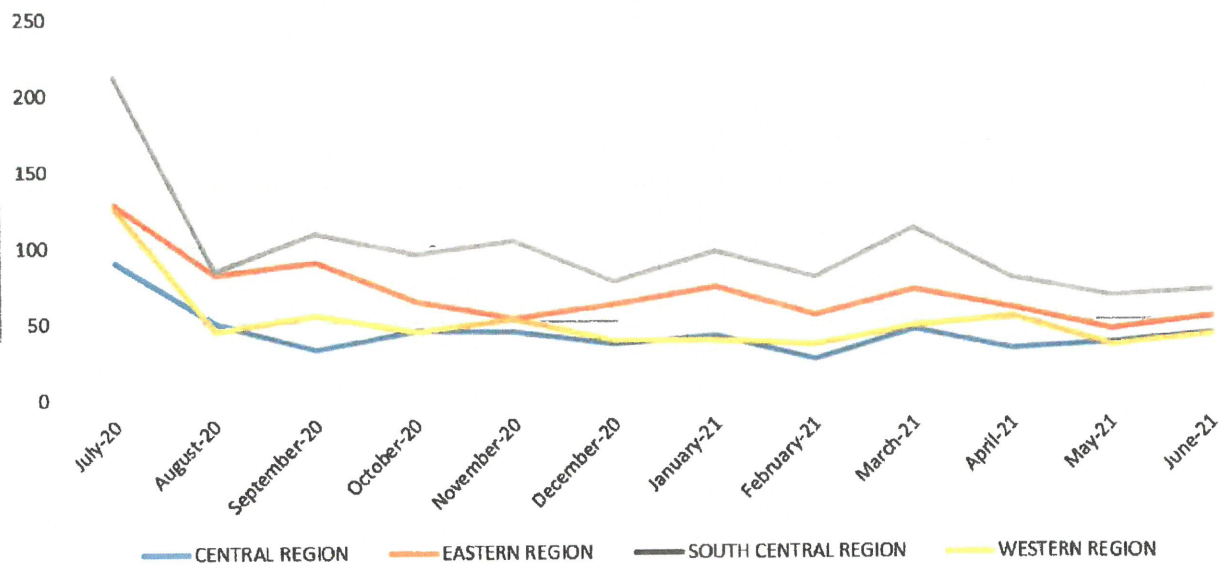


Figure 21: Regional Grievance Appeals Trends by Category – Facility/Other

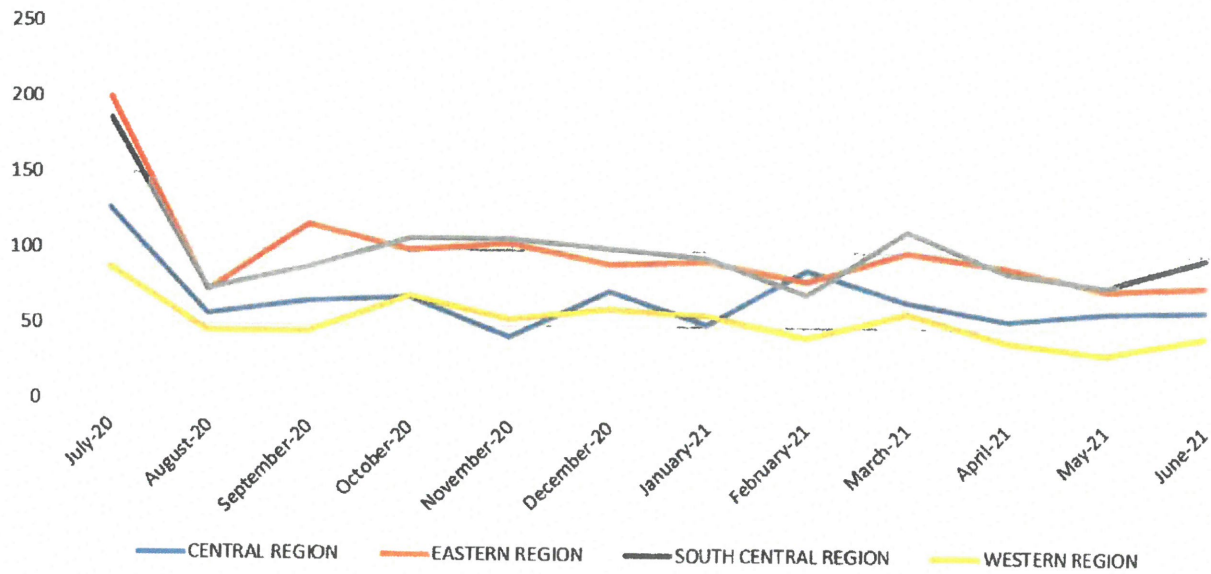


Figure 22: Regional Grievance Appeals Trends by Category – Facility/Other

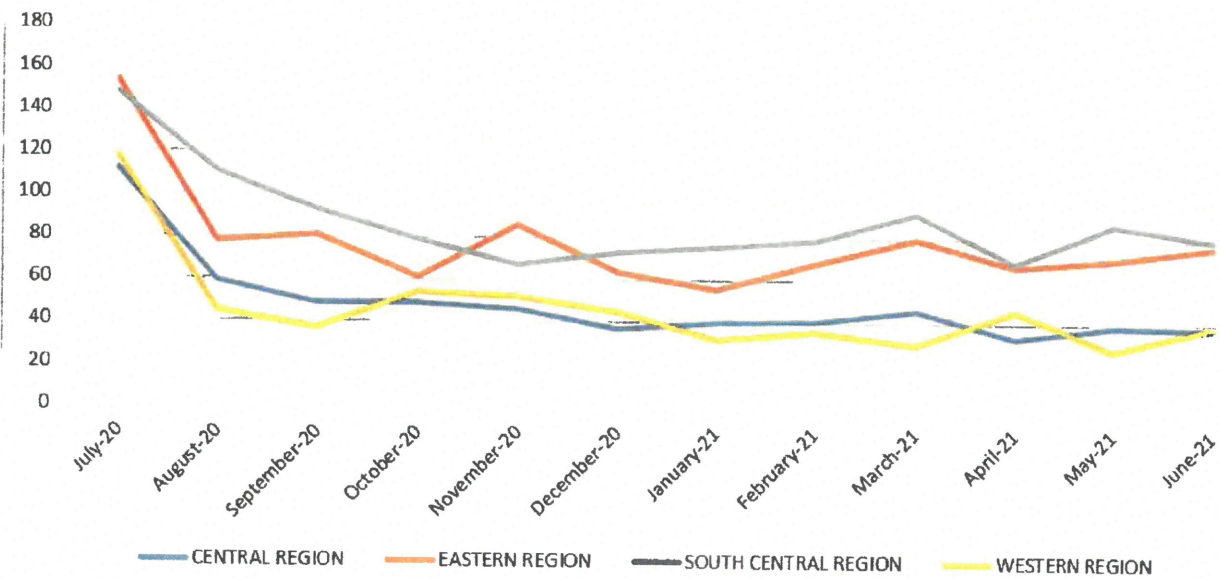
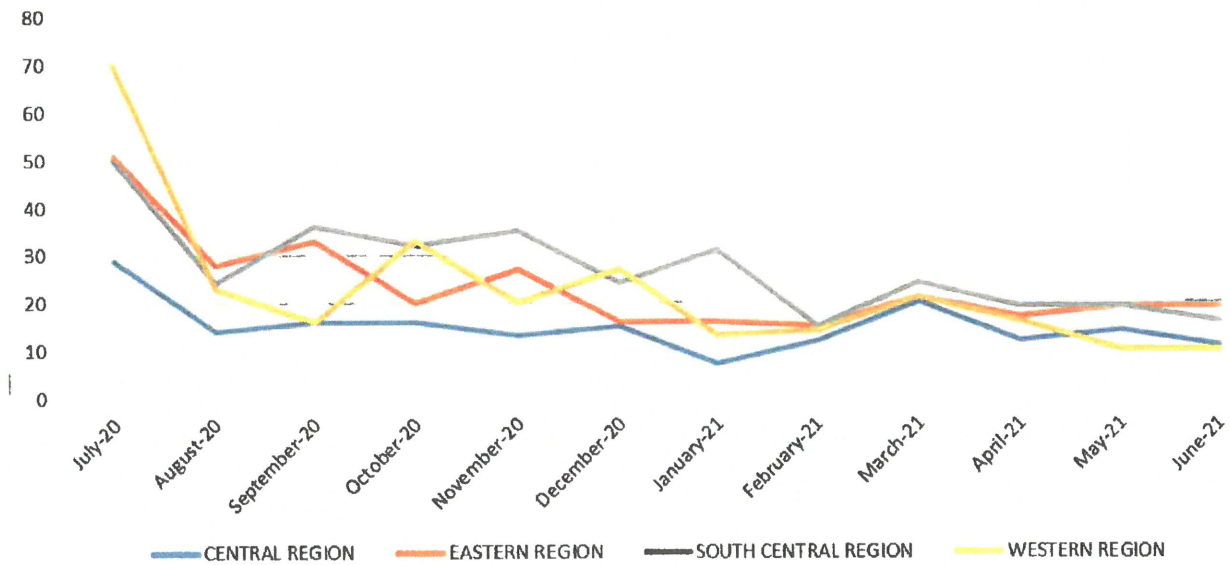


Figure 23: Regional Grievance Appeals Trends by Category – Facility/Other



Section 5:
The Number of Orders Filed By the Board

Written responses to an offender's Step 3 grievance appeal issued by Grievance Examiner is an "order filed" for purposes of this section. By that measure, the Grievance Examiners issued 12,111 orders during Fiscal Year 2020-2021. The disposition or merit codes of the responses to Step 3 offender grievances appeals are listed below.

Figure 24: Disposition/Merit Code of IGRB Orders:

Merit Code	Count
Dis.-Lacks merit	1,049
Dis.-Lacks supporting evidence	2,001
Dis.-Out of scope	368
Dis.-Unable to substantiate	49
Inmate no longer pursuing	11
Inmate paroled/released	79
Other	0
Resolved-Prison Staff	5,034
Resolved-IGRB Staff	3,520
Total	12,111

