



North Carolina Department of Public Safety

Adult Correction and Juvenile Justice

Roy Cooper, Governor
Erik A. Hooks, Secretary

W. David Guice, Chief Deputy Secretary

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: Erik A. Hooks, Secretary *EAH*
W. David Guice, Chief Deputy Secretary *WDG*
Jodi Harrison, Acting Executive Director, North Carolina Inmate Grievance Resolution Board *JH*

RE: Inmate Grievance Resolution Board Report

DATE: October 1, 2017

Pursuant to Session Law 2016-94, Section 17C.2, 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 appeals received by the Board.*
- (3) Number of grievances appeals resolved by the Board.*
- (4) Type of grievance by category.*
- (5) Number of orders written by examiners.*

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1. Brief summary of the inmate grievance process

The North Carolina Department of Public Safety has established an Administrative Remedy Procedure by which inmate grievances may be registered and addressed.

A grievance is a written complaint by an inmate or on the inmate's behalf concerning an action, incident, policy, or condition within the facility or within Prisons as a whole. Every inmate 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. The procedure is also posted at every prison facility. If the inmate is not capable of understanding the procedure or completing the grievance form, he or she may request assistance.

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 may be 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, but no grievance involving allegations of sexual abuse or harassment may be rejected. Time limitations are imposed and all grievances should be processed within ninety 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. A formal written response to the inmate should be made within fifteen 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 by which the decision will be made.

The grievance process is comprised of three steps. They are:

Step 1: An inmate may submit a grievance to the facility head or the designated screening officer by using Form DC-410. The screening officer reviews the grievance and, under criteria set forth in policy, decides whether to accept the grievance or to reject it. If the grievance is rejected by the screening officer, the inmate is informed of the rejection reason in writing and he or she has the opportunity to appeal the rejection to the facility head.

A grievance must be screened within three days of receipt. If the screener determines the grievance should be considered, he or she forwards it to the staff member whom the screening officer believes can best provide information or explanation. The assigned officer prepares a written response and supporting documentation, which is returned to the screening officer. The screening officer subsequently meets with the inmate to explain the response and, if feasible, to attempt to resolve the grievance. The screening officer then reports the conclusion to the facility

head or designee. The facility must provide a formal response to the inmate within fifteen days of receipt of 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. The inmate must appeal the Step 1 determination in writing within twenty-four hours of receiving it. The facility head may investigate the grievance or may assign a staff member to investigate it. After the investigation is complete, the facility head completes a written response that indicates the decision and the reasons for the decision, and has this response delivered to the inmate. If the subject of the inmate's grievance is the alleged action or inaction of the facility head, then the grievance will be forwarded to the Prisons Region Director for completion of Step 2 review.

Step 3: If the inmate is not satisfied with the Step 2 decision, he or she may appeal to the Secretary of Public Safety, who has delegated this task to the Inmate Grievance Resolution Board. The inmate must appeal the Step 2 decision in writing within twenty-four hours of receiving it. If the inmate appeals, the facility screening officer immediately forwards the completed grievance form to the Executive Director of the Inmate Grievance Resolution Board. The Executive Director assigns every grievance to an Inmate Grievance Examiner.

The Inmate Grievance Examiners investigate inmate grievances pursuant to the procedures established by the Administrative Remedy Procedure. They may conduct an independent investigation limited to the specific issues brought forward in the grievance or they may rely on the investigations already completed. They may attempt to resolve grievances through mediation with all parties, may order such relief as is appropriate, or may deny the grievance. The decision of the grievance examiner is binding unless the Secretary of Public Safety: (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. Gen. Stat. § 148-118.8(b).

The decision of the grievance examiner, or the modification by the Secretary, constitutes the final step of the Administrative Remedy Procedure. Both state and federal law require an inmate to exhaust his or her administrative remedies prior to filing a lawsuit against the Department. *See* Gen. Stat. § 148-118.2 and 42 U.S.C. § 1997e(a).

Grievances that allege sexual abuse or sexual harassment may not be rejected by the Department. In the event such a grievance is received, the Department's PREA (Prison Rape Elimination Act) Office must be immediately notified. Such grievances are immediately escalated to Step 2 and must be investigated by a specially-trained PREA investigator.

2. Number of grievances appeals received by the Board

In fiscal year 2016-2017, the Inmate Grievance Resolution Board received 13,700 inmate grievances. This represents a 4.5% decrease in the number of grievances received compared to FY 2015-2016.

3. Number of grievances appeals 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 inmate. In fiscal year 2016-2017, the Inmate Grievance Resolution Board resolved 14,036 inmate 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.

4. Type of grievance by category

During fiscal year 2016-2017, the Board received grievances in the following categories and in the following numbers:

Categories	Count
Assignment	774
Peers	99
PREA	146
Staff	2,552
Transfer	387
ADA	70
Clothing	146
Facility	264
Medical	4534
Unit policy	864
Classification	505
Disciplinary	180
Food	362
Programs	1077
Property	1,740
Out of Scope	227
Total	13,700

5. Number of orders written by examiners

To date, the Board has considered every written response to be an order written. By that measure, the Board wrote 14,036 orders in fiscal year 2016-2017. In fiscal year 2017-2018, the Board will be clarifying what action constitutes the writing of an order, in order to more specifically track and report the various actions undertaken by Board staff.

