

District of Columbia

DEPARTMENT OF CORRECTIONS

Washington, D.C. 20001



Office of the Director

DEPARTMENT ORDER

OPI: DIR

Number: D.O. 4030.1D

Effective Date: May 4, 1992

Chapter: Inmate Management & Programs

Subject: Inmate Grievance Procedure (IGP)

I. Purpose: To establish an administrative procedure through which inmates of the District of Columbia Department of Corrections (DCDC) may seek formal redress of their grievances.

II. Policy: It is the policy of the DCDC to resolve inmate complaints through informal means whenever possible and provide an expedient formal system for resolving grievances when informal procedures have failed. Inmates are expected to use the intra-Departmental grievance procedure before resorting to litigation.

III. Applicability: This Order applies to inmates and employees under the authority of the DCDC and located in correctional institutions operated by the DCDC.

IV. Authority: The Associate Director for Institutions and the Associate Director for Programs are delegated the authority to enforce the requirements of this directive. Each Institution Administrator shall be responsible for ensuring that the requirements of this directive are accomplished.

V. Directives Affected: This Order cancels Department Order 4030.1C, "Administrative Remedy Procedure (ARP)," dated February 15, 1991.

VI. Definitions: For the purpose of this Order, the following definitions apply:

A. Correctional Institution - Any prison, jail, or community correctional center (halfway house or contract house), under the authority of the DCDC, which houses inmates.

B. Grievance - A written complaint filed by an inmate on his/her own behalf regarding a policy applicable within a correctional institution, a condition in a correctional institution, an action involving an inmate in a correctional institution, or an incident occurring within a correctional institution. The term "grievance" does not include complaints relating to parole decisions, decisions of the Adjustment/Housing Boards pursuant to the Lorton Regulations Approval Act, Classification Committee decisions, requests under Freedom of Information Acts, Inmate Accident Claims, Tort Claims, and grievances filed on behalf of other inmates.

C. Institution Administrator - The chief executive officer of a prison, jail, or community correctional center.

D. Reprisal - Any overt or covert action or threat of action against an inmate for the good faith use of, or participation in, the inmate grievance process.

E. Tour-of-duty - The period of time a DCDC employee is scheduled to work.

VII. Procedures:

A. Inmate Notification

1. This Department Order and any other written directives pertaining to the IGP shall be readily available to all inmates housed in DCDC institutions. An explanation of the inmate grievance procedure shall also be provided to each inmate upon his/her arrival at a correctional institution. Each inmate shall be given the opportunity to ask questions concerning the IGP and given an opportunity to have these questions answered orally.

2. Provisions shall be made to accommodate non-English speaking inmates, impaired and handicapped inmates, with their understanding of and access to the IGP. The written IGP shall be available in any language spoken by a significant portion of the institutional population.

3. This Department Order shall be posted on inmate bulletin boards, and as appropriate, in inmate publications.

B. Staff Notification

1. This Department Order and any other written directives pertaining to the IGP shall be made available to all staff assigned to correctional institutions operated by the DCDC.

2. Each institutional staff member, upon his/her arrival at a correctional institution, must read and understand the IGP. Each institutional staff member shall have an opportunity to ask questions regarding the IGP and will be given an opportunity to have these questions answered orally.

3. The Department's Training Academy shall include a discussion of the IGP as part of its routine training curriculum for employees.

C. Inmate Grievance Advisory Committee (IGAC)

1. Each correctional institution shall establish and maintain an IGAC. The IGAC shall be composed of three (3) inmates and three (3) employees. A Department of Corrections employee shall serve as the chairperson of the committee.

2. The IGAC shall have the following responsibilities:

a. Reviewing draft revisions of the Department's IGP directive while the directive is in the formulation stage and providing any relevant comments to the Office of Policies and Procedures;

b. Continually monitoring the IGP to determine the effectiveness and credibility of the system;

c. Providing recommendations and comments to the affected Institution Administrator regarding the operation, effectiveness, and credibility of his/her institution's IGP;

d. Forwarding any recommendations for changes or comments regarding the operation, effectiveness, or credibility of the IGP process through the Institution Administrator to the Office of Policies and Procedures;

e. Upon an inmate's request, provide technical assistance and advice to inmates using the IGP;

f. Providing recommendations and advice to the Institution Administrator in response to all grievances which challenge general policy and practices. In addition, the affected Institution Administrator shall obtain the recommendations and advice of the IGAC before such grievances are adjudicated.

D. Review of the IGP Department Order

1. The IGP Department Order shall be reviewed by the Office of Policies and Procedures on an annual basis.

2. Each IGAC shall review the agency's IGP Department Order on an annual basis. This annual review shall be written and include comments and recommendations relative to the IGP Department Order. The IGAC's annual review shall be forwarded through the Institution Administrator to the Chief, Office of Policies and Procedures, at least thirty (30) days prior to the effective date of the current IGP Department Order.

E. Evaluation

1. The Office of Planning Analysis shall perform biannual evaluations of the Department's IGP. The Program Analysis Officer shall submit this evaluation to the Director and the Chief, Office of Policies and Procedures, by the 15th day of October each even numbered year (e.g., 1992, 1994, 1996).

2. At a minimum, the biannual evaluation of the IGP shall include assessments of the following operational factors:

a. Compliance with Response Time - An assessment to determine if inmate grievances are responded to within the prescribed time periods.

b. Availability of Forms - A determination of the accessibility and availability of the forms used to submit grievances.

c. Responses to Grievances - An analysis to determine if appropriate responses and remedies are being provided in response to grievances.

d. Credibility of the System - An assessment of inmate knowledge of, satisfaction with, and confidence in the IGP.

e. Conclusions and Recommendations - An evaluation of the data generated through the IGP process (e.g., number of grievances, types of grievances filed, number and types of grievances by institutions). This data shall be used to develop specific conclusions and recommendations regarding Department operations and the Department's IGP.

F. Grievance Process

1. Whenever an inmate has a dispute or complaint, the affected inmate should first seek to resolve this situation through informal means. These informal means consist of verbally notifying and discussing the complaint with the relevant parties or an appropriate DCDC employee.

2. Whenever an inmate has been unable to resolve a complaint through informal means, he/she may file a formal grievance by completing IGP Form 1 (See Attachment 1). Each grievance must pertain to one specific incident, charge, or complaint.

3. Each formal grievance must be filed within fifteen (15) calendar days of the incident that precipitates the filing of a grievance. Under extraordinary circumstances, an extension of the filing period may be granted.

4. Requests for filing period extensions must be submitted to the Institution Administrator. Institution Administrators shall respond to requests for extensions within six (6) calendar days following receipt of these requests.

5. Institution Administrators shall provide a written response to inmate grievances within fifteen (15) calendar days (ten (10) calendar days at community correctional centers) following the receipt of an inmate grievance.

6. The IGP shall be available to inmates regardless of any disciplinary, classification, or other administrative or legal condition affecting them.

7. In any instance when a sufficient response to a grievance can not be rendered within the prescribed time limitations, the affected inmate must be notified of this fact in writing. Whenever a grievance does not receive a response within the prescribed response time, as established in this Order, the inmate may proceed to the next step in the grievance procedure. An inmate may waive this right if he/she has agreed in writing to an extension of the allowable response time and the specific length of the extension is also stated in writing.

8. Inmates must be provided written justification for any decision which is rendered on a grievance or grievance appeal.

9. An inmates' failure to adhere to any of the prescribed requirements of this Order can result in a grievance being dismissed.

G. Appeal Process

1. If an inmate housed in a community correctional center is not satisfied with the Institution Administrator's response to his/her grievance, within five (5) calendar days, he/she may file an appeal with the Administrator for Community Correctional Centers by completing IGP Form 2 (See Attachment 2). This appeal must be accompanied by a copy of the Institution Administrator's response to the original grievance. The Administrator for Community Correctional Centers shall respond to an appeal within ten (10) calendar days following its receipt.

2. If an inmate housed in a community correctional center is not satisfied with his/her response from the Administrator for Community Correctional Centers, he/she may file another appeal to the Associate Director for Programs within five (5) calendar days, using IGP Form 3 (See Attachment 3). This appeal must be accompanied by copies of the original grievance and responses from the Institution Administrator and Administrator for Community Correctional Centers. The Associate Director for Programs shall respond to an appeal within ten (10) calendar days following its receipt.

3. If an inmate housed in a correctional institution, with the exception of a community correctional center, is not satisfied with the Institution Administrator's response to a grievance, he/she may file an appeal to the Associate Director for Institutions. This appeal must be filed within five (5) calendar days of receipt of the grievance response from an Institution Administrator, using form IGP Form 3 (See Attachment 3). The appeal must be accompanied by a copy of the original grievance and the Institution Administrator's response. The Associate Director for Institutions shall respond to an appeal within fifteen (15) calendar days following its receipt.

4. As a final appeal, an inmate who is dissatisfied with an appeal decision rendered by an Associate Director, may submit his/her grievance to the Director. This appeal must be submitted within five (5) calendar days following the receipt of a grievance response from an Associate Director.

5. The IGP Form 4 shall be used for filing an appeal to the Director (See Attachment 4). Appeals to the Director must be accompanied by the original grievance along with the corresponding responses. The Director shall respond to an inmate's appeal within (15) calendar days following its receipt.

6. The Director shall be the final level of appeal for each inmate who files a grievance in the DCDC.

H. Emergency Grievances

1. Emergency Grievances shall be defined as matters in which an inmate would be subjected to substantial risk of personal injury, or serious and irreparable harm, if the inmate filed the grievance in the routine manner with the normally allowed response times.

2. In each Emergency Grievance, the inmate must prominently label and identify the grievance as an "Emergency Grievance" at the top of the Inmate Grievance Form and state the nature of the emergency. Provided a bona fide emergency exists, as defined above, an Emergency Grievance shall be responded to as soon as possible and within seventy-two (72) hours following its receipt.

3. Each inmate should forward his/her Emergency Grievance directly and immediately to the administrative level at which an appropriate remedy can be achieved, i.e., the Institution Administrator, Administrator for Community Correctional Centers, Associate Director for Programs or Associate Director for Institutions, or the Director.

4. The following special provisions shall apply to Emergency Grievances:

a. Institution Administrators shall respond to an Emergency Grievance within seventy-two (72) hours of its receipt.

b. Upon receipt of a response to a grievance and within forty-eight (48) hours, an inmate may appeal to the next level of the IGP appeal process.

c. The Administrator for Community Correctional Centers and the Associate Directors shall respond to an Emergency Grievance within seventy-two (72) hours of its receipt.

d. The Director shall respond to an Emergency Grievance within seventy-two (72) hours of its receipt.

5. If an inmate's grievance is of a sensitive nature and he/she has reason to believe that he/she would be adversely affected if it was to become known at the institution level, he/she may file the grievance directly with the Director. All such Emergency Grievances may be forwarded via the regular institution mail.

I. Logs/Reports

1. Each correctional institution shall maintain a "Monthly IGP Log," which records all formal grievances filed under the IGP. Not later than the tenth day of each month, a copy of this log which reflects grievances filed during the previous month, shall be forwarded to the Director through the Chief, Correctional Litigation Unit. Copies of this log must also be provided to the Office of Policies and Procedures and Office of Planning Analysis. IGP Form 6 shall be used for this purpose (See Attachment 6).

2. Each agency official who renders a decision on an inmate grievance appeal shall maintain a "Monthly IGP Appeal Log." This log shall record ~~all appeals filed under the IGP.~~ Not later than the tenth day of each month, a copy of this log showing the appeals received during the previous month shall be forwarded to the Director through the Chief, Correctional Litigation Unit. Copies of this log must also be provided to the Office of Policies and Procedures and Office of Planning Analysis. IGP Form 7 shall be used for this purpose (See Attachment 7).

3. All records, logs, and reports that pertain to an inmate grievance shall be maintained for at least three (3) years following the final disposition of a grievance.

J. Confidentiality. Records concerning an individual's participation in the IGP are considered confidential. These records shall be made available in accordance with the established procedures for confidential records and information.

K. IGP Forms.

1. Each correctional institution shall maintain a sufficient supply of IGP forms. Each institution's Shift Supervisor is responsible for ensuring that sufficient IGP forms are available and accessible at his/her correctional institution during his/her tour-of-duty.

2. Inmates may obtain IGP forms from a Correctional Officer who is assigned to his/her housing unit. Each Correctional Officer shall ensure that inmates who request an IGP form are provided a form during his/her tour-of-duty.

3. If a IGP form can not be obtained, an inmate may submit his/her grievance on standard letter size paper. This grievance should contain the following information:

- a. The name and DCDC number of the inmate filing the grievance.
- b. The name of the correctional institution where the inmate resides.
- c. The nature of the complaint/grievance and the remedy sought.
- d. The inmate's signature.
- e. Date the grievance form is completed.

4. Completed grievance forms shall be accepted by the Shift Supervisor, or his/her designee, who is on duty during the shift the grievance is submitted. Each employee who accepts an inmate grievance must provide the inmate with a receipt for its acceptance.

L. Local Directives. Institution Administrators may develop Division Operation Procedures consistent with the procedures described in this Order. A copy of these Division Operation Procedures shall be forwarded to the Office of Policies and Procedures.

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M. IGP Coordinators. Each Institution Administrator shall appoint an IGP Coordinator. The IGP Coordinator shall be responsible for coordinating activities and operations associated with the IGP.

N. Training. The Training Administrator, DCDC, shall coordinate a training program for IGP Coordinators. Comprehensive training on the IGP will be conducted on an as needed basis and at least once annually.

O. Prohibitions.

1. Staff who are implicated or involved in a grievance are prohibited from investigating that grievance.

2. Inmates may not participate in the resolution of an inmate grievance over the objection of an inmate who is affected by the grievance.

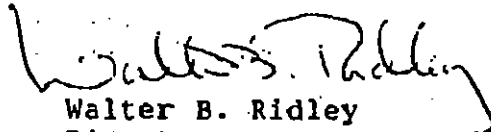
3. Reprisals against inmates for the good faith filing of grievances or legal actions are strictly prohibited by the DCDC. Inmates who believe they have been subjected to reprisals for using the IGP may submit a subsequent grievance seeking a remedy.

VIII. References:

Lorton Regulation Approval Act of 1982

Title 28, Code of Federal Regulations, Part 40.

American Correctional Association Standard: 3-4271


Walter B. Ridley
Director

Attachments:

- (1) IGP Form 1
- (2) IGP Form 2
- (3) IGP Form 3
- (4) IGP Form 4
- (5) IGP Codes
- (6) Monthly IGP Complaint Log (IGP Form 6)
- (7) Monthly IGP Appeal Log (IGP Form 7)

INMATE GRIEVANCE APPEAL
Administrator for Community Correctional Centers' Remedy

District of Columbia Department of Corrections

(Please Print Clearly Using a Ballpoint Pen or Type)
(Attach Additional Sheets if Necessary)

Grievant:

Last Name, First Name, M.I. DCDC No. Cell/Block No. Institution

Part A

Reason For Appeal:

DATE

SIGNATURE OF GRIEVANT

Part B

Response:

DATE

IGP NO.

ADMINISTRATOR'S SIGNATURE

If you are dissatisfied with this response, you may appeal to the Associate Director for Programs within five (5) calendar days following receipt of this response, using IGP Form 3.

RECEIPT

Grievant:

Last Name, First Name, M.I. DCDC No. Institution

Date

IGP No.

Signature of Staff Recipient

FORM 1
(3/92)

INMATE GRIEVANCE
Institution Administrator's Remedy

District of Columbia Department of Corrections

(Please Print Clearly Using a Ballpoint Pen or Type)
(Attach Additional Sheets if Necessary)

Grievant's Information:

- 1. _____ 2. _____
Last Name, First Name, M.I. DCDC No.
- 3. _____ 4. _____
Cell/Block No. Correctional Institution

Part A

Complaint:

Remedy Sought:

DATE

SIGNATURE OF GRIEVANT

Part B

Institution Administrator's Response:

DATE

IGP NO.

ADMINISTRATOR'S SIGNATURE

- See Appeal Procedures on Back -

RECEIPT

Grievant:

Last Name, First Name, M.I. DCDC No. Institution

Date IGP No. Signature of Staff Recipient

INMATE GRIEVANCE APPEAL
Associate Director's Remedy

District of Columbia Department of Corrections

(Please Print Clearly Using a Ballpoint Pen or Type)
(Attach Additional Sheets if Necessary)

Grievant:

Last Name, First Name, M.I. DCDC No. Cell/Block No. Institution

Part A

Reason For Appeal:

DATE

SIGNATURE OF GRIEVANT

Part B

Response:

DATE

IGP NO.

ASSOCIATE DIRECTOR'S SIGNATURE

If dissatisfied with this response, you may appeal to the Director by using IGP Form 4. Your appeal must be filed within five (5) calendars following your receipt of this response.

RECEIPT

Grievant:

Last Name, First Name, M.I. DCDC No. Institution

Date

IGP No.

Signature of Staff Recipient

I N M A T E G R I E V A N C E A P P E A L
Director's Remedy

District of Columbia Department of Corrections

[Please Print Clearly Using a Ballpoint Pen or Type]
[Attach Additional Sheets if Necessary]

Grievant:

Last Name, First Name, M.I. DCDC No. Cell/Block No. Institution

Part A

Reason For Appeal:

DATE SIGNATURE OF GRIEVANT

Part B

Response:

DATE IGP NO. DIRECTOR'S SIGNATURE

This is the final level of appeal/decision within the D.C.
Department of Corrections.

RECEIPT

Grievant: Last Name, First Name, M.I. DCDC No. Institution

Date IGP No. Signature of Staff Recipient

INMATE GRIEVANCE CODES
[For Use With Monthly Inmate Grievance Procedure Logs]

<u>Code</u>	<u>Subject</u>	<u>Types of Complaints</u>
1	Transfers	Complaints regarding transfers between correctional institutions only, this includes returns from Community Correctional Centers or Release Programs.
2	Programs	Complaints regarding program activities, e.g., quality of, operation of, availability of, etc.
3	Communications	Complaints regarding visits, phone usage, mail.
4	Property	Complaints regarding personal property, i.e., loss, theft, or damage of property.
5	Case Management	Complaints regarding case management duties and responsibilities.
6	Sentence	Complaints regarding good time, sentence computation, detainers, jail time.
7	Medical	Complaints regarding health services, e.g., quality of treatment, availability of treatment, medicine, equipment, etc.
8	Inmate Finance	Complaints regarding inmate finance and canteen.
9	Transportation	Transportation complaints, this includes availability of staff/vehicles to transport persons to court, school, medical appointments, etc.
10	Food	Complaints regarding Food Services.
11	Facilities Management	Complaints regarding sanitation and maintenance of buildings and grounds.
12	Staff Treatment	Complaints regarding staff treatment.
13	Prison Regulations	Complaints regarding a Correctional Institutions' established policies, procedures, regulations.
14	Other	Complaints not included in the categories above.

<u>Code</u>	<u>Disposition</u>
+	Inmate's Remedy Granted
-	Inmate's Remedy Denied
o	Other Disposition (Please Specify)

DEPARTMENT OF CORRECTIONS
INMATE GRIEVANCE PROCEDURE (IGP)
MONTHLY APPEAL LOG

MONTH _____ YEAR _____ OFFICE OF APPEAL

APPEAL NUMBER	DATE REC'D	INMATE'S NAME (Last, First, MI.)	DOC NUMBER	INSTITUTION	SUBJECT OF APPEAL	CODE	DISPOSITION	RECORDS