
 <p style="text-align: center;">STATE OF NEW YORK DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION</p> <p style="text-align: center;">DIRECTIVE</p>	TITLE		NO. 4041
	Inmate Grievance Program- Modification Plan		DATE 12/12/2011
SUPERSEDES DIR #4041 Dtd. 10/19/2010	DISTRIBUTION A B	PAGES PAGE 1 OF 2	DATE LAST REVISED
REFERENCES (Includes but are not limited to) Dir #4040, "Inmate Grievance Program" 7NYCRR Part VIII, Sections 702.1-702.7	APPROVING AUTHORITY 		

§ 702.1 Purpose

The purpose of this directive is to modify the instructions contained in Directive #4040, "Inmate Grievance Program," and to assist facilities specifically approved by the Director, Inmate Grievance Program, in implementing the program at those facilities.

§ 702.2 General

(a) This plan recognizes that there are certain unique factors present in some facilities' operations that are not present in general confinement facilities. This plan addresses itself to the following factors that limit the availability of inmates to function as inmate representatives or to participate in the Inmate Grievance Program:

- (1) Inmates transferred to some facilities generally are within six months of meeting the parole board; and
- (2) Inmates at some facilities are involved in temporary release programs spending from six (6) to fourteen (14) hours daily in pursuit of employment or education and have regular weekend furloughs, as well as daily family visits.

(b) Facilities authorized to implement this modification plan shall comply with Directive #4040, "Inmate Grievance Program," except as specified below.

§ 702.3 Staff Coordination

The Superintendent shall designate a staff member to be responsible for coordinating grievance activities within the facility, recording and processing grievances through each step, and reporting monthly grievance activity to the Director, Inmate Grievance Program.

§ 702.4 Procedures

(a) *First Step*

- (1) Inmate grievance forms shall be made available to any inmate through the facility's duty office within twenty-four (24) hours of a request.
- (2) An inmate may seek assistance from any other inmate or staff member of the inmate's choice.
- (3) The completed grievance form shall be transmitted to the designated staff person who shall attempt to help resolve the grievance informally. At Shock Incarceration Facilities an inmate may, if appropriate, air his or her grievance during a scheduled evening Network Community Meeting in an attempt to resolve it informally.
- (4) If the grievance cannot be resolved informally, the designated staff shall convene an IGRC hearing within sixteen (16) calendar days from the date the grievance was received by that staff person. The IGRC shall be composed of two staff representatives appointed by the Superintendent, two inmates selected by the grievant, and a non-voting chairperson designated by the Superintendent or designee.
- (5) At the IGRC hearing, the inmate, the advisor, and the other parties shall hear the grievance, and the IGRC shall render a decision/recommendation.

(b) *Second Step*

(1) Within seven (7) calendar days of receiving the written decision/recommendation by the IGRC on the grievance complaint form, the inmate or any direct party to the grievance may appeal the IGRC decision/recommendation to the Superintendent by filing an appeal form with the person designated by the Superintendent. If no appeal is filed, it will be presumed that the inmate or direct party accepts the committee's decision/recommendation.

(2) The normal procedure for step two (Directive 4040, "Inmate Grievance Program," §701.5 (c)) shall then be followed.

(c) *Third Step*

(1) Within seven (7) calendar days after receipt of the Superintendent's written response to the grievance, the inmate or any direct party to the grievance may appeal the Superintendent's action to the Central Office Review Committee (CORC) by completing the Notice of Decision to Appeal and returning it to the person designated by the Superintendent.

(2) The normal procedure for step three (Directive 4040, "Inmate Grievance Program," §701.5 (d)) shall then be followed.

§ 702.5 Harassment

The procedures for processing grievances regarding allegations of employee harassment as outlined in Directive #4040, "Inmate Grievance Program," §701.8 shall be followed.

§ 702.6 Unlawful Discrimination

The procedures for processing grievances regarding allegations of unlawful discrimination as outlined in Directive #4040, "Inmate Grievance Program," §701.9 shall be followed.

§ 702.7 Strip Search/Strip Frisk

The procedures for processing grievances alleging of violation of Department policy regarding strip searches or strip frisks as outlined in Directive #4040, "Inmate Grievance Program," §701.10 shall be followed.