



REVISION NOTICE

415

		THE CITY OF NEW YORK DEPARTMENT OF CORRECTION			
<input type="checkbox"/> NEW		<input type="checkbox"/> INTERIM		<input checked="" type="checkbox"/> REVISED	
EFFECTIVE DATE 3 / 04 / 85		*TERMINATION DATE / /		SUBJECT INMATE GRIEVANCE RESOLUTION PROGRAM	
CLASSIFICATION # 3375R	SUPERSEDES	DATED	DISTRIBUTION A & B	PAGE 1 OF 8 PAGES	
RECOMMENDED FOR APPROVAL BY REVIEW BOARD MEMBER			AUTHORIZED BY THE COMMISSIONER		
SIGNATURE			SIGNATURE		

I. PURPOSE



The purpose of this Directive is to set forth policy and procedure for the grievance program. The grievance mechanism is designed to provide inmates with a formal process to redress their complaints, decrease litigation in the courts, ease facility tension, and improve conditions of confinement. The IGRP also provides information to all levels of management regarding the overall operation of the Department. The grievance mechanism is not an adversary process.

II. DEFINITIONS

A. GRIEVANCE

A grievance is:

- ° a complaint pertaining to any written or unwritten policy of the Department of Correction, or any of its service units, or the manner in which these policies are carried out;
- ° a complaint pertaining to the absence of a policy, regulation or rule;
- ° a complaint pertaining to any behavior or action directed toward an inmate that is not a matter within the jurisdiction of the Inspector General.

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B. NON-GRIEVABLE ISSUES

Among the issues that are non-grievable are:

- ° matters under investigation by the Inspector General;
- ° complaints pertaining to an alleged assault or verbal harassment;
- ° complaints pertaining to matters in litigation;
- ° complaints where there is already an existing appeal mechanism within the Department of Correction, i.e., determinations of disciplinary hearings and classification;
- ° matters outside the jurisdiction of the Department of Correction;
- ° complaints which do not directly affect the inmate.

C. GRIEVANCE COORDINATOR

- ° Responsible for coordinating the functions of the IGRC, i.e., provides information to administrative staff; responsible for insuring that the program operates within the confines of this Directive; provides direct supervision to grievance staff in the institution. The Coordinator participates in investigations of grievances when appropriate, and shall be permitted unescorted movement throughout the housing areas.

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D. UNIFORMED STAFF REPRESENTATIVES

Responsible for fact-finding, mediation and resolution of grievances, as well as assisting with the implementation of resolved grievances. The staff representative is a voting member at the IGRC hearing.

E. ELECTED INMATE REPRESENTATIVE

Responsible for assisting in fact-finding, mediation and resolution of grievances, as well as the implementation of resolved grievances. The inmate representative is a voting member at the IGRC hearing.

F. ELECTED INMATE ALTERNATES

Serves as a backfill for elected inmate representatives.



Responsible for all duties performed by the inmate representative during his/her absence.

G. INMATE CLERK

Responsible for all clerical functions of the IGRC.

H. INMATE HOUSING AIDES

Responsible for explaining the IGRC to inmates in the housing areas. Assists with the identification and verification of problem areas related to specific grievances within assigned housing areas.

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I. GRIEVANCE COMMITTEE HEARING MEMBERS

The Inmate Grievance Resolution Committee is a five member body, consisting of two voting inmates, two voting uniformed staff members, and a volunteer non-voting chairperson. The non-voting chairperson may be a uniformed or civilian staff member associated with the institution, who is trained by grievance staff.

J. CENTRAL OFFICE REVIEW COMMITTEE MEMBERS (CORC)

The Central Office Review Committee consists of the following staff: Deputy Commissioner for Capital Development and Support Services; Deputy Commissioner for Management and Budget, Special Counsel, Chief of Operations, the Deputy Commissioner for Programs, and Assistant Commissioner for Compliance and Field Audits. The Deputy Commissioner for Programs shall call and chair all CORC meetings as needed.

All CORC members are directed to send an appropriate designee to meetings when they cannot attend. An appropriate designee is one who has the authority to make policy decisions.



The CORC may request additional department employees to attend CORC meetings.

III. PROCEDURE

A. SELECTION OF STAFF

1. UNIFORMED STAFF REPRESENTATIVES



Uniformed staff shall submit a written request for the position of staff representative to their Commanding Officers. The representative shall be selected by a committee composed of the Commanding Officer, the IGRP Director, and the Deputy Warden for Programs, based upon the applicant's past job performance, attendance records, and aptitude for the position.

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2. RULES AND PROCEDURES PERTAINING TO THE INMATE STAFF REPRESENTATIVE

- °The inmate representatives and alternates shall be elected by their peers.
- °An election shall be held every 80 days.
- °The Grievance Coordinator for the facility shall submit a nomination and election procedure to the Commanding Officer for approval.
- °The approved procedure shall be conspicuously posted in all inmate congregate areas prior to nomination.
- °The term of office for representatives shall not exceed three months.
- °No inmate representative shall serve more than two terms consecutively at a single facility.
- °An inmate representative shall not hold simultaneous membership on the Inmate Council.
- °Inmate representatives shall be paid as skilled workers under the Department's Incentive Wage Plan.
- °Before an elected inmate representative or alternate, who has replaced an elected representative of the Inmate Grievance Resolution Program can be removed from his/her position on the Committee or transferred to another facility, a due process hearing must be held; except, in cases where the inmate's presence or conduct necessitates transfer prior to the hearing, in order to safeguard the safety and security of the facility; or in cases where the inmate's classification has been changed.

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In the above cases, the transfer may be effected pending the hearing. However, said due process hearing must be held as soon as practicable at the receiving facility, and not longer than 72 hours after admission thereat, weekends and holidays excluded.

3. ELECTED INMATE STAFF ALTERNATE



There shall be at least two alternate inmate representatives in each facility. The Commanding Officer shall determine whether a facility's size warrants additional alternates.

4. INMATE HOUSING UNIT AIDES/OFFICE CLERKS

Grievance Office Clerks and Housing Unit Aides as needed, shall be selected by the Grievance Coordinator, with the approval of the Commanding Officer or his/her designee. All clerks and aides shall serve at the discretion of the Grievance Coordinator. Office clerks shall be paid as skilled workers under the Incentive Wage Plan. Housing Unit Aides shall be paid as semi-skilled workers.

B. INMATE GRIEVANCE PROGRAM OPERATIONS

1. INFORMAL REVIEW BY THE IGRC - An inmate files a grievance with the Committee. The Committee attempts to resolve the grievance informally within five working days. When necessary and appropriate, inmate representatives will accompany staff representatives during the fact finding process.
2. FORMAL REVIEW BY THE IGRC - If the grievance is not informally resolved, the inmate may request a formal hearing where witnesses may be called to appear before the Committee. The Committee makes a recommendation within three working days.

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3. REVIEW BY THE COMMANDING OFFICER - The inmate may take an appeal to the Warden of the IGRC's formal recommendation. The Warden is required to render a decision within five working days.
4. CENTRAL OFFICE REVIEW COMMITTEE - The inmate may appeal the Warden's decision to the Central Office Review Committee. The CORC shall render a decision within fifteen working days.
5. BOARD OF CORRECTION/COMMISSIONER - The inmate may file an appeal of the CORC's decision to the Board of Correction which issues or has an independent arbitrator issue an advisory recommendation to the Commissioner. The BOC has twenty working days to issue a recommendation to the Commissioner.

DECISION BY THE COMMISSIONER OF CORRECTION -
Within ten working days of receipt of the BOC's recommendation the Commissioner will issue a final decision.
6. TIME LIMIT EXTENSIONS - If a grievance is not decided within the allotted time frames, the grievant has the option of granting an extension or appealing the grievance to the next level.

IV. PROCEDURAL SAFEGUARDS

A. CODE OF ETHICS

1. Department members shall not obstruct an inmate from exercising his/her right to file a grievance.
2. Members shall neither seek nor receive preferential treatment because of their participation in the IGRC.
3. Members shall not abuse their particular duties and assignments.
4. Members shall be responsible for the safekeeping of grievance files and ensure against their unauthorized use.

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5. Members shall have a working knowledge of the program and their responsibilities as members.
6. Members shall not violate Department rules and regulations.

B. CONFIDENTIALITY OF FILES

Program files shall be handled in a manner which protects the confidentiality and interests of those individuals utilizing the grievance mechanism.

C. REPRISALS

No reprisals or adverse actions of any kind shall be initiated against any inmate or employee who utilizes the grievance procedure.

D. EMERGENCY GRIEVANCES

The Coordinator shall immediately refer a matter of an emergency nature directly to the Commanding Officer. An emergency shall include, but is not limited to, a situation, action, or condition in which an inmate or an employee's health, safety, or welfare is in imminent danger, or, there are serious problems relating to conditions of confinement, or the safety of the institution is affected.

E. SPECIAL PROVISIONS

Grievance Committees that operate on a part-time basis (less than 5 days per week) may do so with some modification of the procedures as outlined in this Directive. Such modifications may include curtailment of inmate participation, i.e., inmate representative and elimination of the formal level of review. All other procedural safeguards shall remain in effect. All modified procedures shall be approved by the Director of the Inmate Grievance Resolution Program.

SUPERSEDES: Directive #3375, dated 11/23/82

ATTACHMENT: Inmate Grievance Form #7101-5 (6-83)