
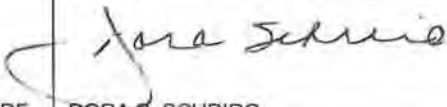




THE CITY OF NEW YORK
DEPARTMENT OF CORRECTION



DIRECTIVE



<input checked="" type="checkbox"/> NEW <input type="checkbox"/> INTERIM <input type="checkbox"/> REVISED			SUBJECT		
EFFECTIVE DATE 09/10/12		*TERMINATION DATE	INMATE GRIEVANCE AND REQUEST PROGRAM		
CLASSIFICATION # 3376	SUPERSEDES 3375R-A	DATED 03/13/08	APPROVED FOR WEB POSTING <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	DISTRIBUTION A & B	PAGE 1 OF 33 PAGES
RECOMMENDED FOR APPROVAL BY REVIEW BOARD MEMBER			AUTHORIZED BY THE COMMISSIONER		
 MICHAEL HOURIHANE, CHIEF OF DEPARTMENT SIGNATURE			 DORA B. SCHIRIRO SIGNATURE		

I. PURPOSE

The Inmate Grievance and Request Program (IGRP) provides inmates with the opportunity to resolve issues regarding their confinement through a structured, non-adversarial, and expedient process. The IGRP is designed to solve problems, reduce conflict and litigation, and provide the New York City Department of Correction (Department) with information concerning facility operations that will help it maintain a safe and secure environment. The IGRP affords inmates access to information and services relating to their confinement and assists inmates who request information, services, assistance, or accommodations.


II. POLICY

- A. Any inmate who is directly and personally affected by an issue, condition, practice, or action relating to the inmate's confinement may file a complaint (grievance) or request a service, assistance, or an accommodation with regard to any issue that may arise in connection with his or her incarceration. The IGRP staff shall review each grievance and request for resolution in accordance with this directive. If an inmate's submission raises issues that cannot be fully resolved through the IGRP process, IGRP staff shall refer such submission to the appropriate entity for resolution, as described in Section IV.B.2, below. An inmate *must* utilize the IGRP process in order to obtain a final response from the Department with regard to any grievance or request, unless there is an identified alternative process for resolving a particular issue as set forth in Appendix A.
- B. Whenever feasible, an inmate is encouraged to seek assistance with regard to any issue that may arise in connection with his or her incarceration directly with facility staff, the relevant program unit, or other existing channels prior to filing a grievance or request with the IGRP. However, an inmate is not required to seek such assistance as a pre-condition to filing a grievance or request.

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II. POLICY (cont.)

- C. The IGRP shall receive, document, and maintain records, including correspondence, investigations and dispositions, regarding all inmate grievances, requests, and submissions not subject to the IGRP process. The IGRP shall process all grievances, requests, and submissions not subject to the IGRP process in a timely manner. If the IGRP receives a submission that it determines is not subject to the IGRP process, the IGRP shall provide the inmate with a written decision documenting the reason it is not subject to the IGRP, as set forth in Section IV.B.2, below. IGRP staff shall not prevent an inmate from filing a grievance on the ground that they believe it not to be subject to the IGRP process.
- D. The Department shall provide information to all inmates regarding the IGRP through the Inmate Handbook, posters displayed in congregate areas, and new-admission orientation.
- E. As a matter of law, an inmate is often required to "exhaust administrative remedies" such as those available through the IGRP before seeking relief from the judicial system or any other external agency. Failure to file a grievance or request with the IGRP may prevent an inmate from seeking external relief.
- F. To file a request or grievance, the inmate is required to use the IGRP Statement Form (Form 7101R, Attachment B) to submit his/her request or grievance. If a request or grievance is not submitted on the proper form, IGRP staff shall provide the form as described in Section IV.D.4, below. Upon completion of the IGRP Statement Form, the inmate shall: (1) deposit the form into a "grievance and request box," located in the inmate's housing area or other common area, (2) personally deliver it to the IGRP Office, or (3) for inmates in punitive or administrative segregation, hospital wards, mental observation units, or other special population housing areas who cannot directly access a grievance and request box or the IGRP office, give it to IGRP staff during IGRP staff visits to housing areas. The IGRP shall provide the inmate with a receipt as proof of filing within two business days of receiving the form. The IGRP shall provide an informal resolution (section IV.G.5) within five business days of receiving the form. If the inmate is not satisfied with the informal resolution that IGRP staff provides, the inmate can appeal the resolution.
- G. For all grievances and requests (other than those requesting to exercise religious beliefs and practices), the inmate may appeal the IGRP's informal resolution or proposed jurisdictional determination to and request a formal hearing before the Inmate Grievance Resolution Committee. The inmate may appeal the Inmate Grievance Resolution Committee's disposition to the facility's Commanding Officer, and the Commanding Officer's disposition to the Central Office Review Committee (CORC). The CORC's disposition shall constitute

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II. POLICY (cont.)

the Department's final decision on the inmate's request or grievance. The IGRP executive director shall provide a copy of the CORC decision to the Board of Correction.

- H. Inmates may request to exercise religious beliefs and practices not currently available in the facility through the IGRP. The facility's grievance supervisor shall refer requests of a religious nature to the administrative chaplain. The administrative chaplain shall, if necessary, interview the inmate. If the request can be resolved, the administrative chaplain shall notify the grievance supervisor and the director of ministerial services of the resolution of the request. If the request cannot be resolved informally, then the director of ministerial services shall submit the request in writing to the Committee on Religious Accommodations for resolution in accordance with Directive 3261, Access to Religious Programs and Practices.
- I. The Assistant Commissioner of Skills Development and Program Services has overall responsibility for the sound management of the IGRP program, including the coordination of efforts directed at ensuring the integrity and effectiveness of the IGRP staff assigned to the Department's housing facilities. The executive director of the IGRP program is in charge of day-to-day IGRP operations and implementation of this directive.

III. DEFINITIONS

- A. **GRIEVANCE** – A grievance is a written complaint submitted by an inmate in the Department's custody about an issue, condition, practice or action relating to the inmate's confinement. This complaint can be related to the impact of a Department policy or protocol or a facility policy or protocol or to a particular action affecting an inmate. To file a grievance, the inmate shall complete the IGRP Statement Form (Form 7101R, Attachment B).
- B. **REQUEST** – A request is a written, individually expressed need or desire for a service, assistance, or an accommodation relating to the inmate's confinement. Depending on the type of the request, the request may be subject to the IGRP process. To file a request, the inmate shall complete the IGRP Statement Form (Form 7101R, Attachment B).

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IV. PROCEDURE

A. IGRP DOCUMENTATION AND RECORDKEEPING



1. The IGRP shall receive, file, date and time-stamp all submissions to the IGRP and all other IGRP documents; provide IGRP Statement Forms to inmates who submitted a grievance or request on forms other than the IGRP Statement Forms; provide receipts to inmates who file completed IGRP Statement Forms; maintain paper and electronic records of all grievances, requests, submissions not subject to the IGRP process and all related correspondence, including investigations, dismissals, referrals, resolutions, appeals, and dispositions; enter data and related updates into the IGRP database; and process all grievances, requests, and submissions not subject to the IGRP process in a timely manner. The IGRP executive director shall monitor IGRP database entries for accuracy.

B. IGRP JURISDICTION

1. Personal and Direct Impact on Individual Inmate

An inmate must be personally and directly affected by the issue, condition, practice, or action, about which the inmate files a grievance or request. The issue, condition, practice or action about which the inmate files a grievance or request must have affected the inmate personally and directly at some point during the ten business days of confinement immediately prior to the filing of the grievance or request. Inmates must file grievances or requests in an individual capacity. Inmates cannot institute class actions on behalf of all inmates or a class of inmates through the IGRP.

- a. If multiple inmates believe that they have been aggrieved by the same or similar issues, conditions, practices or actions, and file individual grievances or requests concerning the issues, conditions, practices or actions, the IGRP's executive director may consolidate the resolution of these individual grievances or requests.

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IV. PROCEDURE (cont.)

2. Submissions Not Subject to IGRP Process

When IGRP staff receive submissions not subject to the IGRP process (see Appendix A, Attachment A), IGRP staff shall forward the complaint or request to the appropriate entity for review and resolution. IGRP staff shall complete the IGRP Disposition Form (Form 7102R, Attachment C) and provide it to the inmate; the form should explain the referral and instruct the inmate concerning the process' next steps. IGRP staff shall also enter all information from the IGRP Disposition Form into the IGRP database.

Matters that are otherwise subject to the IGRP process are not excluded from it even if they are also under investigation or consideration by the Investigation Division, the Department of Investigation (DOI), a court, or another entity outside of the Department.



a. Independent Administrative or Investigative Process

The dispositions stemming from a program or procedure that has its own departmental administrative or investigative process are not subject to the IGRP process.

Departmental administrative and investigative dispositions not subject to the IGRP process include, but are not limited to, the inmate disciplinary process and dispositions, requests for accommodation due to disability or claims of discrimination based on disability or perceived disability, intended contraband recipient status, centrally monitored case (CMC) status, red identification status, enhanced restraint status, uses of force, and Freedom of Information Law (FOIL) requests.



b. Allegations of Assault or Harassment

Inmate allegations of physical or sexual assault or harassment by either staff or inmates are not subject to the IGRP process. However, IGRP staff shall immediately and appropriately refer such allegations, record reports of such allegations on the IGRP Inmate Report of an Alleged Assault/Harassment (Form 7316R, Attachment D), and enter information from the report into the IGRP database. IGRP staff shall also complete the IGRP Disposition Form and provide it to the inmate as described in Section IV.B.2, above.

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IV. PROCEDURE (cont.)

- i. In accordance with Directive 5010R-A, Preventing Inmate Sexual Abuse, IGRP staff shall immediately refer allegations of staff-on-inmate sexual abuse or sexual threats to the tour commander or the Department of Investigation. Additionally, IGRP staff shall immediately refer allegations of inmate-on-inmate sexual abuse or sexual threats to the tour commander.
 - ii. IGRP staff shall refer allegations of staff-on-inmate use of force or harassment to the commanding officer. IGRP staff shall hand-deliver the completed IGRP Inmate Report of an Alleged Assault/Harassment, (Form 7316R, Attachment D) along with any relevant documentation submitted by the inmate, to the office of the commanding officer on the day of receipt.
 - iii. While IGRP staff shall refer allegations of staff-on-inmate harassment or other misconduct to the facility's commanding officer, IGRP staff should receive and consider all allegations in submissions that are otherwise subject to the IGRP process. For example, if an inmate complains that an officer denied the inmate access to telephones, the IGRP shall accept and process as a grievance the inmate's alleged inability to access the telephones. However, the IGRP staff should forward the officer's alleged misconduct to the commanding officer.
- c. **Staff Discipline**
- Requests for the removal of a Department employee from an assignment, or the censure, discipline or termination of a Department employee are not subject to the IGRP process. The grievance or request, including any substantive issue that prompted such a request, will otherwise be processed in the ordinary course as described in this directive. The IGRP staff shall forward the complaint seeking discipline of staff to the staff member's commanding officer.
- d. **Matters Outside the Department's Jurisdiction**
- Grievances or requests concerning matters outside the Department's jurisdiction, or over which the Department has no authority are not subject to the IGRP process.

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IV. PROCEDURE (cont.)

For example, grievances or requests concerning the actions of medical personnel are not within the Department's jurisdiction because medical personnel are employed by a private company under the supervision of the Department of Health and Mental Hygiene (DOHMH). On the other hand, grievances or requests concerning correctional staff's alleged interference with medical treatment or access to medical care are within the Department's jurisdiction. See Section V, below.



C. IGRP STAFFING

1. IGRP Executive Director

- a. The IGRP's executive director or the executive director's designee shall assign duties and tasks to grievance supervisors.
 - i. The executive director is responsible for the day-to-day administration of the IGRP in all Department housing facilities and for ensuring that the IGRP operates in compliance with this directive. The executive director shall convene the Central Office Review Committee (CORC), conduct and supervise quarterly IGRP staff meetings, prepare monthly statistical data on grievances and requests, and, where appropriate, participate in grievances and request investigations.
- b. The field operations investigator is a correction officer or civilian investigator who is assigned to the IGRP's executive director and shall assist, as assigned by the executive director, in completing investigative and administrative tasks to fulfill the IGRP's mission.

2. Grievance Supervisor

The grievance supervisor is a civilian employee of the Department assigned and selected by the IGRP's executive director. The grievance supervisor shall be responsible for the administration of the IGRP in each housing facility to which the grievance supervisor is assigned and for ensuring that the IGRP operates in compliance with this directive. The grievance supervisor directly supervises uniformed staff and inmates assigned to the IGRP in the processing of grievances and requests. The grievance supervisor chairs Inmate Grievance Resolution Committee hearings, conducts and supervises quarterly inmate-representative elections, prepares monthly statistical data on grievances and requests for submission to the facility's commanding officer and

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IV. PROCEDURE (cont.)

IGRP executive director and, where appropriate, participates in grievance and request investigations.

- a. Grievance supervisors shall not be assigned duties that could potentially conflict with their ability to independently evaluate grievances, nor shall they serve in roles in which they are likely to be the subject of an inmate grievance. In the event that the grievance supervisor is involved in any manner with an inmate grievance, the grievance supervisor must recuse himself/herself from handling any IGRP or Inmate Grievance Resolution Committee duties concerning that matter.

3. Inmate Grievance Resolution Committee



A facility's Inmate Grievance Resolution Committee is a three-member body consisting of one inmate grievance representative, one uniformed staff representative, and one grievance supervisor. This committee resolves grievances and requests through a formal hearing as described in section IV.H.

a. Inmate Grievance Representative

The inmate grievance representative is a voting member of the Inmate Grievance Resolution Committee who is responsible for assisting in the clerical processing of grievances and requests and aiding uniformed staff representatives and civilian grievance staff in fact-finding investigations. Inmate grievance representatives shall not hold joint membership on the Inmate Council. Inmate grievance representatives are not permitted access to inmate-restricted areas.

i. Election of Inmate Grievance Representative

Inmate grievance representative elections shall be conducted at quarterly intervals. At each facility, one inmate grievance representative and two alternates shall be elected by their peers and paid as skilled workers in accordance with Directive 4014R-A, Inmate Incentive Pay Plan (or its successor) and in consultation with the facility Inmate Assignment Office. Elected inmate grievance representatives shall not be transferred to another facility during their term as inmate grievance representative, absent an emergency or change in classification or other good cause, and shall not serve more than three consecutive terms of 90 days at a single facility.

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IV. PROCEDURE (cont.)

- ii. The alternate inmate grievance representatives are those inmates placing second and third in the most recent election. Alternate inmate grievance representatives may be utilized to fill an inmate grievance representative vacancy between elections.
- iii. The grievance supervisor, working collaboratively with the deputy warden for programs, shall conspicuously post the approved nomination and election procedures in the housing areas and inmate congregate areas at least five days prior to commencement of the nomination process. All nominees are subject to security clearance by the commanding officer, which must be completed within seven business days from the date their names are submitted as nominees. The grievance supervisor, working collaboratively with the deputy warden for programs, shall post the names of cleared nominees conspicuously in inmate congregate areas for five business days prior to the scheduled election.

iv. Removal or Transfer of Inmate Grievance Representatives

Removal or transfer of an inmate grievance representative must be conducted in accordance with section IV of Directive 3377, Due Process for IGRC Inmate Representatives, or its successor.

b. Inmate Grievance Clerk

The grievance supervisor shall select an inmate for the position of inmate grievance clerk, who shall be paid as a skilled worker in accordance with Directive 4014R-A (or its successor) and in consultation with the Inmate Assignment Office. The grievance supervisor shall determine the duties of the inmate grievance clerk. The inmate grievance clerk can serve as an alternate to the inmate grievance representative if the inmate grievance representative and alternates are absent.



c. Uniformed Staff Representative

- i. An uniformed staff representative is a correction officer and a voting member of the IGRC. A uniformed staff representative is responsible for the following:

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IV. PROCEDURE (cont.)

- Supervising and escorting all inmates involved in Inmate Grievance Resolution Committee activities.
 - Conducting accurate and timely fact-finding investigations of inmate grievances.
 - Assisting in the mediation and resolution of inmate grievances and requests at the informal and formal levels of review.
 - Presenting pertinent and accurate documentation on all inmate grievances and requests submitted to the IGRP.
 - Inspecting grievance and request boxes located in common areas and housing areas every business day, as well as retrieving all submitted grievances every business day.
 - Retrieving directly all grievances and requests from and providing receipts and IGRP disposition forms to inmates confined to punitive or administrative segregation, hospital wards, mental observation units, or other special population housing areas where the inmates cannot directly access a grievance and request box or the IGRP office, a minimum of three times per week.
 - Preparing and processing payrolls for all inmates assigned to the Inmate Grievance Resolution Committee.
 - Assisting the grievance supervisor in conducting and supervising the inmate grievance representative nomination and election processes, training and conducting orientation for inmates assigned to the Inmate Grievance Resolution Committee, and monitoring the implementation of grievance dispositions.
 - Supervising the Inmate Grievance Resolution Committee in the absence of the grievance supervisor.
- ii. Uniformed staff representatives shall not be assigned duties that could potentially conflict with their ability to independently evaluate grievances, nor shall they serve in roles in which they are likely to be the subject of an inmate grievance. In the event that the uniformed staff representative is involved in any manner with an

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IV. PROCEDURE (cont.)

inmate grievance, the uniformed staff representative must recuse himself/herself from handling any IGRP or Inmate Grievance Resolution Committee duties concerning that matter.

4. Code of Ethics and Duties

All Inmate Grievance Resolution Committee members (consisting of the grievance supervisor, uniformed staff representative and inmate grievance representative) and inmate grievance clerks shall receive a copy of the IGRP Code of Ethics and Duties (Form 7113R, Attachment E) and shall acknowledge receipt of the IGRP Code of Ethics and Duties in writing. The inmate grievance representative alternate shall also receive a copy of this code if he/she is necessary to fill the inmate grievance representative vacancy on the Inmate Grievance Resolution Committee. The grievance supervisor shall maintain the signed form and a copy shall be provided to the signatory.

- a. The Code of Ethics and Duties consists of the following principles:
 - i. Members shall not obstruct an inmate from exercising his/her right to file a grievance.
 - ii. Members shall demonstrate a willing and tactful attitude in the performance of their duties.
 - iii. Members shall not expect or receive preferential treatment because of their participation in the IGRP.
 - iv. Members shall not abuse their duties, responsibilities or assignments.
 - v. Members shall be responsible for the safekeeping of grievance files and preventing their unauthorized use.
 - vi. Members shall not intentionally undermine the IGRP's operations or credibility.
 - vii. Members of the IGRP shall have a working knowledge of the program and of their responsibilities as members.
 - viii. Members shall not violate Department rules and regulations.

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IV. PROCEDURE (cont.)

b. Code of Ethics and Duties Violations

The grievance supervisor shall monitor the compliance of inmate grievance representatives, uniformed staff representatives, and inmate grievance clerks with the IGRP Code of Ethics and Duties. Inmate grievance representatives (or acting alternates) who violate the IGRP Code of Ethics and Duties may be removed from the Inmate Grievance Resolution Committee in accordance with due process requirements as set forth in Directive 3377, Due Process for IGRC Inmate Representatives, or its successor.



D. IGRP SUBMISSION PROCEDURE

1. Within ten business days from the date the alleged condition or issue relating to his/her confinement took place, an inmate must complete an IGRP Statement form (Form 7101R, Attachment B) with his/her name, book and case number, NYSID number (optional), facility, housing area, date of incident (or indicate "ongoing" if that is the case), date submitted by the inmate, a description of the grievance or request, a specific action requested, and information regarding whether the inmate filed a grievance or request with a court or other agency. The inmate shall also confirm whether he/she wants his statement edited for clarification by IGRP staff or requires that the IGRP staff write the grievance or request on his/her behalf.
 - a. If the inmate alleges that the condition or issue relating to his/her confinement is ongoing, the inmate shall not have to submit the IGRP Statement Form within the ten-day time limit.
2. The deputy warden for programs shall ensure that blank IGRP Statement Forms are available in every inmate housing area and in law libraries, program offices, and the IGRP offices.
3. Inmates are required to use the IGRP Statement Form to submit his/her request or grievance. Upon completion of the IGRP Statement Form, the inmate shall: (1) deposit the form into a "grievance and request box," located in the inmate's housing area or other common area, (2) personally deliver it to the IGRP Office, or (3) for inmates who cannot directly access a grievance and request box or the IGRP office, give it to IGRP staff during IGRP staff visits to housing areas (punitive or administrative segregation, hospital wards, mental observation units, or other special population housing areas without a grievance and request box).

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4. If the inmate does not use the IGRP Statement Form to submit his/her grievance or request, IGRP staff shall provide the inmate with a blank copy of the IGRP Statement Form within five business days after receipt of a submission and direct the inmate to re-submit the grievance or request on that form. IGRP staff shall assist the inmate in filling out the form if necessary. The grievance or request shall be deemed submitted as of the date of the initial submission, regardless of the format used. When the inmate submits a grievance or request using the IGRP Statement Form, the grievance or request will be considered timely, so long as the initial submission was timely. It is a prerequisite that the inmate submits his/her grievance or request on the IGRP Statement Form for it to be processed through the IGRP.
5. Any inmate confined to punitive or administrative segregation, hospital wards, mental observation units, or other special population housing areas where the inmate cannot directly access a grievance and request box or the IGRP office must request the IGRP Statement Form from the IGRP Staff or housing area officer. Inmates in punitive or administrative segregation, hospital wards, mental observation units, or other special population housing areas where the inmates cannot directly access a grievance and request box or the IGRP office shall submit their completed IGRP Statement Forms directly to the IGRP staff.
 - a. The IGRP staff shall visit punitive or administrative segregation, hospital wards, mental observation units, or other special population housing areas where the inmate cannot directly access a grievance and request box or the IGRP office a minimum of three times per week. They shall collect submissions from inmates and completed IGRP Statement Forms from inmates, and shall provide receipts and IGRP Disposition Forms to inmates.
6. If an inmate seeks to file a grievance or request which requires immediate attention, the inmate shall contact the captain or tour commander and submit his/her completed IGRP Statement Forms to the captain or tour commander, after which the captain or tour commander shall forward it to the attention of the grievance supervisor no later than the next business day.
7. The grievance supervisor or the facility's uniformed staff representative shall be exclusively responsible for locking and emptying grievance and request boxes.
8. Provision of Receipts

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If an inmate files a completed IGRP Statement Form in-person at the IGRP office, the inmate will promptly receive a receipt in-person at the time of filing. IGRP staff will date and time stamp the form, add a grievance reference number, indicate the category of the grievance or request, and sign it. IGRP staff shall then make a photocopy of the form and provide it to the inmate as a receipt of filing a grievance or request. IGRP staff shall also enter all information from the IGRP Statement Form into the IGRP database.

- a. If an inmate files a completed IGRP Statement Form by depositing it in a grievance and request box or is confined to punitive or administrative segregation, hospital wards, mental observation units, or other special population housing areas where the inmate cannot directly access a grievance and request box or the IGRP office, IGRP staff shall provide the inmate with a receipt within two business days of collecting it.
- b. If the inmate does not receive a receipt from the IGRP within two business days after submitting the completed IGRP Statement Form, the inmate should re-submit an IGRP Statement Form to the IGRP.

9. Timeframe Extension

- a. When the inmate demonstrates a valid reason for delay in submitting a grievance or request, IGRP staff may grant an extension to the inmate to permit the inmate to file a grievance/request on an IGRP Statement Form more than ten business days from the date the alleged condition or issue relating to his/her confinement took place or began. Valid reasons for a delay may relate to an inmate's medical condition, transfer to another facility, transfer to punitive or administrative segregation, hospital wards, mental observation units, or other special population housing areas where the inmate cannot directly access a grievance and request box or the IGRP office, and court appearances. The IGRP staff shall complete the Time Limit Extension Form (Form 7114R, Attachment F) to document the extension.
- b. The IGRP, the commanding officer, or the Central Office Review Committee, may request timeframe extensions by which they must complete IGRP tasks, but such extensions may only be granted with the written consent of the inmate. Within the time limitations, IGRP staff shall contact the inmate to obtain his/her consent by having the inmate sign the Time Limit Extension Form (Form 7114R, Attachment F).

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10. Appeal in absence of timely decision from IGRP



- a. The Department's failure to obtain inmate consent for a time frame extension shall not affect the validity of a departmental disposition. In the event that the inmate does not receive a timely disposition at any stage of the IGRP process, the inmate may submit a request for an appeal (to proceed to the next step of the IGRP process) through the use of the IGRP Disposition Form as appropriate, and consult with IGRP staff for assistance. The inmate may also submit a request for an appeal through the use of the IGRP Statement Form, noting that the inmate has not received a timely disposition and wishes to appeal to the next stage of the process. Such an appeal shall be submitted no later than ten (10) business days following the date upon which a response was due from the Department.

E. REASONABLE ACCOMMODATIONS

The grievance supervisor shall ensure that disabled inmates are provided necessary assistance and make reasonable accommodations to facilitate their access to and utilization of the IGRP. Reasonable accommodations shall include, but are not limited to, meetings with inmates at accessible sites and the provision of qualified sign language interpreters for deaf and mute inmates who use only sign language to communicate. IGRP staff shall consult with the Inmate Disability Rights Coordinator (see Directive 3802, Reasonable Accommodation for Inmates with Disabilities, or its successor) involving any issues regarding the provision of reasonable accommodations to facilitate inmates' access to and utilization of the IGRP.

F. INTERPRETERS/ADVISORS

IGRP staff shall arrange for and provide interpreters/advisors for those inmates who want to access the IGRP but who do not sufficiently speak or write English. Inmates or staff may function as interpreters/advisors. In the event an appropriate interpreter/advisor cannot be located, then IGRP staff shall utilize the services of the Department's Language Service Team. Any interpreters/advisors shall be instructed by IGRP staff to maintain the confidentiality of the submissions to the IGRP. IGRP staff will also data enter all the occurrences when the inmate utilizes an interpreter/advisor who is an inmate, staff, or member of the Department's Language Service Team into the IGRP database

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IV. PROCEDURE (cont.)

G. DISMISSAL, REFERRAL, INVESTIGATION, AND PROPOSAL OF RESOLUTIONS BY IGRP STAFF

1. Review



The grievance supervisor, with assistance from the uniformed staff representative, shall review all completed IGRP Statement Forms. From the date the IGRP staff received the form directly from the inmate or the date that the IGRP staff collected the form from the grievance and request box, the grievance supervisor shall have up to five business days to review the IGRP Statement Form, assess the submission and determine whether it falls within the IGRP's jurisdiction, dismiss and close the grievance or request, refer the submission to the appropriate entity as described in Section IV.B.2, above, or investigate the grievance or request and propose a resolution to the inmate.

2. Dismissal

The grievance supervisor may dismiss and close a grievance or request if the grievance supervisor determines that: (1) the inmate has not been or will not be personally and directly affected by the condition or issue in the inmate's grievance or request in accordance with Section IV.B.1; (2) the inmate is seeking action with respect to matters outside of the Department's jurisdiction in accordance with Section IV.B.2.d; and/or 3) the grievance or request rests on facility-based issues and no longer personally and directly affects an inmate who has been transferred from the facility where the inmate originally filed the grievance or request.

In the event that the grievance or request is dismissed due to a transfer of the inmate to another facility, IGRP staff shall refer any complaint of staff misconduct to the commanding officer in accordance with Section IV.B.2, and attempt to resolve any institutional practice raised by the grievance or request that is contrary to departmental policy. Additionally, if the grievance supervisor resolves the grievance, he/she will communicate the resolution to the grievance supervisor at the receiving facility. The grievance supervisor will refer an underlying complaint against staff, if any, to the commanding officer as specified in Section IV.B.2, above.

When the grievance supervisor dismisses and closes a grievance or request, the grievance supervisor shall clearly cite the reason(s) for such dismissal in the IGRP Disposition Form (Form 7102R, Attachment C), and shall, where appropriate, refer the submission to the appropriate entity for redress of the matter.

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IV. PROCEDURE (cont.)

3. Referral

- a. If the IGRP staff determines that the condition or issue in the inmate's IGRP Statement Form (Form 7101R, Attachment B) is not subject to the IGRP process (see Section IV.B.2.a-d), the grievance supervisor shall provide this disposition to the inmate on the IGRP Disposition Form (Form 7102R, Attachment C), along with information regarding the entity to which the matter was referred, and what process is available to address the condition or issue.
 - i. The grievance supervisor shall forward any inmate's submission not subject to the IGRP process to the entity authorized to handle the submission (see Appendix A) and request confirmation of receipt within ten business days. If the grievance supervisor does not receive a confirmation of receipt within ten business days, the grievance supervisor shall follow up to obtain confirmation of receipt.

4. Investigation

- a. The IGRP staff shall document its investigation using the "IGRP Investigation Form" (Form 7115R, Attachment G).
- b. When an inmate submits an IGRP Statement Form (Form 7101R, Attachment B) that is in any way illegible and/or incomplete, IGRP staff shall interview the inmate during the investigation to clarify the statement.

5. Informal Resolution

The IGRP staff shall enter the proposed resolution of the grievance or request on the IGRP Disposition Form (Form 7102R, Attachment C). The grievance supervisor shall meet with the inmate to review the proposed resolution.

a. Acceptance

If the inmate is satisfied with the resolution that the IGRP staff proposes, the inmate shall indicate that he/she has accepted the resolution and sign and date the IGRP Disposition Form (Form 7102R, Attachment C). The grievance supervisor shall sign and date the form.

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IV. PROCEDURE (cont.)

The grievance supervisor or uniformed staff representative shall provide a photocopy of the signed IGRP Disposition Form to the inmate within two business days of receipt from the inmate. The grievance supervisor shall enter the date of and relevant information regarding the inmate's acceptance of the resolution into the IGRP database.

b. Appeal

If the inmate does not accept the resolution that the IGRP staff proposes, the inmate shall indicate on the IGRP Disposition Form, within five business days from notification of the proposed resolution, that the inmate does not accept the resolution and requests a formal hearing. The inmate shall sign and date the IGRP Disposition Form. The grievance supervisor shall sign and date the form. The grievance supervisor or uniformed staff representative shall provide a photocopy of the signed IGRP Disposition Form to the inmate. The grievance supervisor shall enter the date of and relevant information regarding the inmate's appeal into the IGRP database.

- i. If the inmate requests a hearing, the IGRP staff shall complete an IGRC Hearing Notice (Form 7103R, Attachment H), schedule the Inmate Grievance Resolution Committee hearing, and ensure that the IGRC Hearing Notice form is served upon the inmate within one business day. IGRP staff shall enter dates and relevant information regarding the inmate's request for a formal hearing into the IGRP database.
- ii. If the inmate misses the deadline to request a formal hearing due to a legitimate and substantiated reason, then the inmate may still request directly from IGRP staff an Inmate Grievance Resolution Committee hearing at the earliest possible opportunity and in no event later than three days following removal of the impediment which prevented a timely filing. In general, a legitimate and substantiated reason for delay means a situation in which the inmate was prevented by circumstances beyond the inmate's control from submitting the request for a hearing within the established time frame.

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IV. PROCEDURE (cont.)



c. No Response

If the inmate does not provide a decision in writing on whether to accept or not accept the resolution that the IGRP staff proposes within five business days from notification of the proposed resolution, the IGRP staff shall indicate on the IGRP Disposition Form that the inmate did not respond to the proposed resolution and shall contact the inmate to retrieve the inmate's decision. If the inmate decides to accept the resolution, the inmate shall indicate that he/she has accepted the disposition and shall sign and date the IGRP Disposition Form. The grievance supervisor shall sign and date the form. The grievance supervisor or uniformed staff representative shall provide a photocopy of the signed IGRP Disposition Form to the inmate. The grievance supervisor shall enter the date and relevant information regarding the inmate's acceptance of the resolution into the IGRP database.

- i. If the inmate continues to be non-responsive to the resolution after the IGRP staff has contacted the inmate, the inmate shall forfeit his/her participation in the IGRP process. The grievance supervisor shall indicate on the IGRP Disposition form that the inmate was non-responsive and shall sign and date the form. The grievance supervisor or uniformed staff representative shall provide a photocopy of the signed IGRP Disposition Form to the inmate. The grievance supervisor shall enter the date of and relevant information into the IGRP database.
- ii. If the inmate has been discharged from Department custody, the inmate will no longer have access to the IGRP process.



H. INMATE GRIEVANCE RESOLUTION COMMITTEE HEARING

1. Within five business days of the inmate's request for an Inmate Grievance Resolution Committee hearing, the Inmate Grievance Resolution Committee shall conduct a formal hearing of the grievance or request, render a disposition, and provide the disposition to the inmate.

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IV. PROCEDURE (cont.)

2. The grievance supervisor is the chairperson of the Inmate Grievance Resolution Committee and shall make certain that the inmate and available relevant witnesses, if any, are afforded a reasonable opportunity to appear at the hearing and testify, subject to reasonable security considerations. Hearings for inmates housed in punitive or administrative segregation, hospital wards, mental observation units, or other special population housing areas where the inmate cannot directly access a grievance and request box or the IGRP office shall be conducted in the area day rooms in coordination with housing area officers and the deputy warden of programs.
 - a. If the inmate misses the hearing due to a legitimate and substantiated reason (e.g., court appearance, visit, medical treatment, or parole hearing), then the Inmate Grievance Resolution Committee may adjourn the hearing. However, if the inmate misses three scheduled hearings due to one or more legitimate and substantiated reasons, the IGRC shall act on the grievance or request at the third scheduled hearing. In general, a legitimate and substantiated reason for delay means a situation in which the inmate was prevented by circumstances beyond the inmate's control from attending the hearing at the scheduled time.
 - b. If the inmate does not appear at the third scheduled hearing and fails to provide a legitimate and substantiated reason, then the Inmate Grievance Resolution Committee shall hold the hearing in absentia and has the authority to reach a decision or dismiss the grievance or request by majority vote.
 - c. Inmates who refuse to attend the IGRC hearing must do so in-person to IGRP staff, which shall document the inmate's refusal on the IGRP Hearing Notice form, specifically in section where it can be indicated that the inmate was not present. In the subsection "other," IGRP staff shall indicate that the inmate refused to attend the hearing and the inmate shall sign and date the form. IGRP staff shall provide the inmate with a copy of the completed form. IGRP staff is not authorized to accept housing area officers' representation that an inmate has refused to attend the hearing.
3. The Inmate Grievance Resolution Committee shall conduct the hearing at the time and place set. The inmate and available relevant witnesses may present relevant information, comments, or other evidence in furtherance of their respective positions. The Inmate Grievance Resolution Committee shall determine the relevance and materiality of the evidence offered. After the

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IV. PROCEDURE (cont.)

grievance supervisor closes the hearing, the Inmate Grievance Resolution Committee shall deliberate in a private session.

4. The IGRC shall provide the inmate its decision in writing on the IGRP Disposition Form, which all the voting Inmate Grievance Resolution Committee members shall sign. The grievance supervisor shall date and time-stamp this form and the IGRP staff shall enter relevant dates and information regarding the Inmate Grievance Resolution Committee's disposition into the IGRP database.

- a. Acceptance

If the inmate is satisfied with the Inmate Grievance Resolution Committee's disposition, the inmate shall indicate that he/she has accepted the disposition and sign and date the IGRP Disposition Form, within five business days from notification of the IGRC disposition. The grievance supervisor shall sign and date the form. The grievance supervisor or uniformed staff representative shall provide a photocopy of the signed IGRP Disposition Form to the inmate within two business days of receipt from the inmate. The grievance supervisor shall enter the date of and relevant information regarding the inmate's acceptance of the disposition into the IGRP database.

- b. Appeal

If the inmate does not accept the Inmate Grievance Resolution Committee's disposition, the inmate shall indicate on the IGRP Disposition Form, within five business days from notification of the Inmate Grievance Resolution Committee's disposition, that the inmate does not accept the disposition and appeals to the commanding officer. The inmate shall sign and date the IGRP Disposition Form. The grievance supervisor shall sign and date the form. The grievance supervisor or uniformed staff representative shall provide a photocopy of the signed IGRP Disposition Form to the inmate. The grievance supervisor shall enter the date of and relevant information regarding the inmate's rejection of the Inmate Grievance Resolution Committee's disposition into the IGRP database.

- i. If the inmate misses the deadline to appeal to the commanding officer due to a legitimate and substantiated reason (e.g., court appearance, medical treatment, or parole hearing), then the inmate may still request directly from IGRP staff an Inmate

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IV. PROCEDURE (cont.)

Grievance Resolution Committee hearing at the earliest possible opportunity and in no event later than three days following removal of the impediment which prevented a timely filing. In general, a legitimate and substantiated reason for delay means a situation in which the inmate was prevented by circumstances beyond the inmate's control from submitting the request for a hearing within the established time frame.



c. No Response

If the inmate does not provide a decision in writing on whether to accept or not accept the Inmate Grievance Resolution Committee's disposition within five business days from notification of the proposed resolution, the IGRP staff shall indicate on the IGRP Disposition Form that the inmate did not respond and shall contact the inmate to retrieve the inmate's decision. If the inmate decides to accept the resolution, the inmate shall indicate that he/she has accepted the disposition and sign and date the IGRP Disposition Form. The grievance supervisor shall sign and date the form. The grievance supervisor or uniformed staff representative shall provide a photocopy of the signed IGRP Disposition Form to the inmate. The grievance supervisor shall enter the date of and relevant information regarding the inmate's acceptance of the resolution into the IGRP database.

i. If the inmate continues to be non-responsive to the resolution after the IGRP staff has contacted the inmate, the inmate shall forfeit the inmate's participation in the IGRP process. The grievance supervisor shall indicate on the IGRP Disposition form that the inmate was non-responsive and shall sign and date the form. The grievance supervisor or uniformed staff representative shall provide a photocopy of the signed IGRP Disposition Form to the inmate. The grievance supervisor shall enter the date of and relevant information into the IGRP database.

ii. If the inmate has been discharged, the inmate will no longer have access to the IGRP process.

I. APPEAL TO THE COMMANDING OFFICER

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IV. PROCEDURE (cont.)


1. Within one business day of the inmate's request for an appeal to the commanding officer, the IGRP staff shall forward the relevant IGRP Statement Form, the IGRP Disposition Form, the IGRP Investigation Form and all other relevant documentation to the office of the commanding officer.
 - a. The commanding officer's office shall time and date-stamp all documents related to the appeal on the day they are received.
 - b. The commanding officer shall review all the paperwork and conduct further investigation if necessary. The commanding officer shall determine the relevance and materiality of the evidence offered.

2. Within five business days of receiving the inmate's appeal, the commanding officer must indicate his/her disposition on the IGRP Commanding Officer's Disposition Form (Form 7104R, Attachment I), sign and date the form, and provide the IGRP Commanding Officer's Disposition Form to the IGRP staff. The grievance supervisor or uniformed staff representative shall date and time-stamp the IGRP Commanding Officer's Disposition Form and provide it to the inmate on the same day it is received from the commanding officer. The grievance supervisor shall enter the date of and relevant information regarding the commanding officer's disposition into the IGRP database.
 - a. Acceptance

If the inmate is satisfied with the commanding officer's disposition, the inmate shall indicate that he/she has accepted the resolution and sign and date the IGRP Commanding Officer's Disposition Form. The grievance supervisor shall sign and date the form. The grievance supervisor or uniformed staff representative shall provide a photocopy of the signed IGRP Commanding Officer's Disposition Form to the inmate within two business days of receipt from the inmate. The grievance supervisor shall enter the date of and relevant information regarding the inmate's acceptance of the commanding officer's disposition into the IGRP database.

 - b. Appeal

If the inmate does not accept the commanding officer's disposition, the inmate shall indicate on the IGRP Commanding Officer's Disposition Form, within five business days from notification of the commanding officer's disposition, that the inmate does not accept the disposition and requests to appeal to the Central Office Review Committee. The inmate

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IV. PROCEDURE (cont.)



shall sign and date the IGRP Commanding Officer's Disposition Form. The grievance supervisor shall sign and date the form. The grievance supervisor or uniformed staff representative shall provide a photocopy of the IGRP Commanding Officer's Disposition Form to the inmate. The grievance supervisor shall enter the date of and relevant information regarding the inmate's appeal of the commanding officer's disposition into the IGRP database.

i. If the inmate misses the deadline to appeal to the Central Office Review Committee due to a legitimate and substantiated reason (e.g., court appearance, medical treatment, or parole hearing), then the inmate may still request directly from IGRP staff to appeal to the Central Office Review Committee at the earliest possible opportunity and in no event later than three days following removal of the impediment which prevented a timely filing. In general, a legitimate and substantiated reason for delay means a situation in which the inmate was prevented by circumstances beyond the inmate's control from submitting the appeal within the established time frame.

c. No Response

If the inmate does not provide a decision in writing on whether to accept or not accept the commanding officer's disposition within five business days from notification, the IGRP staff shall indicate on the IGRP Disposition Form that the inmate did not respond and shall contact the inmate to retrieve the inmate's decision. If the inmate decides to accept the resolution, the inmate shall indicate that he/she has accepted the disposition and sign and date the IGRP Disposition Form. The grievance supervisor shall sign and date the form. The grievance supervisor or uniformed staff representative shall provide a photocopy of the signed IGRP Disposition Form to the inmate. The grievance supervisor shall enter the date of and relevant information regarding the inmate's acceptance of the resolution into the IGRP database.

i. If the inmate continues to be non-responsive to the resolution after the IGRP staff has contacted the inmate, the inmate shall forfeit the inmate's participation in the IGRP process. The grievance supervisor shall indicate on the IGRP Disposition form that the inmate was non-responsive and shall sign and date the form. The grievance supervisor or uniformed staff representative shall provide a photocopy of the signed IGRP Disposition Form to the inmate.

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IV. PROCEDURE (cont.)

The grievance supervisor shall enter the date of and relevant information into the IGRP database.



- ii. If the inmate has been discharged from Department custody, the inmate will no longer have access to the IGRP process.

J. APPEAL TO THE CENTRAL OFFICE REVIEW COMMITTEE (CORC) WITH REVIEW AND ADVICE OF THE BOARD OF CORRECTION

1. The CORC shall consist of five voting members consisting of the first deputy commissioner, general counsel, and the associate commissioner for programs and discharge planning or their designees, and two designees of the chief of department. The associate commissioner for programs and discharge planning shall be the chairperson. The IGRP executive director shall act as a facilitator, but is not a voting committee member.

The CORC provides dispositions on grievances or requests after the inmate appeals the commanding officer's decision. The CORC functions on behalf of the Commissioner and pursuant to the Commissioner's authority. The CORC's disposition constitutes the Department's final decision on the inmate's grievance or request. The IGRP executive director is responsible for ensuring that CORC decisions are implemented.

2. Within one business day of receipt of the inmate's request for an appeal to the CORC, the IGRP staff shall forward the relevant IGRP Statement Form, IGRP Disposition Form, IGRP Investigation Form, IGRP Commanding Officer's Disposition Form, and other relevant documentation to the IGRP's executive director.
 - a. The executive director shall time and date-stamp all documents related to the appeal on the day the executive director receives them. The executive director shall review all the documents and conduct further investigation if necessary. The executive director shall compile the appeals documents for distribution to the CORC.
3. Within two business days of receipt of the inmate's appeal by the executive director, the executive director shall forward, via the Transmittal to Central Office Review Committee Form (Form 7105R, Attachment J), the appeals documents to each member of the CORC, and shall simultaneously forward copies of these documents to the executive director of the New York City Board of Correction.

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IV. PROCEDURE (cont.)

4. The Board of Correction shall be afforded five business days in which to offer any opinion or advice it may wish with regard to the proper resolution of the appeal of the grievance or request. If the Board of Correction responds, the IGRP executive director shall ensure that copies of that response are provided to each voting member of the CORC to be fully considered before making a final decision. If no response is received within five business days, the Board of Correction shall be deemed to have elected not to comment or advise the Department with regard to the grievance or request, and the CORC shall proceed to make a decision. If the Board of Correction requests additional time to comment on a grievance, that time shall be granted, to a limit of five additional business days absent extraordinary circumstances.
5. The CORC may render its decision through an informal process or formal meeting.

- a. CORC Informal Process/Review and Decision:

If, in the opinion of the IGRP executive director, the inmate's appeal may not require a formal CORC meeting to resolve the grievance or request, then the executive director may first process the CORC appeal informally.


- i. The IGRP executive director shall forward the appeal documents and voting sheet to each CORC member for review and decision.

Within ten business days of receipt of the appeal by the member, each member must fill out a voting sheet indicating the member's decision and forward the completed sheet to the IGRP executive director.

- ii. If all CORC members vote unanimously for a decision, then the IGRP executive director shall forward the CORC decision, memorialized in the Central Office Review Committee's Disposition Form (Form 7106R, Attachment K), to the inmate, the facility's commanding officer, the IGRP facility office, the Board of Correction, and any other appropriate party within one business day.

- b. CORC Formal Meeting/Review and Decision

In the event that the informal review and decision process does not result in a unanimous decision, or if, in the opinion of the IGRP executive director, the inmate's appeal requires a formal in-person CORC meeting

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IV. PROCEDURE (cont.)

to resolve the grievance or request, the executive director shall convene the CORC to meet in-person to review the appeal and shall render a decision within 15 business days of receipt of the appeal.

- i. CORC decisions stemming from a formal meeting require a majority vote of the committee members. The CORC shall submit a majority decision to the CORC chairperson on the Central Office Review Committee's Disposition Form. Within one business day, the IGRP executive director shall forward the CORC decision to the inmate, the facility's commanding officer, the IGRP facility office, the Board of Correction, and any other appropriate party.
- c. The CORC's disposition constitutes the Department's final decision on the inmate's grievance or request.
- d. The Grievance Supervisor shall ensure that any final CORC decision granting a grievance shall be communicated to the commanding officer of the facility, who shall confirm to the Grievance Supervisor within ten business days that the resolution of the grievance or request has been implemented. Any failures should be reported to the executive director of the IGRP for appropriate action including, if necessary, referring the matter back to the CORC for further action. If appropriate, the grievance supervisor shall also forward the decision to the commanding officer of any facility to which the inmate has been transferred.

V. REQUESTS AND GRIEVANCES RELATED TO MEDICAL ISSUES

- A. **MEDICAL PERSONNEL:** When an inmate believes that a medical professional employed to provide services to inmates has failed to provide adequate medical care, the grievance or request is not subject to the IGRP process. The IGRP staff shall forward the inmate's grievance or request to the medical provider, the Department of Health and Mental Hygiene, and the associate commissioner for health affairs and nutritional services for investigation and resolution.
- B. **DEPARTMENT PERSONNEL:** When an inmate believes that Department personnel have interfered with the inmate's timely access to medical care, the inmate's grievance or request falls within the IGRP's jurisdiction and the inmate shall submit a grievance or request with the IGRP.

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VI. REQUESTS AND GRIEVANCES RELATED TO THE EXERCISE OF RELIGIOUS BELIEFS

A. REQUESTS AND GRIEVANCES CONCERNING RELIGIOUS ACCOMMODATIONS

1. Inmates may request to exercise religious beliefs and practices not currently available in the facility through the IGRP. Inmates shall submit such requests using the IGRP Statement Form in accordance with the procedures set forth in Section IV.D.
2. The facility's grievance supervisor shall forward all inmate requests of a religious nature to the administrative chaplain, in accordance with Directive 3261, Access to Religious Programs and Practices. See Directive 3261, Access to Religious Programs and Practices, for a detailed description of the process for resolving grievances and requests concerning requests religious accommodation.
3. Unlike dispositions of non-religious grievances and requests, which may be appealed to and ultimately reviewed by the Central Office Review Committee, if requests concerning religious accommodations cannot be resolved informally, the Committee on Religious Accommodations shall review them. This committee shall be comprised of the associate commissioner for programs and discharge planning, the chief of department, and the general counsel, or their respective designees. The associate commissioner for programs and discharge planning shall be responsible for convening the committee and shall act as chairperson.
4. The grievance supervisor shall receive grievances and requests on religious issues, shall provide receipts and dispositions to inmates, and shall maintain records of such grievances and dispositions as set forth in Directive 3261.



B. MONITORING REQUESTS AND GRIEVANCES

The IGRP executive director shall compile and provide department-wide daily reports of requests and grievances concerning religious services and accommodations to the assistant commissioner of skills development and program services, who will analyze and report on noticeable trends and potential areas of non-compliance with policy and mandates. The assistant commissioner shall forward such reports concerning religious services and accommodations grievances and requests to the director of ministerial services, the associate commissioner for programs and discharge planning, and to all members of the Committee on Religious Accommodations.

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VII. REQUESTS AND GRIEVANCES RELATED TO CLASSIFICATION, SECURITY RISK GROUP (SRG) OR WATCH GROUP ISSUES

- A. An inmate may only dispute their classification score and/or custody level based on factual information that is used to score and complete the initial or reclassification assessment. An inmate who wants to dispute his/her score and/or custody must sign and check the box(es) on Forms 4100A and/or 4100B, the initial classification and reclassification forms, indicating that that the inmate wants to dispute the classification score and/or custody level and identify the indicators and/or overrides he/she is questioning. The inmate must forward the form to the facility IGRP office, which shall consider and process the form as a grievance. The IGRP office shall write "classification grievance" on the IGRP Statement Form and staple the Forms 4100A and/or 4100B to the IGRP Statement Form. The IGRP stall shall make photocopies of all forms, sign, date and time-stamp them, and provide the copies to the inmate as a receipt. The process will then follow the standard procedures outlined in Section IV.D-J, above.
- B. An inmate may file a grievance contesting identification as a validated Security Risk Group (SRG) member or Watch Group member. The inmate can file the grievance by utilizing the IGRP Statement Form and submit a written statement and other materials which the inmate wishes to offer to establish that the inmate is not a member of SRG or Watch Group. The grievance supervisor shall process the grievance and provide the inmate with a receipt.
1. Within two business days of receipt, the grievance supervisor shall forward these materials to the Intelligence Unit. Within five business days of receipt of the materials, the Intelligence Unit shall re-evaluate all the information submitted and determine whether the inmate should remain identified as a validated SRG or Watch Group member.
 2. The Intelligence Unit's Commanding Officer shall review the determination and respond to the facility grievance supervisor in writing whether the inmate's classification should continue to reflect validated membership in the SRG or Watch Group. The grievance supervisor shall communicate the decision utilizing the IGRP Disposition Form within one business day of receipt to the inmate.
 3. Inmate appeals from the Intelligence Unit's determination shall be reviewed by the Central Office Review Committee. (The Inmate Grievance Resolution Committee and the commanding officer are not authorized to review appeals concerning SRG or Watch Group status.) The Central Office Review Committee shall review the appeal in accordance with the procedures set form in Section IV.J, above.

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VIII. PROCEDURAL SAFEGUARDS



A. STAFF REPRISALS

No reprisals by staff of any kind shall be taken against an inmate for good faith utilization of the grievance and request program. An inmate may file a request or grievance alleging that the inmate was subject to reprisal as a result of filing a request or grievance.

B. CONFLICTS OF INTEREST

If the inmate who filed the request or grievance objects to an inmate participating in its resolution as an inmate grievance representative or an inmate grievance clerk, the inmate grievance representative and/or inmate grievance clerk shall not participate in resolving the request or grievance. If an inmate objects to both the inmate grievance representative and the inmate grievance clerk, then the grievance supervisor, uniformed staff representative and an alternate inmate grievance representative shall conduct the Inmate Grievance Resolution Committee hearing and reach a determination. An inmate who is a member of the Grievance Resolution Committee shall not function as a voting representative at a hearing regarding his/her own request or grievance.

1. In the event that the uniformed staff representative or grievance supervisor is involved in any manner with an inmate grievance, the uniformed staff representative must recuse himself/herself from handling any IGRP or Grievance Resolution Committee duties concerning that matter.
2. When the uniformed staff representative cannot participate as a member of the Grievance Resolution Committee, the deputy warden for programs shall select an alternate uniformed staff member to act as the uniformed staff representative. When the grievance supervisor cannot participate as a member of the IGRC, the IGRP executive director shall select an alternate staff member to act as the grievance supervisor.
3. Uniformed staff representatives shall not be assigned duties that could potentially conflict with their ability to independently evaluate requests and grievances, nor shall they serve in roles in which they are likely to be the subject of an inmate request or grievance.

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VIII. PROCEDURAL SAFEGUARDS (cont.)

C. CONFIDENTIALITY

IGRP staff shall lock all request and grievance files in cabinets located in a defined IGRP area.

IGRP staff shall not routinely make documents and files available to Department employees or inmates who are not assigned to the IGRP, except upon showing of a legitimate operational need, which the facility's commanding officer must approve.

D. EMERGENCY REQUESTS AND GRIEVANCES



The grievance supervisor shall refer any request or grievance of an emergency nature directly to the commanding officer to ensure an expeditious response. An emergency shall include, but is not limited to, a situation in which an inmate's health, safety, or welfare is at risk. The commanding officer shall take whatever action is determined necessary to address the emergency, and shall so advise the IGRP staff and the inmate. If the matter is not fully resolved, the request or grievance shall proceed in accordance with the procedures set forth in this directive.

E. IGRP ACCESS TO INFORMATION

Grievance supervisors and uniformed staff representatives shall have access to all records and documents within the facility necessary for the resolution of requests or grievances, except where prohibited for confidentiality or security reasons. Should a commanding officer determine that the release of specific information poses a threat to the safety or security of the facility or is confidential; such information may be withheld from grievance supervisors and uniformed staff representatives. Within one business day of receiving a request for documentation from IGRP staff, the commanding officer shall submit a memorandum documenting the withholding of such information, and the reasons for withholding it to the IGRP's executive director.

IX. REFERENCES

- A. Directive #3377, Due Process for IGRC Inmate Representatives, dated 01/23/89
- B. Directive #3802, Reasonable Accommodation for Inmates with Disabilities, dated 12/15/05
- C. Directive #4014R-A, Inmate Incentive Pay Plan, dated 04/11/07
- D. Directive #5000R-A, Reporting Unusual Incidents, dated 11/19/04 (as amended)



	EFFECTIVE DATE 09/10/12	SUBJECT INMATE GRIEVANCE AND REQUEST PROGRAM		
	CLASSIFICATION # 3376			
	DISTRIBUTION A & B	APPROVED FOR WEB POSTING <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	PAGE 32 OF 33 PAGES	

IX. REFERENCES (cont.)

- E. Directive #3261, Access to Religious Programs and Practices, dated 09/10/12.
- F. Operations Order #28/89, Identification of Hearing Impaired/Deaf Mute Inmates, dated 06/19/89 (as amended).
- G. Operations Order #14/91, Awarding Job Assignments within a Command, dated 04/02/91.
- H. Directive #4100R-C, Classification, dated 3/17/12.
- I. Operations Order #3/12, Monitoring and Managing Security Risk Groups and Watch Groups, dated 3/17/12.

X. ATTACHMENTS

- A. IGRP Categorization of Grievances and Requests (Appendix A)
- B. IGRP Statement Form (Form #7101R)
- C. IGRP Disposition Form (Form #7102R)
- D. Inmate Report of an Alleged Assault/Harassment (Form #7316R)
- E. IGRP Code of Ethics and Duties (Form #7113R)
- F. Time Limit Extension Form (Form #7114R)
- G. IGRP Investigation Form (Form #7115R)
- H. IGRC Hearing Notice (Form #7103R)
- I. Commanding Officer's Decision (Form #7104R)
- J. Transmittal to CORC (Form #7105R)
- K. Disposition of the Central Office Review Committee (Form #7106R)

	EFFECTIVE DATE 09/10/12	SUBJECT INMATE GRIEVANCE AND REQUEST PROGRAM		
	CLASSIFICATION # 3376			
	DISTRIBUTION A & B	APPROVED FOR WEB POSTING <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	PAGE 33 OF 33 PAGES	

XI. SUPERSEDES

- A. Directive #3375R-A, entitled, Inmate Grievance Resolution Program, dated 03/13/08
- B. Any other Directive, Operations Order, Teletype, Memorandum, etc, that may be in conflict with the policies and procedures outlined herein.

XII. SPECIAL INSTRUCTIONS

- A. Within ten calendar days of the effective date of this order, all Commanding Officers shall implement a Command Level Order incorporating the policy and provisions outlined herein.
- B. All facility managers and supervisors shall ensure strict enforcement of the policy, guidelines and procedures noted herein.



CITY OF NEW YORK - DEPARTMENT OF CORRECTION

**INMATE GRIEVANCE AND REQUEST PROGRAM
CATEGORIZATION OF GRIEVANCES AND REQUESTS**

Eff.: 09/10/12
Ref.: Dir. #3376
Page 1 of 2



Attachment A

Appendix A

The following categories/issues are subject to the Inmate Grievance and Request Program (IGRP) process.

Grievance Categories

Classification	Mental Health (complaints involving Department personnel)
Clothing	Medical (complaints involving Department personnel)
Commissary	Noise
Correspondence/Mail	Personal Hygiene
Employment	Phone
Environmental	Programs
Food	Property
Housing	Recreation
Inmate Grievance and Request Program	Religion
Inmate Account	Rules and Regulations
Jail Time	School
Laundry	Search
Social Services	Security Risk Group/Watch Group
Law Library	Transportation
	Visit

Request Categories

- Change of religion card
- Religious accommodations
- Request for information
- Request for social services
- Request for property release form
- Request for transfer of funds form
- Other

**CITY OF NEW YORK - DEPARTMENT OF CORRECTION****INMATE GRIEVANCE AND REQUEST PROGRAM
CATEGORIZATION OF GRIEVANCES AND REQUESTS**Eff.: 09/10/12
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Attachment A

Appendix A

The following categories/issues are not subject to the Inmate Grievance and Request Program (IGRP) process. IGRP staff shall forward the complaint or request to the appropriate entity for review and resolution. The entity is listed below next to each issue. IGRP staff shall also complete the IGRP Disposition Form and provide to the inmate.

Staff-on-inmate non-sexual assault (use of force) allegation	Commanding officer
Staff-on-inmate sexual assault/abuse allegation (e.g. including repeated verbal statements or comments of a sexual nature, including demeaning references/derogatory comments about gender, body or clothing)	Tour commander or Department of Investigation
Staff-on-inmate non-sexual harassment (e.g., verbal harassment)	Commanding officer
Inmate-on-inmate non-sexual assault allegation	Commanding officer
Inmate-on-inmate sexual assault/abuse allegation	Tour commander or Department of Investigation
Inmate-on-inmate non-sexual harassment allegation (e.g., verbal harassment, intimidation, hoarding/confiscation of personal items, etc.)	Commanding officer
Status as an intended contraband recipient, enhanced restraint, Red ID, or centrally monitored case inmate	Deputy Warden of Security
Inmate disciplinary process and disposition	Deputy Warden of Security
Medical staff (e.g., complaints regarding quality of care, request for second medical opinion)	Medical provider, Department of Health and Mental Hygiene, DOC Associate Commissioner for Health Affairs and Nutritional Services
Mental health staff (e.g., complaints regarding quality of care, request for second medical opinion)	
Request for protective custody (fear for safety)	Deputy Warden of Security
Request for accommodation due to disability or claims of discrimination based on disability or perceived disability	DOC Disability Rights Coordinator
Freedom of Information Law requests	DOC General Counsel



City of New York - Department of Correction

INMATE GRIEVANCE AND REQUEST PROGRAM STATEMENT FORM

Inmate's Name:	Book & Case #:	NYSID # (optional):	
Facility:	Housing Area:	Date of Incident:	Date Submitted:

All grievances and requests must be submitted within ten business days after the incident occurred, unless the condition or issue is ongoing. The inmate filing the grievance or request must personally prepare this statement. Upon collection by Inmate Grievance and Request Program (IGRP) staff, IGRP staff will time-stamp and issue it a grievance/request reference number. IGRP staff shall provide the inmate with a copy of this form as a record of receipt within two business days of receiving it.

Request or Grievance:

Action Requested by Inmate

Please read below and check the correct box:

- | | | |
|---|------------------------------|-----------------------------|
| Do you agree to have your statement edited for clarification by IGRP staff? | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| Do you need the IGRP staff to write the grievance or request for you? | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| Have you filed this grievance or request with a court or other agency? | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| Did you require the assistance of an interpreter? | <input type="checkbox"/> Yes | <input type="checkbox"/> No |

Inmate's Signature: _____ Date of Signature: _____

For DOC Office Use Only
IGRP RETAINS THE DOUBLE-SIDED ORIGINAL FOR ADMINISTRATIVE RECORDS.
IGRP MUST PROVIDE A COPY OF THIS FORM TO THE INMATE AS A RECORD OF RECEIPT.

Time Stamp Below:	Grievance and Request Reference #:	Category:
	Inmate Grievance and Request Program Staff's Signature:	



City of New York - Department of Correction

INMATE GRIEVANCE AND REQUEST PROGRAM STATEMENT FORM

The Inmate Grievance and Request Program (IGRP) at the NYC Department of Correction is available to resolve your individual complaints or concerns about specific matters involving incarceration.

A **grievance** is a written complaint submitted by an inmate in the Department's custody about an issue, action, condition, or practice relating to the inmate's confinement.

A **request** is a written individually expressed need for a service, assistance, or accommodation regarding any issue relating to the inmate's confinement.

- You may first seek to resolve the issue or condition by speaking to the involved staff or your housing officer.
- You always have the right to file a grievance or request.
- Before you seek relief from an external entity, like the courts or another agency, you should file your grievance or request with this program.

THE SUBMISSION AND APPEALS PROCESSES

1. SUBMISSION

Submit this form (Statement form) to the IGRP office, IGRP staff, or drop it in a grievance and request box.

2. INFORMAL RESOLUTION

You will receive a proposed resolution within five days after the IGRP receives the form. If you disagree with the proposed resolution, you will have five business days to appeal and request a formal hearing.

If your submission involves a request to exercise religious beliefs or practices not currently available and you seek to appeal, the Committee on Religious Accommodations will review your request.

3. FORMAL HEARING OF THE INMATE GRIEVANCE RESOLUTION COMMITTEE

The Inmate Grievance Resolution Committee (IGRC) will conduct a hearing and render a written disposition within five business days from your request for a hearing.

If you disagree with the IGRC's disposition, you will have five business days to appeal to the commanding officer.

4. COMMANDING OFFICER'S REVIEW

The IGRP staff will forward your appeal to the commanding officer within one business day of receiving it. Within five business days of receiving the appeal, the commanding officer will render a written disposition.

5. CENTRAL OFFICE REVIEW COMMITTEE

If you disagree with the commanding officer's disposition, you will have five business days to appeal to the Central Office Review Committee (CORC). The CORC will render a disposition within 15 business days of receiving the appeal. The CORC's disposition constitutes the Department's final decision.



CITY OF NEW YORK - DEPARTMENT OF CORRECTION



INMATE GRIEVANCE AND REQUEST PROGRAM

Form: # 7102R
Eff.: 09/12/12
Ref.: Dir. #3376

DISPOSITION FORM Attachment - C

Grievance/Request Reference #:	Date Filed:	Facility:
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Title of Grievance or Request:	Category:
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From IGRP Inmate Statement Form, print or type short description of request/grievance:

Action Requested by Inmate:

STEP 1: INFORMAL RESOLUTION

Check one box: Grievance Request Submission not subject to the IGRP process.

The Inmate Grievance and Request Program proposes to informally resolve your grievance or request as follows below. Alternatively, IGRP staff shall provide an explanation for why the submission is not subject to the IGRP process.

Are you satisfied with the proposed resolution?

Yes, I accept the resolution. No

I request a formal hearing of the Inmate Grievance Resolution Committee within 5 business days from notification of the proposed resolution. I understand that if my submission involves a request to exercise religious beliefs or practices not currently available, then the Committee on Religious Accommodations will review my request

Inmate's Signature:	Date:	Grievance Supervisor's Signature:	Date:
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CITY OF NEW YORK - DEPARTMENT OF CORRECTION



INMATE GRIEVANCE AND REQUEST PROGRAM

Form: # 7102R
Eff.: XX/XX/12
Ref.: Dir. #3376

DISPOSITION FORM

If this is a submission not subject to IGRP process, DOC Grievance Supervisor must choose its category and write down the next steps for the inmate.

- | | |
|---|--|
| <input type="checkbox"/> Staff-on-inmate non-sexual assault (use of force) allegation | <input type="checkbox"/> Medical staff, e.g., complaints regarding quality of care, request for second medical opinion |
| <input type="checkbox"/> Staff-on-inmate sexual assault/abuse allegation | <input type="checkbox"/> Mental health staff, e.g., complaints regarding quality of care, request for second medical opinion |
| <input type="checkbox"/> Staff-on-inmate non-sexual harassment | <input type="checkbox"/> Request for protective custody (fear for safety) |
| <input type="checkbox"/> Inmate-on-inmate non-sexual assault allegation | <input type="checkbox"/> Request for accommodation due to disability |
| <input type="checkbox"/> Inmate-on-inmate sexual assault/abuse allegation | <input type="checkbox"/> Inmate disciplinary process and dispositions |
| <input type="checkbox"/> Inmate-on-inmate non-sexual harassment allegation | <input type="checkbox"/> Freedom of Information law request |
| <input type="checkbox"/> Status as an intended contraband recipient, enhanced restraint, Red ID, or centrally monitored case inmate | <input type="checkbox"/> Other |

Next steps:

Date of Deadline for Status Update from Relevant Entity:

Inmate's Signature:

Date:

Grievance Supervisor's Signature:

Date:

STEP 2: FORMAL HEARING OF INMATE GRIEVANCE RESOLUTION COMMITTEE

Formal Hearing Disposition: _____

Date returned to inmate: _____

IGRC Members Signatures: _____

Please decide within five business days of receipt whether to appeal (Check one box below.)

- Yes, I agree with the IGRC hearing disposition.
- No, I disagree with the IGRC hearing disposition and seek to appeal to the Commanding Officer.

Inmate's Signature:

Date:

Grievance Supervisor's Signature:

Date:

STEP 3: APPEAL TO THE COMMANDING OFFICER

Grievance Supervisor must check only one box below.

- Grievance forwarded to the Commanding Officer for action upon IGRC recommendation.
- Grievance not forwarded to the Commanding Officer (explain): _____

Grievance Supervisor's Signature:

Date:

NEW YORK CITY DEPARTMENT OF CORRECTION

INTRADEPARTMENTAL MEMORANDUM

Attachment - D

Date:

To:

From:

**Subject: INMATE REPORT OF AN ALLEGED ASSAULT/HARASSMENT OR
SEXUAL/PHYSICAL ASSAULT**

This memorandum is to inform you that the following inmate contacted the Inmate Grievance and Request Program (IGRP) office on _____ and informed members of the IGRP that s/he was (Check all that apply)

INMATE ON INMATE

STAFF ON INMATE

ASSAULT

PHYSICAL ASSAULT

HARASSED

SEXUAL ASSAULT

Inmate Last Name: _____ Inmate First Name: _____

NYSID #: _____ Book and Case #: _____

This information is being forwarded to you because these allegations are not within the jurisdiction of the IGRP pursuant to Directive 3376, Section IV.B.2.b.). Please see enclosures.

You may contact the inmate for additional details of the allegation.

, Grievance Supervisor

c: IGRP files

Form 7316R

Eff.: 09/10/12

Ref.: Dir. #3376



CITY OF NEW YORK - DEPARTMENT OF CORRECTION



INMATE GRIEVANCE AND REQUEST PROGRAM

Form: # 7113R
Eff.: 09/10/12
Ref.: Dir. #3376

CODE OF ETHICS AND DUTIES FORM

Attachment E

The Inmate Grievance and Request Program Code of Ethics and duties, applicable to Grievance Supervisors, uniformed staff representatives, inmate grievance representatives, and inmate grievance clerks, strengthens the credibility and effectiveness of the Inmate Grievance and Request Program.

The Inmate Grievance and Request Program Code of Ethics and duties consists of the following principles:

- A. Members shall not obstruct an inmate from exercising his/her right to file a grievance/request.
- B. Members shall demonstrate a willing and tactful attitude in the performance of their duties.
- C. Members shall not expect or receive preferential treatment because of his/her participation in the IGRP.
- D. Members shall not abuse their particular duties, responsibilities or assignments.
- F. Members shall be responsible for the safekeeping of grievance/request files and preventing their unauthorized use.
- G. Members shall not intentionally undermine the IGRP's operations or credibility.
- H. Members of the IGRP shall have a working knowledge of the program and their responsibilities as members.
- I. Members shall not violate Department rules and regulations.

I have read, understood and shall abide by the above Code of Ethics and Duties. My signature below indicates acknowledgement of my right to a due process hearing should I violate any of the above ethics.

Inmate's Signature :

Date:

Grievance Supervisor's or Grievance Officer's Signature :

Date:



CITY OF NEW YORK - DEPARTMENT OF CORRECTION



INMATE GRIEVANCE AND REQUEST PROGRAM

Form: # 7114R
Eff.: 09/10/12
Ref.: Dir. #3376

AUTHORIZATION FOR TIME EXTENSION FORM

Grievance/Request Reference #:	Inmate's Name:	Attachment F
Book & Case #:	NYSID #:	Date:

The Inmate Grievance and Request Program, the Commanding Officer, or the Central Office Review Committee may request timeframe extensions by which they must complete IGRP tasks, but such extensions may only be granted with the written consent of the inmate. In addition, an inmate may request timeframe extensions due to a valid reason for a delay in submitting a grievance or request or due to a legitimate and substantiated reason in requesting appeals. An inmate's request for a timeframe extension may only be granted with the written consent of the Grievance Supervisor.

Please check one box below. This timeframe extension is requested by:

- IGRP staff,
 - The Commanding Officer,
 - The Central Office Review Committee,
 - Inmate personally involved in this grievance or request. - **if yes, go to Section A**
- } **if yes, go to Section B**

SECTION - A

If this request is submitted by an **INMATE**, please check applicable box(es) as the reason for the delay below to provide justification for the timeframe extension.

- medical visits
- transfer to another facility
- transfer to a punitive segregation area or other special population housing area
- court appearances
- Other - describe: _____

Grievance Supervisor will review this request and justification and will check one box below and provide signature and date.

- I reviewed this request and checked on the validity of the delay. I approve the timeframe extension for _____ days.
- I reviewed this request and checked on the validity of the delay. I reject the timeframe extension for the inmate.

SECTION - B

If this request is submitted by DOC, IGRP staff should indicate who requested the extension and the justification:

Inmate will review this request and justification and will check one box below and provide signature and date.

- I reviewed this request and checked on the validity of the delay. I approve the timeframe extension.
- I reviewed this request and checked on the validity of the delay. I reject the timeframe extension.

Inmate's Signature:	Date:
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Grievance Supervisor Signature:	Date:
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CITY OF NEW YORK - DEPARTMENT OF CORRECTION



INMATE GRIEVANCE AND REQUEST PROGRAM

Form: # 7115R
Eff.: 09/10/12
Ref.: Dir. #3376

GRIEVANCE AND REQUEST INVESTIGATION FORM

Inmate's Name:	Book & Case #:	NYSID #:
Grievance/Request Reference #:	Facility:	Housing Area:

Issue:

Action Requested:

Person(s) Contacted:

Statement(s) Provided:

Related Documents:

Conclusion:

Completed by:

Inmate Grievance Representative (Signature):	Date:
Uniformed Staff Representative (Signature):	Shield: Date:
Grievance Supervisor (Signature):	Date:

Attachment G



CITY OF NEW YORK - DEPARTMENT OF CORRECTION



INMATE GRIEVANCE AND REQUEST PROGRAM

Form: # 7103R
Eff.: 09/10/12
Ref.: Dir. #3376

INMATE GRIEVANCE AND RESOLUTION COMMITTEE HEARING NOTICE

Inmate's Name:	Book & Case #:	NYSID #:
Grievance/Request Reference #:	Facility:	Housing Area:

THE INMATE GRIEVANCE AND RESOLUTION COMMITTEE (IGRC) IS CONDUCTING A HEARING REGARDING YOUR GRIEVANCE/REQUEST. IT IS REQUESTED THAT YOU ATTEND THE HEARING THAT WILL BE CONDUCTED IN AN ATTEMPT TO RESOLVE THE GRIEVANCE/REQUEST.

NAME OF PERSON TO APPEAR: _____

DATE OF IGRC HEARING: _____

TIME OF IGRC HEARING: _____

PLACE OF IGRC HEARING: _____

PLEASE INDICATE IF YOU WILL BE PRESENT: YES NO

If no, please check the appropriate box:

I wish to withdraw grievance or request

Hearing scheduled on court day

Other (specify)

If you do not appear at the **third** scheduled hearing and fail to provide a legitimate and substantiated reason, then the Inmate Grievance Resolution Committee shall hold the hearing in absentia and has the authority to reach a decision or dismiss the grievance or request by majority vote. Refusals by the inmate to attend the hearing must be made to IGRP staff in person and shall be documented.

Attachment H

Inmate's Signature:	Date:	IGRP Staff's Signature:
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CITY OF NEW YORK - DEPARTMENT OF CORRECTION



INMATE GRIEVANCE AND REQUEST PROGRAM

Form: # 7104R
Eff.: 09/10/12
Ref.: Dir. #3376

COMMANDING OFFICER'S DISPOSITION FORM

Inmate's Name:	Book & Case #:	NYSID #:
Grievance/Request Reference #:	Date Filed:	Facility:
Title of Grievance or Request:	Category:	

COMMANDING OFFICER'S DISPOSITION

The IGRC disposition is:

Accepted

Rejected

Commanding Officer's Disposition (and Comments):

Commanding Officer's Signature:	Date:
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NOTICE TO INMATE

Check the appropriate box below and provide your signature.

You have five days from receipt of this notice to file your appeal.

I accept the Commanding Officer's disposition and do not wish to appeal to the Central Office Review Committee.

I reject the Commanding Officer's disposition and wish to appeal to the Central Office Review Committee.

Attachment I

Inmate's Signature:	Date:
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Grievance Supervisor's Signature:	Date:
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