



State of New Jersey  
Department of Corrections  
Policy Statement

Policy Number  
IMM.002.001

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Policy Title:

INMATE REMEDY SYSTEM

Approved and Issued By: Gary M. Lanigan, Acting Commissioner on April 30, 2010.

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<b>Effective Date:</b> June 1, 2002	<b>Revised:</b> April 22, 2010	<b>Enabling Authority :</b> N J S A 30 1B-6
		<b>Related Authority</b> N J A C 10A 1-4 1
<b>Promulgating Office:</b> Division of Operations		<b>Professional Association Standard cited:</b> ACA 3-4271
<b>Applicability</b> This Policy Statement applies to all Organizational Units of the New Jersey Department of Corrections		
<b>Supersedes</b> IMM 007 001 dated January 1, 2004		
<b>Instructions</b> All affected Organizational Unit Managers within the New Jersey Department of Corrections shall be responsible for following all Level I <i>Internal Management Procedures</i> and developing any necessary written Operational Level III <i>Internal Management Procedures</i> consistent with this Policy		
<b>Review Schedule</b> This document is scheduled for annual review on or about April 20, 2011		

## I. PURPOSE

The purpose of this policy is to provide a mechanism for inmates to bring complaints, concerns, questions, problems, including those concerning requirements under the *Americans with Disabilities Act (ADA)*, and/or grievances to correctional facility administration for resolution through the use of the *Inmate Remedy System*. This system is intended to encourage internal problem-solving and establishes lines of communication between inmates and correctional facility staff through a correctional facility *Inmate Remedy System Coordinator*.

## II. DEFINITIONS

The following words and terms, when used in this policy, shall have the following meanings, unless the context clearly indicates otherwise.

ADA means the *Americans with Disabilities Act* 42 U S C A 12101 et seq

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ADA Grievance means an appeal of the NJ DOC response to an initial inmate request for reasonable ADA accommodations

ADA Coordinator means the staff person assigned to manage all NJDOC ADA activities and compliance as well as to investigate any complaints claiming that the NJDOC has violated the ADA

ADA Liaison means a staff person assigned at a correctional facility to receive, record, track, and forward all inmate ADA accommodation requests and resolutions for their designated facility to the ADA Coordinator. The ADA Liaison is the individual who is responsible for attempting to resolve all inmate ADA accommodation requests at the first level, via the *Inmate Remedy System*, with the intent to ensure NJ DOC compliance with ADA regulations and to ensure the needs of inmates with qualified, ADA disabilities are accommodated, and reduce the filing of inmate ADA grievances

Administrative Appeal means the method through which inmates are encouraged to formally appeal to the Administrator or designee the decision or finding rendered by correctional facility staff in regard to the "Routine Inmate Request" or "Interview Request" that was previously presented by the inmate

Assessment and Evaluation Form (IRSF 104) means the form used to evaluate all areas of the *Inmate Remedy System* to ensure the minimum compliance is maintained by the correctional facility

Complaint means a written expression of dissatisfaction, distress, concern or displeasure

Coordinator of the Inmate Remedy System, herein referred to as "Coordinator" means the staff member(s) appointed by the correctional facility administrator, who is responsible for processing the Inmate Remedy System

Disability means any physical or mental impairment such as physical disability, infirmity, malformation or disfigurement which is caused by bodily injury, birth defect or illness including epilepsy and other seizure disorders, and which shall include, but not be limited to, any degree of paralysis, amputation, lack of physical coordination, blindness or visual impediment, deafness or hearing impediment, muteness or speech impediment or physical reliance on a service or guide dog, wheelchair, or other remedial appliance or device, or any mental, psychological or developmental disability, including autism spectrum disorders, resulting from anatomical, psychological or physiological or neurological conditions which prevents the normal exercise of any bodily or mental functions or is demonstrable, medically or psychologically, by accepted clinical or laboratory diagnostic techniques. Disability shall also mean AIDS or HIV infection

Grievance means a circumstance or action or series of related events thought to be unjust and grounds for complaint

The Inmate Remedy System means the comprehensive system through which an inmate may initially and formally submit a "Routine Inmate Request" and/or an "Interview Request" in order

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to obtain information, and to present issues, concerns, complaints in writing to the correctional facility staff. The *Inmate Remedy System* also includes an "Administrative Appeal" through which inmates are encouraged to formally appeal to the Administrator or designee the decision or finding rendered by correctional facility staff in regard to the "Routine Inmate Request" or "Interview Request" that was previously presented by the inmate. This comprehensive *Inmate Remedy System* consists of

- 1 A "Routine Inmate Request",
- 2 An "Interview Request", and
- 3 An "Administrative Appeal "

Inmate Remedy System Form (IRSF 101) means the multi-purpose form that shall be used to provide routine information, refer an inmate for an in-person interview which includes an administrative appeal, to address complaints and or grievances

New Jersey Department of Corrections or NJ DOC means that agency of the Executive Branch of the New Jersey State Government whose functions are to protect the public and provide for the custody, care, discipline, training and treatment of persons committed to the state correctional facilities

Organizational Unit means a division, correctional facility or other work unit within the NJ DOC

Staff Response Form( IRSF 102) means the form that is to be used as a continuation or follow-up form for a previously responded-to NJ DOC Form, written response to an approved extension, a misplaced *Inmate Remedy System Form*, or written response from a verbal communication between staff and inmate

Staff Corrective Action Form (IRSF 103) means the form that is to be used to re-direct or provide information to inmates when they should be using a more appropriate form other than the *Inmate Remedy System Form* or action in accordance with other correctional facility and NJ DOC standards, policies and/or procedures

### III POLICY

The NJ DOC has mandated that inmates are provided a departmentally-approved procedure for resolution of complaints, concerns, questions, problems and/or grievances that have not been resolved on an informal level. To accomplish this, the NJ DOC has implemented a multi-level *Inmate Remedy System*. This process is designed to allow all inmates access to appropriate correctional facility administration for the review and potential resolution of complaints, concerns, questions, problems and/or grievances. The system is designed to provide a confidential route for inmates to make the administration aware of issues that may exist within the correctional facility, and provide a method for positive interaction between staff and the inmate population. This process also provides correctional facility staff, senior administration and the Office of the Attorney General with a specific, written mechanism to track employee responses.

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All inmates may utilize the Inmate Request, Interview and Administrative Appeal Process. This process is required to help resolve inmate complaints, concerns, questions, and/or problems relative to issues or conditions under the jurisdiction of the NJ DOC that affect them personally. This process must be used to request a personal interview with appropriate staff to resolve their personal complaints, concerns, questions, and/or problems relative to issues or conditions within the NJ DOC and to request an administrative appeal for the potential resolution of complaints or grievances. Additionally, the *Inmate Remedy System* provides a record of an incident.

Additionally, all inmates are required to use the *Inmate Remedy System* as the first step to request ADA accommodations. After filing a request for ADA accommodations, should the Department of Corrections fail, in the inmate's opinion, to meet his/her ADA accommodation needs or has acted in a way that is prohibited by the ADA, the inmate may then file an ADA grievance in accordance with N.J.A.C. 10A:1-3. All ADA grievances should be filed utilizing Form 100, *Americans with Disabilities Act Grievance Form*.

Inmates are required to utilize and exhaust the *Inmate Remedy System* before applying to the courts for relief.

It should be noted that use of the *Inmate Remedy System* does not constitute substantial compliance with tort claim requirements of the State of New Jersey.

No individual shall be coerced, punished or suffer any reprisal, retaliation, or retribution as a direct or indirect result of filing any Inmate Remedy System Form as set forth in this policy. A finding of guilt to such an incident shall be subject to appropriate action.

#### **IV. PROCEDURE**

The procedures for the utilization of the inmate request and remedy process are presented in the NJDOC *Level I Internal Management Procedure IMM 002 RRP 001, Inmate Remedy System*. Correctional facility department heads (intermediate level supervisors) shall ensure that they provide both detailed and general instructions to their staff members through a *Level III Internal Management Procedure* to ensure compliance with the Level 1 Internal Management Procedure.

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**V. CROSS REFERENCE DOCUMENTS, POLICIES AND IMPS**

<b>Document/Policy Number</b>	<b>Title</b>	<b>Effective/Revision Date</b>
IMM 002 RRP 001	<i>Inmate Remedy System</i>	May 11, 2010
IMM 002 ADA 01	<i>Processing Inmate ADA Grievances</i>	April 2010
IMM 002 003	<i>Americans With Disabilities Act and New Jersey Law Against Discrimination - Reasonable Accommodations for Inmates</i>	April 30, 2010

**VI Applicable Forms**

<b>Form Number</b>	<b>Form Title</b>	<b>Effective/Revision Date</b>
IRSF-101	<i>Inmate Request System-Remedy Form</i>	1/2008
IRSP-102	<i>Staff Response Form</i>	1/2008
IRSP-103	<i>Staff Corrective Action Form</i>	1/2008
IRSP-104	<i>Assessment and Evaluation Form</i>	1/2008
Form 100	<i>Americans with Disabilities Act Grievance Form</i>	