



State of New Jersey

DEPARTMENT OF CORRECTIONS
WHITTLESEY ROAD
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TRENTON NJ 08625-0863

CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lt. Governor

GARY M. LANIGAN
Commissioner

February 21, 2014

Sent via E-Mail to
prison info project@umich.edu

Greer Donley
Prison Information Project
c/o Professor Marge Schlanger
910 Legal Research Building
University of Michigan Law School
625 South State Street
Ann Arbor, Michigan 48109

Re: OPRA Request - Tracking # 9970

Dear Ms. Donley,

The Department of Corrections has received your Government Records Request. Your request has been assigned Request ID No. 9970 for tracking purposes. You submitted a request for copies of the following records:

1. Any current prisoner handbook or manual (including any inmate orientation handbook or manual), system-wide or institution specific
2. All current prisoner grievance regulations, policies, guidelines, manuals, directives, rules, etc., including general grievance policies/guidelines/etc. and specific grievance policies/guidelines/etc., relating to, for example, health care or sexual assault
 - By "grievance" we mean any grievance or complaint, whether formal or informal, whatever the subject matter
3. Any records, created or updated from 2003 to the present, tallying or reporting
 - The number of grievances filed and resolved each year,
 - The categories or subject matter of grievances filed and resolved, and number of grievances in each subject matter category used (for instance, grievances related to food, health care, use of force, etc., and including both ordinary and "sensitive" complaints such as those involving allegations of staff misconduct)
 - Grievance outcomes or resolutions each year, by subject matter category and year
 - Statistics or data on length of time to resolve grievances, by subject matter category and year
 1. We are not requesting individual grievance records. We are only requesting records that summarize, aggregate, or compile grievance data.

- 4 Any current policy for prisoner mail or correspondence, including regular and legal mail, prisoner receipt of newspapers, magazines, newsletters, and books

In response to item # 1 of your request, Inmate Handbooks are institutional specific Therefore, this office will provide you with the following

- 1 “Inmate Handbook for the Garden State Youth Correctional Facility” - 111 pages,
- 2 “Inmate Handbook for Bayside State Prison” - 83 pages

In response to item #2 of your request, this office will provide you with the following

- 1 Policy Number IMM 002 001 “Inmate Remedy System” – 4 pages,
- 2 N J A C 10A 1-3 5 thru 1-4 9 “Grievance Procedures” – 6 pages

In response to item #3 of your request, please be advised that the only documents available that are partially responsive to your request exist for the years of 2005 – 2012 The 2013 statistics have yet to be compiled In addition, the documents do not contain all the information you have requested as the remedies are not tracked in such a manner The statistics available provide the number of remedy forms submitted per month, per institution, per year as well as the number of remedies that were not answered These documents are 8 pages in length

In response to item #4 of your request, this office can provide you with the following

- 1 N J A C 10A 18 “Mail, Visits and Telephone” – 33 pages

In accordance with N J S A 47 1A-1 et seq , the above noted documents are being e-mailed as attachments to this correspondence free of charge

You have a right to challenge the decision by the Department of Corrections At your option, you may either institute a proceeding in the Superior Court of New Jersey or file a complaint in writing with the Government Records Council (GRC) You may contact the GRC by toll-free telephone at 866-850-0511, by mail at P O Box 819, Trenton, NJ 08625, by e-mail at grc@dca.state.nj.us, or at their web site at www.state.nj.us/grc The Council can also answer other questions about the law

Sincerely,

John Falvey
Records Custodian

c OPRA Records File

Denial of Access Appeal Info

The New Jersey Open Public Records Act (N.J.S.A. 47:1A-1 et seq.) permits a person who believes he or she has been illegally denied access to a public record to file a complaint with the Government Records Council (GRC), or file suit in Superior Court to challenge the decision and compel disclosure. This poster describes the procedures for taking these actions.

To file a complaint with the Government Records Council.

Contact the GRC by phone at 1-866-850-0511, by e-mail at grc@dca.state.nj.us, or review the GRC web site at www.nj.gov/grc for information and to register your complaint.

The GRC staff may be able to help resolve the problem over the phone. If not, you can receive a complaint form through the mail or from the web site.

When you file the written complaint, the GRC will offer you and the public agency non-adversarial, impartial mediation.

If mediation is not agreed to or fails, the GRC will investigate the complaint.

The investigation may result in findings or a formal decision by the GRC, which may include a hearing by the Council.

In some cases, the Council can award attorneys fees or fine a records custodian for failing to provide records.

Details of this process are available from the GRC.

There is no fee to file a complaint with the GRC.

To file a complaint in Superior Court:

A requester may start a summary (expedited) lawsuit in the Superior Court. A written complaint and order to show cause must be filed with the court.

The court requires a \$200 filing fee, and you must serve the lawsuit papers on the appropriate public officials.

The court will schedule a hearing and resolve the dispute.

If you disagree with the court's decision, you may appeal the decision to the Appellate Division of Superior Court.

If you are successful, you may be entitled to reasonable attorney fees.

You may wish to consult with an attorney to learn about initiating and pursuing a summary lawsuit in the Superior Court.

<http://www.state.nj.us/grc/register/appeal/>