

## INMATE GRIEVANCE PROCEDURE FOR COMMUNITY CORRECTIONS

Introduction:

The purpose of this memo is to provide individuals under the authority of D.C Department of Corrections with information regarding the Inmate Grievance Procedure 4030.1D.

During incarceration you may be confronted with issues such as lost or damaged property, unsafe housing conditions, or someone may have violated your constitutional rights. There are three methods in addressing such problems:

1. Resolve the matter informally, that is discussing the complaint with the relevant parties or appropriate DCDC employee.
2. If the matter cannot be resolved informally, file a written complaint called Inmate Grievance Procedure (IGP) with the warden of your institution. You can obtain this form from a correctional officer assigned to your housing unit.
3. If you do not agree with the outcome of the IGP and you have exhausted all your administrative remedies, and you have grounds, you may file a lawsuit. In most cases and always in federal court, before you are able to file a lawsuit, you must exhaust all your administrative remedies. This means you must file a grievance with the administrator of your halfway house, and appeal a decision you are not satisfied with to the Administrator For Community Correctional Centers, and the Associate Director for Programs, and the Director of the Department of Corrections.

The department of corrections is required to provide you with the following information (*see Directive 4030.1D Section A*):

- Written mandates pertaining to the IGP directive
- An explanation of the IGP
- An opportunity to ask questions and have these questions answered
- Accommodate non-English speaking inmates, impaired or disabled individuals

If want to obtain the department order 4030.1D (Inmate Grievance Procedure), it should be posted on the inmate bulletin boards or in inmate publications.

### YOUR RIGHTS AND BASIC RULES REGULATING THE IGP

The following rules regulate the filing of IGP forms:

- Each IGP form can only contain ONE specific incident, charge, or complaint. For example, on June 12, 1998 case manager A improperly prevents you from going to work and on February 22, 1998 case manager B denies you access to make a medical appointment. These two incidents should be filed on a separate IGP form. **DO NOT PLACE SEPARATE OR UNRELATED INCIDENTS ON THE SAME IGP FORM** (*see Directive 4030.1D Section F, part 1*).
- You are only allowed to file a complaint that involves you directly. For example, if you witness a case manager harassing another resident, you cannot file a grievance against this case manager. Only the person who is directly effected by the harassment can file a grievance.
- The records involving your complaint are strictly confidential. No one should have privilege to this information except you and the DCDC employee with who file the IGP (*see Directive 4030.1D Section J*).
- If your complaint involves a DCDC employee, that employee is not allowed to participate in the investigation (*see Directive 4030.1D Section O, part 2*).

- It is unlawful for DCDC employee to retaliate against for filing a complaint (*see Directive 4030.1D Section O, part 3*)
- The IGP form should be available to you regardless of any disciplinary, classification, or other administrative or legal conditions affecting you (*see Directive 4030.1D Section F, part 6*)

### **FILLING OUT an IGP FORM:**

If you cannot resolve the matter informally, the next step is to file an IGP (*see Directive 4030.1D Section K, part 3*). You will need to do the following:

- Obtain an IGP form from a case manager in your halfway house
- If you are unable to obtain an IGP form from a case manager, you may file a grievance on standard letter size paper. This sheet of paper must include the following information (*see Directive 4030.1D Section K, part 3*):
  1. Write “Inmate Grievance” across the top of the page
  2. Your name and DCDC number
  3. The name of the halfway house in which you reside
  4. The nature of the complaint/grievance and the remedy you wish to seek
  5. Your signature
  6. The date you completed the grievance
- Once you complete the grievance form, submit it to a shift supervisor on duty and obtain a receipt confirming that you submitted the complaint.

If you do not speak English or if you are cannot complete a grievance form due to a disability, such as the inability to read or write, inform a case manager. They are required to find someone who can assist you in the process (*see Directive 4030.1D Section A, part 2*)

**IMPORTANT:** When filing a complaint, remember to remain focused, clear, and precise. Only include information related to the incident. If you provide excessive information unrelated to the complaint, the administrator may have a difficult time organizing the facts and may deny you the relief that you are seeking.

**\*\*Always keep copies of all forms submitted during the grievance procedure**

### **FILING A GRIEVANCE FOR LOST OR DAMAGED PROPERTY**

When filing a grievance for lost or damaged property, you must include the following information:

- Specifically describe the item lost or damaged
- Specify whether it was lost or damaged
- For damaged property explain the extent of the damages
- Explain how the items were damaged or lost
- Specify when the item was lost or damaged and include the cost or value

### **HOW TO FILE A GRIEVANCE**

If your complaint cannot be resolved informally, you can file a grievance with the administrator of your halfway house, and appeal a decision you are not satisfied with to the Administrator For Community Correctional Centers, the Associate Director for Programs, and the Director of the Department of Corrections (*see Directive 4030.1D section F*). You must go through each of the following steps.

**First Step:** File a Grievance with the Administrator of Your Halfway House

- File a grievance within **15 days** of the incident with Administrator of your halfway house
- Use the form entitled “Inmate Grievance, Institution Administrators Remedy”. If you are unable to obtain this form, use a blank piece of paper and write “**INMATE GRIEVANCE, INSTITUTION ADMINISTRATORS REMEDY**” across the top of the page.
- If you are unable to file a complaint within 15 days, you may request for an extension. However, it is best that you file within the 15-day deadline because extensions rarely are approved. The administrator has 6 days to respond to your request for an extension
- The administrator has 10 days to respond to your complaint, if you do not hear from the administrator within 10 days, he or she is required to notify you in writing requesting an extension. You may either agree to the extension or move to the next level of the process. If you agree to the extension, you must notify the administrator in writing and indicate the length of the extension.

**Second Step:** Appeal to the Administrator for Community Correctional Centers

- If you are not satisfied with the response from the administrator of your halfway house, you have **5 days** from which you received the response to appeal to the Administrator for Community Correctional Centers.
- To file an appeal, you must complete the form entitled “Inmate Grievance Procedure Appeal”. If you are unable to obtain an IGP form, you may use a blank piece of standard letter size paper, and write “**INMATE GRIEVANCE APPEAL, ADMINISTRATOR FOR COMMUNITY CORRECTINAL CENTERS’ REMEDY**” across the top.
- Attach a copy of your original complaint to your appeal

**Third Step:** Appeal to the Associate Director for Programs

- If you are not satisfied with the Administrator for Community Correctional Centers’ decision, you have **5 days** from which you received the response to file an appeal with the Associate Director for Programs.
- Use the form entitled “Inmate Grievance Appeal, Associate Director’s Remedy”. If you are unable to obtain this form use a blank piece of paper and write “**INMATE GRIEVANCE APPEAL, ASSOCIATE DIRECTOR’S REMEDY**” across the top of the page
- The appeal must include copies of previous responses
- The deputy director has 15 days to respond to your complaint

**Final Step:** Appeal to the Director of the Department Corrections

- If you are dissatisfied with the decision rendered by the Associate Director for Programs, you have **5 days** to make a final appeal to the Director of the Institutions.
- Use the form entitled “Inmate Grievance Appeal, Director’s Remedy”. If you are unable to obtain this form use a blank sheet of paper and write “**INMATE GRIEVANCE APPEAL, DIRECTOR’S REMEDY**” across the top of the page.

- Attach all previous responses to your appeal
- The director is required to respond to your complaint within 15 days

Once you have completed this entire process, that is exhausting all of your administrative remedies, you may have grounds to file a lawsuit. Check cases in the law library to determine whether you have grounds for lawsuit

#### **HOW TO FILE AN EMERGENCY GRIEVANCE:**

If you feel filing a regular grievance will subject you to personal harm or injury; you can file an emergency grievance. The following is required when filing an emergency grievance (*see Directive 4030.1D Section H*):

On a regular IGP form or a blank piece of standard letter size paper write “**EMERGENCY GRIEVANCE**” and explain the nature of the emergency

- Submit the complaint directly to the Administrator of your facility. The Administrator has 72 hours to respond to your complaint.
- If you disagree with the Administrator’s decision, you may file an appeal. If you decide to appeal, follow the same process as if you are appealing a regular grievance.