
DC DOC Grievance Guide:

A Guide to the Inmate Grievance Procedure (IGP) at the D.C. Jail and Correctional Treatment Facility

Based on P.P.4020.1M

Following all the steps helps to protect your legal rights.

The Prison Litigation Reform Act (PLRA) limits the ability of incarcerated people to file lawsuits about constitutional violations they experience in prisons and jails. According to the PLRA, **if you are considering filing a lawsuit challenging violations of your constitutional rights, you must complete all four grievance levels before suing about prison conditions.**

If you stop before completing all four grievance levels for any reason, a court may say that you have not “exhausted” your administrative remedies and dismiss your case. There are strict time limits you must follow in order to complete the grievance process, which will be explained later in this guide and are very important to pay attention to. You must complete all four grievance levels even if you do not receive meaningful responses to your grievances. In addition, completing the grievance process creates a paper trail and shows you tried to resolve the problem. It might even help to resolve your issue.

You may also be able to file a lawsuit against prison or jail staff for property loss, damage, or personal injury. This kind of lawsuit is called a torts claim. You do NOT have to complete all four grievance levels or exhaust all administrative steps in order to file this type of lawsuit. You do have to write a letter to the D.C. Mayor about the date, time, place, cause, and circumstances of your claim. This letter is called a 12-309 notice and must be filed within 6 months of the incident if you would like to get money back as part of your lawsuit. Please write to us for an example letter if you need one.

This Guide was created by the Washington Lawyers' Committee for Civil Rights and Urban Affairs. It is based on DC DOC Program Statement 4030.1M effective May 20, 2022.

It is not an official document of the DC Department of Corrections.

It does not replace the advice of an attorney. It is not legal advice and does not create an attorney client relationship. You are responsible for meeting all necessary deadlines and requirements.

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This guide will help you with the Inmate Grievance Procedure (IGP).

Instructions & Tips

- Describe the problem in as much detail as possible. If you run out of room, you can attach one (1) extra US letter-size page (8.5 inches by 11 inches).
- Use one grievance form for each complaint, instead of writing about multiple unrelated issues on the same form. For example, if you are experiencing both medical and failure to protect issues, you should write two (2) grievances, one for each issue.
- You must include copies of prior grievance forms and responses at each level of the grievance process. For example, if you file a Level 1 Appeal Administrative Remedy Form (“Step 3”), you must include a copy of your Informal Resolution Complaint (“Step 1”), a copy of your Formal Grievance Form (“Step 2”), and the IGP’s Coordinator’s responses to both if applicable.
- You should make at least two (2) copies of each of your grievances. You can write out the copies by hand, including the date you filed the grievance and how you filed it. Keep these two (2) copies for yourself when you file the original.
 - Keep copies of any documents you include in your grievance; you will not get them back.
- The deadlines in this guide are based on the grievance forms. The grievance policy and the forms do not always match, but the DOC grievance coordinator said the deadlines on the forms are correct. Using the shorter deadlines on the forms also helps make sure you do not accidentally miss a deadline due to the differences.
 - For a timeline of these deadlines, please refer to the step-by-step worksheet and/or the flow chart we included at the end of this grievance guide.
- The full regulation is in P.P. 4030.1M. You can read it in your law library.

FAQ

What should I do if they ask for a copy of my grievance and I don’t have any copies?

- If you cannot include copies of your prior grievances in your new grievances (for example, they did not return copies from your previous step when it is time for you to file the next step), you should still file the next grievance. In any instance where you cannot include prior documents with your current grievance, you should explain why you cannot include your prior documents.

What should I do if they do NOT respond to my grievance within the time they are given to respond?

- After you file a grievance, the DOC has a specific amount of time to respond to respond, depending on the step and type of grievance you are filing. If you do not receive a response within the allotted time, you should act as if you have received a denial. You then have **five (5) days** to file the next step, unless you are filing an emergency grievance (see below). In other words, you should continue with the grievance process even without a response.

What happens if I disagree with the response they wrote to my grievance?

- If you do not agree with the DOC's response to your grievance, you should continue to the next level. After receiving a response from the DOC, you have **five (5) days** to file the next step. Even if DOC provides some of the relief you requested, you should continue on to the next level. For example, if you routinely miss medication and DOC responds to one of your grievances by bringing you the missing medication, you should continue with the grievance process until you are assured in some way that you will not miss medication again in the future.
- The facility may mark your grievance as "Resolved" and claim you cannot appeal. If your issue is not actually resolved, you should still appeal to the next level. In your appeal, you should explain why the issue is not actually resolved.

What should I do if I miss the deadline to file a grievance?

- If you miss the deadline to file a grievance, file it anyway. Explain in the grievance why you are late.

Filing a grievance will put me in danger or make me feel unsafe. What should I do?

- If filing an Informal Resolution Complaint (Step 1) with facility staff would put you in danger, you can send a Formal Grievance Form (Step 2) straight to the Deputy Director instead (this is called filing a sensitive grievance).

How to file a sensitive grievance:

- You should write "SENSITIVE GRIEVANCE" at the top of the Formal Grievance Form (Step 2) and explain why filing an Information Resolution Complaint (Step 1) with facility staff would put you in danger.
- You can file your sensitive grievance by either sending it to the Deputy Director through regular institutional mail, giving it to a supervisor, or putting it in the IGP box addressed to the Deputy Director.

I cannot wait 15 business days for a response to my grievance (e.g., I will suffer a *serious injury* if I wait that long). What should I do?

- If there is a high risk that using the normal grievance process will take so long that you will suffer a serious injury, you should file an emergency grievance.

How to file an emergency grievance:

- Use the Informal Resolution Complaint Form (Step 1) and write "EMERGENCY GRIEVANCE" at the top.
- Explain why the issue is an emergency in the "Comment/Concern" box. For example:
 - *I need immediate medical attention. I have not gotten my medication for three days, and I am at serious risk if I do not get my medication. I cannot wait 15 business days for a response because [reason why you cannot wait].*
 - *I need emergency assistance because my toilet is overflowing. My health and safety are at risk if I have to stay in a cell with sewage in it, so I cannot wait 15 business days for a response.*
 - *I need emergency help. I am not safe in my cell because my cellie is threatening me. I am in serious danger and cannot wait 15 days for a response.*

- If you file an emergency grievance on a weekend or holiday, you should give it to the Shift Supervisor.

Timeline for an emergency grievance:

- The facility should respond to your emergency grievance within seventy-two (72) hours of receiving it. **If you receive a response, you only have forty-eight (48) hours to appeal to the next level.** The next level after receiving an emergency response is a Formal Grievance (Step 2) (look at the Grievance Process Worksheet).
- If you cannot appeal within 48 hours of receiving a response, you should still appeal and explain why you missed the deadline.

How to Write a Grievance

General Outline:

First sentence(s): This is the situation/what happened (include when, who, witnesses)

Second sentence(s): This is what I tried to do to remedy the situation and this is how/why it was unsuccessful

Third sentence(s): This is what I am asking for

Fourth sentence(s): If this is not an appropriate course of action, I am asking to be notified in writing why DC DOC feels this is not appropriate and I am asking [for another way to remedy the issue/what course of action the DC DOC suggests I take to remedy my situation].

Sample Language

Medical:

I need [specific medical treatment] and I am supposed to receive it [number of times per week, month, etc.]. This is an ongoing medical need and I cannot miss my appointments. I am not receiving my treatment as required. I am asking for regular [specific medical treatment] as required.

OR

I have been experiencing [medical issue] for [XX amount of time]. I put in a sick call on [XX date], but it has been [XX amount of time] and I have not yet been seen by a medical professional. I am asking to be seen by a medical professional as soon as possible to receive treatment for my issue.

Mental Health:

I believe that I am experiencing [mental health issue, such as Depression, anxiety, PTSD, etc.] but I am not receiving any treatment. [If you have seen a mental health care professional, detail your interaction with them and the results of that interaction.] I am requesting a visit with a psychiatrist next week to determine what treatment I need to resolve my mental health issues. If you cannot schedule a psychiatrist visit for me, please explain, in writing, why I do not qualify for psychiatrist visits.

Assault:

On [XX date, at XX time] I was assaulted by staff. [State whether the assault was captured on camera]. They [describe assault, such as hit me, punched me, and used mace on me while I was already cuffed up. They kept beating me even after I was on the floor]. The attack was unjustified. I was compliant the whole time and didn't do anything to justify this use of force. I am writing because [this isn't the first time staff assaulted me like this, if this is not the first assault you have experienced] and I want the assaults to stop. I am afraid for my safety and request [exactly what you want, such as a transfer to a different unit to be out of contact with the named abusive guards]. If this request is not appropriate, I am asking to be notified in writing why the DC DOC feels this is not appropriate and what course of action the DC DOC suggests I take to remedy my issue.

Conditions:

I cannot live in my cell because of an ongoing problem with [mold, bugs, leaking water, overflowing toilet]. I have [include steps you have taken to try to resolve this issue, such as complained to staff on XX date] but [explain the outcomes of those attempts: no one has cleaned my cell or provided me cleaning supplies]. I am requesting [cleaning supplies, a move to a different cell, that the issues be fixed]. If this request is not appropriate, I am asking to be notified in writing why the DC DOC feels this is not appropriate and what course of action the DC DOC suggests I take to remedy my issue.

Food:

I have found inedible objects in my food such as [dead maggots, list other items, if any] on [XX dates]. I have [include steps you have taken to try to resolve this issue, such as asked staff for a new meal when finding an object in food] but [explain the outcomes of those attempts: I am still finding objects in my food]. I am requesting [safe and edible meals]. If this request is not appropriate, I am asking to be notified in writing why the DC DOC feels this is not appropriate and what course of action the DC DOC suggests I take to remedy my issue.

Retaliation:

I have experienced retaliation by staff for [filing grievances, talking to lawyers, and filing a complaint in court]. The retaliation includes, among other things, [destruction of my property, assaults, unjustified restraints, interference with my mail, and denying me access to showers and rec]. I want this retaliation to stop. I am afraid it will continue. The most recent example is [thing they did to you] on [date]. I am filing this grievance and ask that all staff stop retaliating against me in any way. If this is not an appropriate course of action, I am asking to be notified in writing why the DC DOC feels this is not appropriate and what course of action the DC DOC suggests I take to remedy my issue.

GRIEVANCE PROCESS: STEP-BY-STEP GUIDE

STEP 1 - INFORMAL RESOLUTION FORM

You only have 5 calendar days after the incident to submit an informal resolution form. How do you figure out the deadline?

Date of Incident: _____ + **5 calendar days** = _____ **Deadline to submit informal complaint**

The facility has 15 business days to respond to your informal grievance. Weekends and holidays are not business days and are not counted.

EXAMPLE:

You filed your informal grievance on August 9, 2022. Using the calendar below, you would not count the weekends (August 13, 14, 20, and 21). So, the facility would have until August 30th to respond to you if you filed an informal grievance on August 9, 2022.

August						
S	M	T	W	T	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

If you do not receive a response by the end of 15 business days, or you receive a response and it does not solve the problem, go to Step 2.

Be sure to include copies of the prior grievance forms and responses at each level. For example, your Level 2 Appeal should include the informal resolution and response, the formal grievance and response, and the Level 1 Appeal and response. You should also include any supporting documents at each level. If you cannot include the prior documents for any reason, explain that in your grievance form.

STEP 2 - FORMAL GRIEVANCE

If you got a response to your informal grievance and are unhappy with the result, you must file a Formal Grievance (FG) within 5 calendar days of receiving the response.

Date Response Received _____ + 5 calendar days = *Deadline to file formal grievance*

If you did NOT get a response to your informal grievance, you only have five days after the deadline for the facility to respond to your informal grievance to file a Formal Grievance (FG).

Last day facility had to respond to your informal grievance _____ + 5 days = _____ *Formal grievance deadline*

EXAMPLE:

You filed your informal grievance on August 9, 2022. The facility had until August 30, 2022 to respond. You never received a response.

August						
S	M	T	W	T	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

September						
S	M	T	W	T	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	

15 day deadline for informal grievance: August 30 + 5 days = **September 4 (Deadline to file formal grievance)**

The facility has 15 business days to respond to your formal grievance. If you do not receive a response by the end of 15 business days, or you receive a response and it does not solve the problem, go to Step 3.

STEP 3 – LEVEL 1 APPEAL

If you got a response to your formal grievance and are unhappy with the result, you must file an Appeal within 5 calendar days of receiving the response.

Date Response Received _____ + 5 days = _____ *Deadline to file Appeal*

If you did NOT get a response to your formal grievance, you only have five days after the deadline for the facility to respond to your formal grievance to file an Appeal.

Last day facility had to respond to your formal grievance _____ + 5 days = *First Appeal deadline*

The facility has 15 business days to respond to your appeal. If you do not receive a response by the end of 15 business days, or you receive a response and it does not solve the problem, go to Step 4.

STEP 4 – LEVEL 2 APPEAL

If you got a response to your Level 1 Appeal and are unhappy with the result, you must file a Level 2 Appeal within 5 days of receiving the response.

Date Response Received: _____ + 5 days = *Deadline to file Level 2 Appeal*

If you did NOT get a response to your appeal, you only have five days after the deadline for the facility to respond in order to file your Level 2 Appeal.

Last day facility had to respond to your appeal: _____ + 5 days = _____ *Deadline to Second Appeal*

After you wait 21 business days or receive a response to your Level 2 Appeal, you have completed the grievance process. You can now file a lawsuit if you are still unhappy with the outcome. *NOTE: The facility can extend any response deadline by 15 business days. The facility must notify you in writing about the extension. If the facility does not notify you in writing, you should assume that the deadlines are not extended.*

D.C. Department of Corrections Grievance Process

