

Second Assessment of the Inmate Grievance System

June 12, 2018



What is a Complaint?

Complaints: Problems or Issues from People in Custody	
Grievable Complaints	A written complaint submitted by a person in custody regarding one of 29 categories of issues related to their confinement. These complaints are subject to the formal grievance procedure.
Non-Grievable Complaints	A written complaint that does not fall within the 29 grievance categories and thus is not subject to the IGRP process. There are 16 categories of this type of complaint.
Request	A written, individually expressed need or desire for a service, assistance, or an accommodation related to the person's confinement. There are seven categories of this type of complaint.
311 Complaints	Just like any other person in New York City, people in custody can make a free phone call to 311 to file a complaint about government services. All 311 complaints from people in custody are forwarded to OCGS.
CHS Complaints	A person in custody can file a complaint with H+H by filling out a second opinion form/complaint form in the facility clinic, having a family member or friend email CHS Patient Relations, calling 311, or filing a grievance with OCGS.

Complaint Types and Entities Who Handle Them

Grievable Complaints

Non-Grievable Complaints

OCGS	Facility Leadership	Investigation Division	General Counsel	Disability Rights Coordinator	Health Affairs	Health + Hospital	BOC
29 Grievable Categories	Assault Allegations Against Inmate	PREA	FOIL Request	Request for Accommodation due to disability	Access to Health and Mental Health Care	Medical & Mental Health Care	Appeals Related to Min. Standards
Other 311 Priority Issues: Fear for Safety, Suicidal, PREA	Harassment: Allegation	Staff Misconduct			Quality of Care	Medical & Mental Health Staff	Referrals & Reports to Other Entities Handling Complaint
	Status: ICR, Red ID, ER, CMC	Sexual Assault abuse Against Staff			Medication		
	Protective Custody	Assault Allegation Against Staff			Dental		
	Disciplinary Process	Inmate on inmate Sexual or Harassment Allegation					

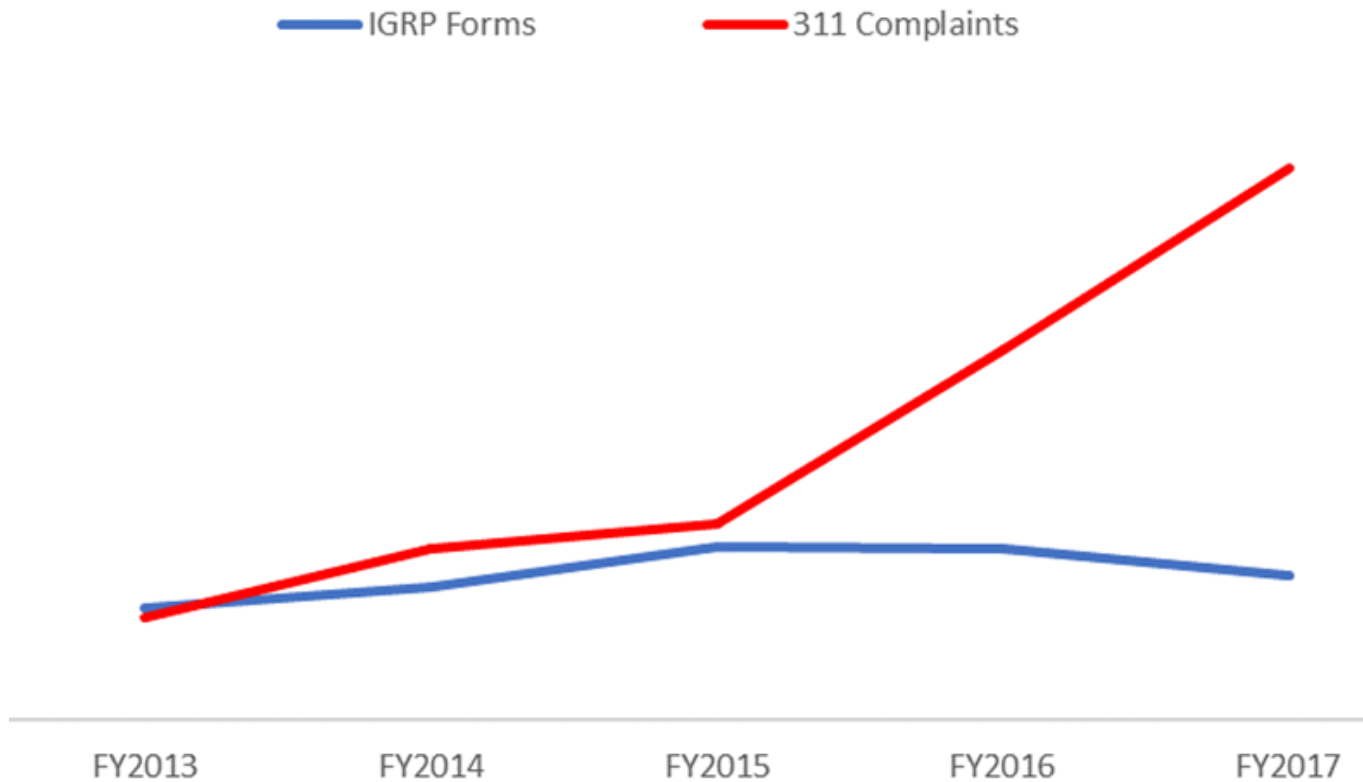
Methodology and Sources

- Aggregate Reports for fiscal years 2016 and 2017.
- Data on Resolution for Grievable Complaints FY 2017.
- Case File Audit of 262 complaints from FY 2016.
- Health + Hospital's CHS Complaint Data for FY 2016 and 2017.

Key Areas of Findings

- Complaints from People in Custody
- Access to the Grievance Process
- Resolutions and Appeals
- Quality Assurance and Oversight

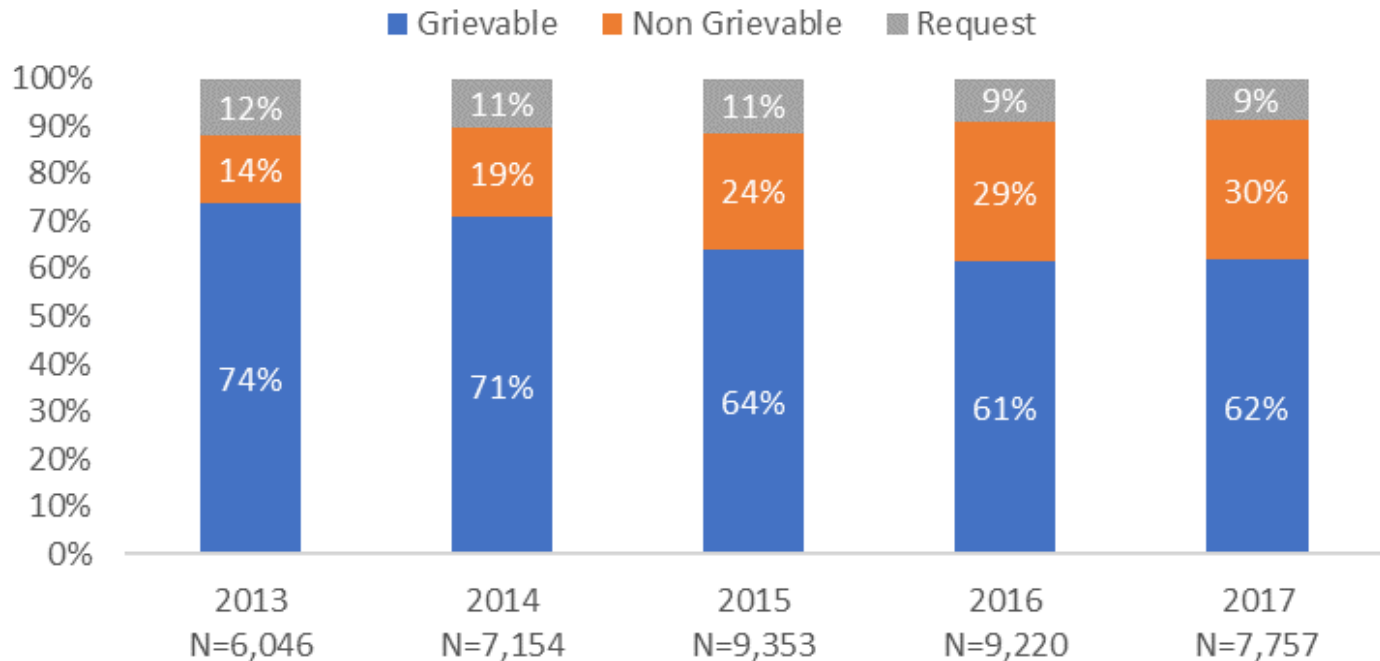
Complaints From People In Custody



- Nearly four times as many complaints were filed via 311 than with the Grievance System in FY 2017.

Complaints From People In Custody

Total Complaints Received By OCGS
FY 2013-2017

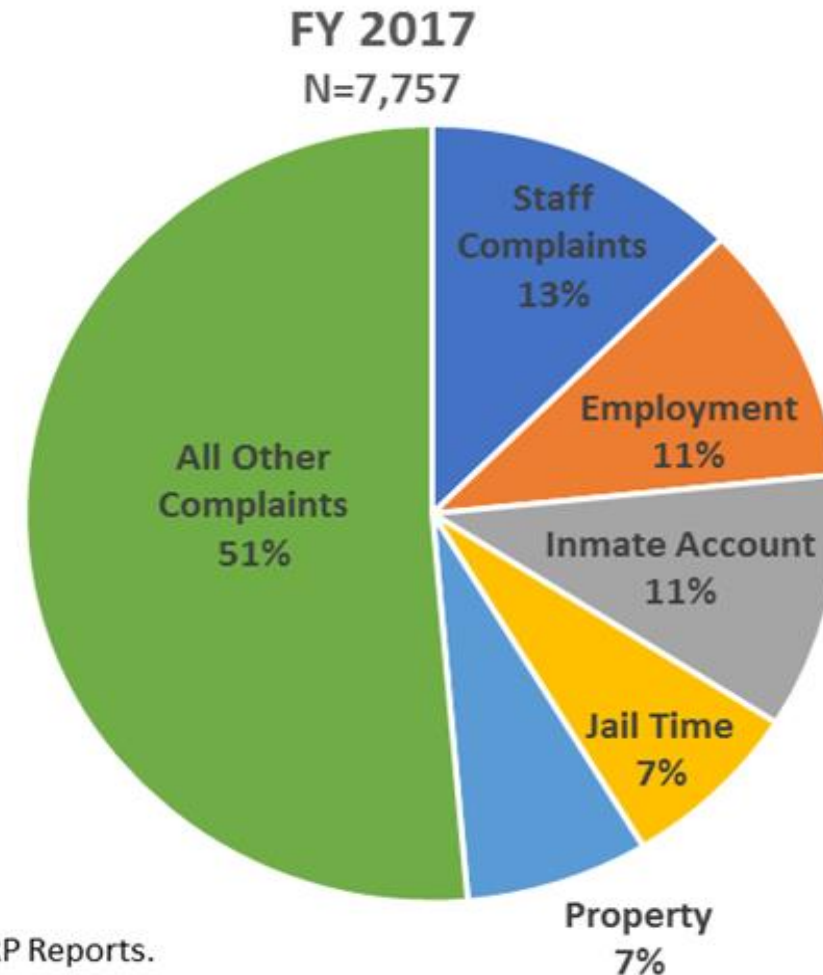


- Nearly 40% of all complaints filed with OCGS were not subject to the grievance process.

SOURCE: Department of Correction IGRP Reports FY2013-2017.

Complaints From People In Custody

- Five categories made up nearly 50% of all complaints received by OCGS
- Have been the top 5 complaint categories for the past 5 years
 - Complaints about DOC staff
 - Employment
 - Inmate financial accounts
 - Jail time calculations
 - Personal property



SOURCE: NYC DOC IGRP Reports.

Recommendations:

Complaints From People In Custody

- Develop a written grievance policy that clarifies how complaints to 311 interact with the grievance system.
- Implement a centralized system for tracking the resolution of complaints not subject to the IGRP process.
- Develop a system-wide approach to address complaints about DOC staff.

Access to the Grievance System

- People in custody have unequal access to the complaint system depending on the jail in which they are housed.
- Number of grievance boxes differ by facility and range from:
 - one (1) box in GRVC to 25 boxes in MDC
- Grievance coordinators' workloads vary dramatically depending on the facility to which they are assigned to.

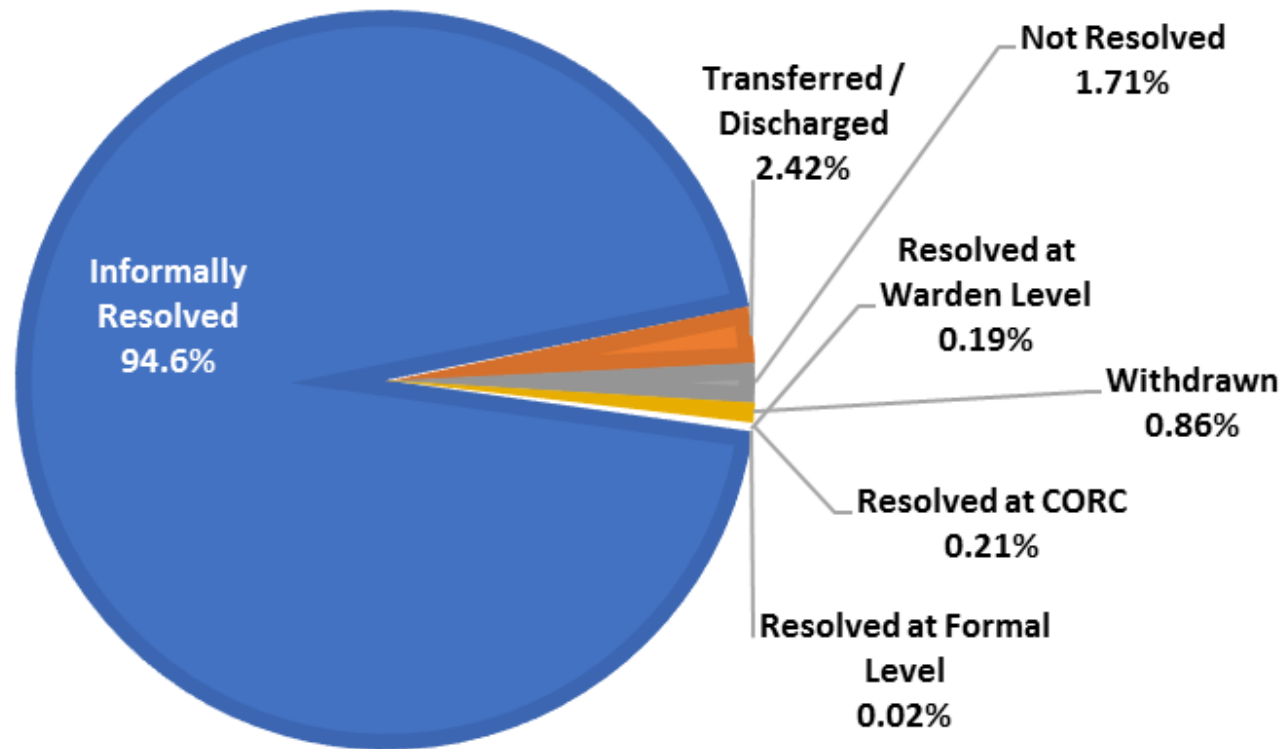
Recommendations:

Access to the Grievance System

- Ensure equal access to the grievance process and develop caseload guidelines for grievance coordinators and officers and secure resources to meet these guidelines.

Resolutions and Appeals

GRIEVANCE RESOLUTION STAGES



- 95% of complaints were closed after the initial OCGS response
- Only 20 people appealed any grievance decision
 - 10 received a decision from CORC.
- None of the appeals that made it to the CORC were provided to the Board.

Recommendations: Resolutions and Appeals

- Shorten and simplify the grievance appeal process:
 - eliminate a step in the appeals process so a grievant need only appeal twice to receive a final determination.
- Clarify resolution forms and clearly indicate the process to appeal informal resolutions.
- Share appeals that reach the CORC level with the Board so that BOC recommendations can help inform these decisions.

Quality Assurance and Oversight

- Many of the Forms Audited Appeared Incomplete
 - 41% of all cases audited were not time stamped
 - 58% of audited complaints did not indicate if the grievant accepted or rejected the resolution
 - 64% of those also did not have a signature

Recommendations:

Quality Assurance and Oversight

- Update Service Desk & provide the Board with direct access
- Develop policies and an internal OCGS monitoring process to ensure:
 - grievances are appropriately time stamped;
 - responses are provided to grievants within 5-business days;
 - all appropriate data and documentation is entered into Service Desk.
- Develop an action plan to evaluate and address the drivers of the top grievance categories:
 - employment,
 - inmate financial accounts,
 - jail time calculations, and
 - personal property complaints



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