



**BOARD OF CORRECTION
CITY OF NEW YORK**

**ASSESSMENT OF GRIEVANCE PROCEDURES AND PROCESSES
IN THE NEW YORK CITY DEPARTMENT OF CORRECTION: 2021–2023¹**

DECEMBER 2024

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INTRODUCTION AND KEY INSIGHTS

The NYC Board of Correction (“BOC” or the “Board”) is required to establish procedures for the hearing of grievances, complaints, or requests for assistance filed either by incarcerated individuals or by employees of the NYC Department of Correction (“DOC” or the “Department”). Pursuant to its authority under the NYC Charter, the Board or a designated member, such as the executive director, may conduct hearings, investigations, or studies related to any matter under the jurisdiction of the Department.² The Board is also authorized to make recommendations and submit reports of its findings to the appropriate authorities. This report is required by Local Law 133 of 2019 (“LL133”), which requires the Board to report on the Department’s grievance process and provide recommendations for improving the process.³

Grievances are a fundamental component of the jail system, giving incarcerated individuals a way to address concerns and providing jail leadership with essential information to tackle broader systemic issues. This report provides a review of the grievance process within the Department over the past three years. It incorporates direct feedback from incarcerated individuals to assess systemic issues, propose improvements, and ensure the grievance process addresses the needs of vulnerable populations, including those who identify as lesbian, gay, bisexual, transgender, intersex, or gender nonconforming.

BOC examined grievance submission patterns across categories, and year-over-year trends from 2021 to 2023. Findings reveal increased reliance on digital methods, alongside challenges in accessibility and resolution effectiveness. Actionable recommendations are provided to boost transparency, accessibility, and accountability within the grievance process.

Incarcerated individuals interviewed or who submitted internal complaints to the BOC reported limited access to the grievance system. Individuals mentioned unavailable grievance forms, inaccessible grievance boxes, and a lack of staff, which stalled their ability to engage in the grievance process. According to those who are incarcerated, their grievances were filed without any response or acknowledgment from grievance officers or grievance coordinators, with delays often spanning weeks or months, leaving issues unresolved. Grievance officers and grievance coordinators were frequently absent in housing areas, failing to tour or engage regularly with individuals in custody, with allegations of neglect or outright refusal to accept grievances. Complaints also highlighted improper handling of grievances, including reports of grievances being lost, ignored, or discarded, and some being rejected without proper investigation or follow-up. There were

² <https://codelibrary.amlegal.com/codes/newyorkcity/latest/NYCcharter/0-0-0-2217>

³ Local Law 133 of 2019: <https://intro.nyc/local-laws/2019-133>

also disparities in how grievances were handled, with some individuals receiving responses while others did not, leading to perceptions of bias and dismissive attitudes from grievance staff. Finally, systemic issues were identified, with allegations that the grievance system was ineffective in certain facilities, developing widespread frustration and distrust in the process as a reliable mechanism to address concerns.

Key Insights:

- **311 submissions dominated grievance reporting**, accounting for over 93% of grievances in 2023.
- **Traditional methods, such as grievance boxes, showed a steady decline**, indicating evolving preferences.
- **Digital tools like web forms, contact the Commissioner and email remain underutilized** but show potential for growth.

The 311 and paper grievance processes operate in parallel and remain largely disconnected, as they only join together when a 311 call is followed by the submission of a paper-based grievance using Form 7101R. Grievances, whether submitted through 311 or on paper, are logged into the Service Desk system and assigned a unique Request ID to track progress. Logging paper-based grievances into the Service Desk system relies on manual entry once the forms are retrieved from the boxes, housing areas, or staff. Significant systemic issues arise in how grievances are handled after they are entered into Service Desk.

The DOC grievance program heavily relies on uniformed staff that are not part of DOC's Office of Constituent and Grievance Services ("OCGS"), primarily randomly selected Captains who are not dedicated grievance personnel, to investigate grievances. This approach often lacks adequate safeguards, such as private spaces for discussing sensitive matters, sufficient knowledge of administrative remedies, the appeals process, or awareness of prior submissions that may indicate systemic issues. These staff members are typically assigned by facility leadership and often lack specialized training in the grievance process. The absence of confidentiality and consistency undermines trust in the system, further limiting its effectiveness in addressing broader systemic issues.

When an individual calls 311, the issue is forwarded directly to OCGS. In contrast, submitting a paper grievance involves several steps: grievance forms must be available in housing areas, a grievance box must be accessible, and staff must be willing to accept the grievance, place it in the box, or deliver it to the grievance coordinator's office. On Rikers Island, where free movement is prohibited, accessing a grievance box is particularly challenging, as individuals must be escorted to a permissible destination, and grievance boxes are not considered permissible destinations. This process is further dependent on staff regularly checking grievance boxes and logging submissions into the system.

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The 311 process offers more transparency in tracking than a paper-based grievance, since it provides a digital trail from the initial call that is logged by 311 staff to when the grievance is logged by DOC OCGS HUB staff. However, 311 lacks support for an appeals process unless a paper-based form is also filed, requiring the individual to complete Form 7101R and submit a follow-up statement. This limitation, coupled with the challenges of the paper grievance process, creates a disconnect between the two systems, hindering their overall integration and effectiveness. The BOC, with unrestricted access to NYC jails, observes these practices firsthand and highlights the urgent need for systemic improvements. To address these challenges and enhance the grievance system, the following recommendations are proposed:

RECOMMENDATIONS

- 1. Implement digital solutions (e.g., kiosks and tablets) that provide a receipt and a copy of the grievance submission, possibly transcribed onto a grievance form along with clear guidelines on how the grievance will be processed and the potential reasons for it not moving forward (e.g., failure to submit Form 7101R or provide a required written statement).*
- 2. Improve staff oversight by increasing the frequency and consistency of grievance coordinator and officer tours and implementing accountability measures to monitor and evaluate the effectiveness and integrity of grievance investigation processes.*
- 3. Ensure the availability of private spaces, free from the sight and sound of other incarcerated individuals, to foster trust and encourage openness during grievance submissions.*
- 4. Provide daily updates to incarcerated individuals on the status of their grievances.*
- 5. Provide training to uniform staff who will be tasked at investigating grievances focused on respectful and impartial interactions.*
- 6. Allow incarcerated individuals to track the status of their grievances in real time through an internal system accessible via a designated phone number, kiosk, or tablet.*
- 7. Provide facility leadership with bi-weekly detailed reports highlighting systemic issues identified through grievance submissions. The report should focus on descriptive analyses and potential resolutions rather than relying solely on aggregate quantitative data, ensuring a qualitative understanding of the underlying problems.*

8. *Create a joint task force comprising representatives from DOC, BOC, Correctional Health Services (“CHS”)⁴, and incarcerated individuals to meet monthly, review grievance patterns and trends, and propose solutions aligned with current practices and policies.*
9. *Install grievance boxes in every housing area and ensure that grievance forms and writing utensils are consistently available to incarcerated individuals.*
10. *Increase grievance coordinator staffing levels in each jail to reflect the increases in grievances received.*
11. *Remove non-OCGS staff from grievance investigations unless they have undergone specialized training on the significance of the grievance process, trend identification, and strategies for presenting findings to facility leadership to enable a proactive approach.*

Grievance data is a valuable tool but must be interpreted cautiously, as barriers like lack of education, distrust, fear of retaliation, or limited access may deter individuals from filing, potentially skewing results. To fully understand systemic issues, grievance data should be paired with other monitoring tools. Legislative requirements help ensure grievances remain a critical component of the carceral system.

FEDERAL PRISON LITIGATION REFORM ACT

Under the Federal Prison Litigation Reform Act (FPLRA), 42 U.S.C. § 1997e, incarcerated individuals are often required to "exhaust administrative remedies," including those provided through the grievance process, before pursuing relief through the judicial system or external agencies. Failing to file a grievance may, in some cases, impact an individual's ability to seek external remedies.

DIRECTIVE 3376R-A: GRIEVANCE PROCEDURES FOR PERSONS IN CUSTODY

Directive 3376R-A, which was last updated in 2018, establishes a structured process to ensure incarcerated individuals within the Department's custody have a formal mechanism to address concerns related to their confinement. It provides guidelines for filing grievances, reviewing complaints, and resolving issues systematically. Any incarcerated individual can file a grievance about matters such as housing conditions, staff misconduct, access to medical or legal services, discrimination, or misclassification of housing or security levels.

⁴ Correctional Health Services is a subsidiary health care system for incarcerated individuals under New York City Health and Hospitals (“H&H”).

Grievances can be submitted through designated grievance boxes, directly to the Grievance Coordinator's office, or electronically if available. In special housing areas, grievances can be submitted during staff rounds. The Grievance Coordinator is responsible for reviewing complaints within seven business days. If the grievance is within the scope of the process, the directive⁵ states the coordinator investigates and proposes a resolution. Complaints deemed outside the Department's jurisdiction are returned to the filer with an explanation.

- **Abated Complaints:** These complaints were substantiated, and a resolution was successfully provided.
- **Substantiated Complaints:** Evidence was found to support the claim, but the issue could not be resolved.
- **Unsubstantiated Complaints:** These complaints lacked sufficient evidence to support the claim.
- **Addressed Complaints:** Complaints received by OCGS and forwarded to the appropriate unit for investigation and resolution.

Incarcerated individuals who are dissatisfied with the proposed resolution may escalate their grievance through a three-step appeals process.

1. First, an appeal is submitted to the Facility Commanding Officer, who must respond within five business days.
2. Second, if the individual remains dissatisfied, the grievance is forwarded to the Division Chief, who also has five business days to review and decide.⁶
3. The final stage of appeal is the Central Office Review Committee (CORC), which constitutes the Department's final decision.

The directive incorporates protections for incarcerated individuals, such as safeguards⁷ against retaliation for filing grievances, accommodations for individuals with disabilities or language barriers, and measures to maintain the confidentiality of grievance records. Grievance Coordinators and Officers oversee the process to ensure compliance, while all grievances and their outcomes are logged in a centralized database called Service Desk for

⁵ https://www.nyc.gov/assets/doc/downloads/directives/Directive_3376R-A.pdf

⁶ NYC DOC Commissioner Lynelle Maginley-Liddie on December 5, 2024, introduced new procedural requirements for handling appeals and amendments to the Preliminary Evidentiary Review process under Directive 3376R-A. The teletype adds "Grievance Officers" to those authorized to request reviews. Disposition Form 7102R with the new Form 7116R for documenting and communicating results. It explicitly documents escalation steps on the updated form, while the directive does not include this on Form 7102R.

⁷ Section XI. G. states "Confidentiality. OCGS staff shall lock all completed documentation relating to any and all filings by an inmate grievant in cabinets located in a secure and defined OCGS area. OCGS staff shall not make documents and files available to Department employees who are not assigned to OCGS."

tracking and accountability. Issues outside the scope of the grievance process, such as FOIL requests or disciplinary actions, are supposed to be referred to appropriate channels.

2019 LEGAL REQUIREMENTS

Local Law No. 134 of 2019⁸ mandates quarterly reporting, electronic tracking, and enhanced accessibility for grievance processes within the Department. These legal requirements aim to ensure transparency, accountability, and equal access for incarcerated individuals to address issues relating to their confinement.

Key features include strategic placement of grievance boxes, introduction of multilingual kiosks by 2026, and comprehensive electronic tracking of complaints, appeals, and resolutions.

Local Law No. 135 of 2019⁹ mandates that all 311 complaints from or on behalf of incarcerated individuals be resolved by OCGS. It requires plain-language materials to inform incarcerated individuals of their rights, protections against retaliation, and the grievance process.

A key feature is that grievances submitted through various channels must be handled by OCGS, with clear appeal instructions provided on all forms and accessible online.

OCGS LOCAL LAW 87 REPORTS

Local Law 87, enacted in 2015, requires DOC to provide quarterly and annual reports on grievances filed by incarcerated individuals. These reports follow a fiscal year starting in July and are issued on a quarterly basis.

- Quarter 1 (July 1 – September 30)
- Quarter 2 (October 1 – December 31)
- Quarter 3 (January 1 – March 31)
- Quarter 4 (April 1 – June 30)

Example: OCGS Local Law 87 FY 2023: Q2 (Oct '22 – Dec '22)

NYC 311

Service requests can be submitted to NYC 311 by anyone, regardless of incarceration status, through several methods. They can call 311 directly within New York City or dial 212-NEW-YORK (212-639-9675) from outside the city. Requests can also be filed online via the NYC 311 website or through the NYC 311 mobile app, which allows users to report issues and

⁸ <https://nyc.legistar1.com/nyc/attachments/c2bc2559-920a-4478-8114-4c7693af69e4.pdf>

⁹ <https://nyc.legistar1.com/nyc/attachments/bfdb23dc-4984-4ddf-a69d-8369cc44eeb3.pdf>

track submissions. For certain inquiries, residents can tweet @NYC311 on social media, or they may visit a 311 Walk-In Center in person to submit their requests.

In 2015, the Department began allowing incarcerated individuals to make free calls to 311,¹⁰ waiving the previous fees associated with such calls.¹¹ This change enabled individuals in custody to report complaints about government services directly through 311. These 311 complaints are forwarded to the OCGS for further action.¹² It is important to note that while 311 offers an additional avenue for raising concerns, complaints submitted through this channel are not automatically included in the formal grievance process unless OCGS staff initiate follow-up with the individual to file a formal grievance that allows administrative remedy. As a result, 311 serves as a convenient tool for incarcerated individuals to voice issues, but the formal paper-based grievance process remains separate and requires direct involvement with OCGS.

AVERAGE DAILY JAIL POPULATION (ADP) (2021–2023)¹³

In 2021, the Average Daily Population (ADP) was 4,961. In 2022, it increased by 12% to 5,559. By 2023, the ADP reached 6,200, marking an 11.5% increase from 2022 and a total increase of 25% from 2021. These figures reflect a reversal of the prior trend of decreasing jail populations in New York City.

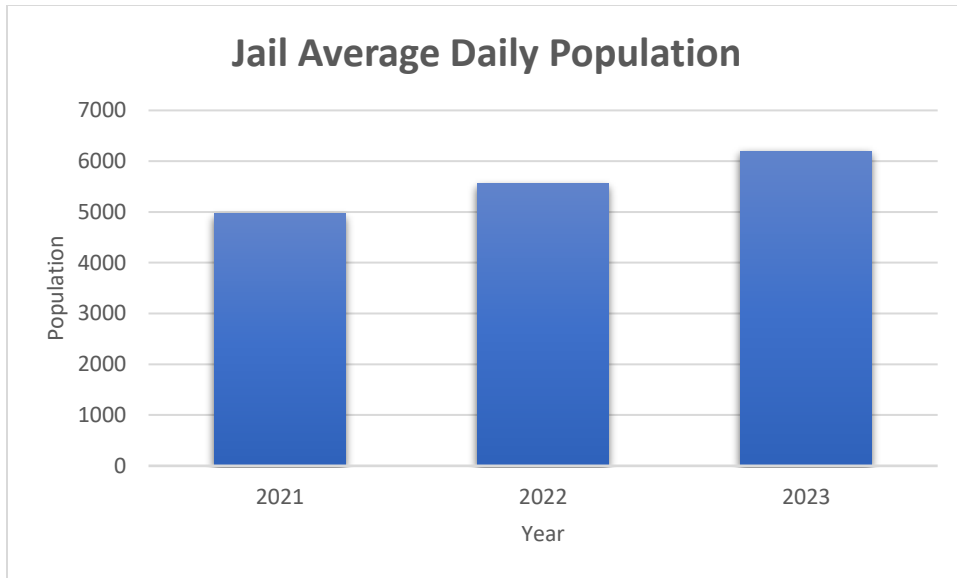
- 2021 ADP: 4,961
- 2022 ADP: 5,559
- 2023 ADP: 6,200

¹⁰ <https://gothamist.com/news/nyc-inmates-call-311-to-report-mistreatment-but-is-anyone-listening>

¹¹ <https://www.nyc.gov/office-of-the-mayor/news/229-19/mayor-de-blasio-full-implementation-free-phone-calls-people-custody>

¹² https://www.nyc.gov/assets/boc/downloads/pdf/Meetings/2018/June-12-2018/GrievanceAuditReport_Final_2018.11.06.pdf

¹³ <https://comptroller.nyc.gov/reports/nyc-department-of-correction/>



Source: <https://comptroller.nyc.gov/services/for-the-public/department-of-correction-doc/dashboard/>

GRIEVANCE TRENDS AND YEAR-OVER-YEAR ANALYSIS (2021–2023)

Total Grievances Submitted (2021–2023)¹⁴

- 2021: 38,092 grievances
- 2022: 34,659 grievances (-9.0%)
- 2023: 40,526 grievances (+16.9%)

Rate Of Grievances Per Person

- 2021: approximately 7.68 grievances per person
- 2022: approximately 6.23 grievances per person
- 2023: approximately 6.54 grievances per person

Analysis:

- In 2021, the ADP was 4,963, with 38,092 grievances reported.
- In 2022, the ADP increased to 5,559, but grievances decreased to 34,659, showing a decline of 9.01% in grievances from the previous year.
- In 2023, the ADP further increased to 6,200, and grievances rose to 40,526, reflecting a significant 16.93% increase from 2022.

Grievance Boxes

- GRVC: 4 Grievance Boxes

¹⁴ This data is sourced from the Service Desk system.

- Locations: Law Library, Outside of 1 Building, Outside of 2 Building, 11 and 13 vestibule
- OBCC: 7 Grievance Boxes
 - Locations: Towers (4th, 5th, 2nd, and 1st floor vestibule), Annex (1st Floor Vestibule), GP Programs Corridor near law library, Lower Corridor near stairway leading to the Mess Hall
- RMSC: 14 Grievance Boxes
 - Locations: Building 1x3 Control Corridor, Building 2x4 Control Corridor, Building 8, Nursery, Civil area 5, 6, 7, Infirmary, Law Library, West Corridor, A & B House Corridor, 800 Bed Corridor (Main floor), 2 East and 2 South Corridor, 3 East and 3 South Corridor, 4 East and 4 South Corridor, 5 South Corridor
- RNDC: 3 Grievance Boxes
 - Locations: Front entrance into Social service area, Southside of the facility (Mod 8 and Mod), Northside of the facility (3 Building)
- EMTC: 5 Grievance Boxes
 - Locations: North side main gate, Southside main gate, Annex main gate, Inside of 1 Main, Outside of 1 Upper
- NIC: 9 Grievance Boxes
 - Locations: Dorm 1 Control Room under the control room window, Dorm 2 in front of the control room, Dorm 3 by the front gate entrance, Dorm 4 in front of the medication room, Main Building South side each floor by the elevator 2nd, 3rd, 4th, 5th, 6th floor
- RESH: 2 Grievance Boxes
 - Locations: Outside of 9 x 11 Corridor, Inside of Clinic
- WF: 6 Grievance Boxes
 - Locations: 1 Upper and 1 Lower in 17 Building, 1 Upper and 1 Lower in 18 Building, 1 Upper and 1 Lower in 19 Building

As of October 6, 2024, the total population of individuals in custody was approximately 6,583. By facility, the populations were distributed as follows: BHPW (47), EHPW (6), EMTC (1,545), GRVC (991), NIC (231), OBCC (1,446), RESH (171), RMSC (406), RNDC (1,070), and WF (669).

Approximate Open Housing Areas as of October 2024

FACILITY	COUNT OF HOUSING AREAS
EMTC	32

FACILITY	COUNT OF HOUSING AREAS
GRVC	27
NIC	21
OBCC	31
RESH	14
RMSC	29
RNDC	50
WF	22
Grand Total	226

Facility	Housing Areas	Grievance Boxes	Grievance Boxes Per Housing Area
GRVC	27	4	0.148
OBCC	31	7	0.226
RMSC	29	14	0.483
RNDC	50	3	0.060
EMTC	32	5	0.156
NIC	21	9	0.429
RESH	14	2	0.143
WF	22	6	0.273

This highlights discrepancies in the distribution of grievance boxes relative to housing areas, with RMSC and NIC having the highest ratios, while RNDC has the lowest.¹⁵

¹⁵ Information provided by BOC facility monitors.

IN THE PAST THREE YEARS, GRIEVANCES WERE SUBMITTED THROUGH THESE METHODS		
311	Grievance Box	Mayor's Office
BOC	H & H	Other
BOC, H & H	Housing Services	Phone Call
CCRB (Civilian Complaint Review Board)	Inmate	Referrals
Contact the Commissioner	Legal	SCOC
Correspondence	Legal Aid/Attorney	Walk-Ins
E-Mail	Mail	Web Form

Submission Method-Specific Trends

Over the past three years, 311 has steadily become the primary method for grievance submissions, reflecting an increased reliance by incarcerated individuals on an independent reporting system that does not depend on escorts, access to grievance boxes, staff tours, staff rounds, or other operational limitations. **The two primary submission methods are 311 and Grievance Box.** Other grievable submissions are also assigned a request ID and sent to the facility where the individual is housed.

- **311**
 - 2021: 29,672 (77.9% of total)
 - 2022: 30,284 (87.3% of total)
 - 2023: 37,948 (93.6% of total)
- **Grievance Box**
 - 2021: 3,406 (8.9% of total)
 - 2022: 1,076 (3.1% of total)
 - 2023: 611 (1.5% of total)

Year-Over-Year Changes (Percentage)

- 311: +2.1% (2022 vs. 2021); +25.3% (2023 vs. 2022)
- Grievance Box: -68.4% (2022 vs. 2021); -43.2% (2023 vs. 2022)

Volume of Grievances

Over 30,000 grievances are filed annually, with the top categories remaining consistent over the years.

2021 Top Three (3) Categories with the Highest Grievances

- 1) Medical (DOC & H&H Related):**
 - a) FY2021 Q3: 28.1% of grievable grievances
 - b) FY2021 Q4: 33.3% of grievable grievances
 - c) FY2022 Q1: 34.4% of grievable grievances
 - d) FY2022 Q2: 36.1% of grievable grievances
- 2) Environmental Issues (e.g., housing conditions, cleanliness):**
 - a) FY2021 Q3: 16.0% of grievable grievances
 - b) FY2021 Q4: 10.5% of grievable grievances
 - c) FY2022 Q1: 9.7% of grievable grievances
 - d) FY2022 Q2: 11.9% of grievable grievances
- 3) Correspondence/Mail (e.g., issues with mail delivery):**
 - a) FY2021 Q3: 6.8% of grievable grievances
 - b) FY2021 Q4: 7.4% of grievable grievances
 - c) FY2022 Q1: 7.8% of grievable grievances
 - d) FY2022 Q2: 5.8% of grievable grievances

2022 Top Three (3) Categories with the Highest Grievances

- 1) 1. Medical Issues (DOC & H&H):**
 - a) FY2022 Q3: 30.6% of grievable grievances
 - b) FY2022 Q4: 32.8% of grievable grievances
 - c) FY2023 Q1: 27.6% of grievable grievances
 - d) FY2023 Q2: 31.9% of grievable grievances
- 2) Environmental Issues (e.g., Housing Conditions)**
 - a) FY2022 Q3: 9.7% of grievable grievances
 - b) FY2022 Q4: 10.1% of grievable grievances
 - c) FY2023 Q1: 7.6% of grievable grievances
 - d) FY2023 Q2: 7.9% of grievable grievances
- 3) Commissary**
 - a) FY2022 Q3: 6.5% of grievable grievances

- b) FY2022 Q4: 6.2% of grievable grievances
- c) FY2023 Q1: 4.3% of grievable grievances
- d) FY2023 Q2: 4.7% of grievable grievances

2023 Top Three (3) Categories with the Highest Grievances

1) 1. Medical Issues (DOC & H&H):

- a) FY2023 Q3: 25.9% of grievable grievances
- b) FY2023 Q4: 26.0% of grievable grievances
- c) FY2024 Q1: 23.6% of grievable grievances

2) Environmental Issues:

- a) FY2023 Q3: 6.3% of grievable grievances
- b) FY2023 Q4: 7.4% of grievable grievances
- c) FY2024 Q1: 8.8% of grievable grievances

3) Other Requests:

- a) FY2023 Q3: 21.0% of grievable grievances
- b) FY2023 Q4: 20.8% of grievable grievances
- c) FY2024 Q1: 25.5% of grievable grievances

Top Three (3) Non-Grievable Categories 2021-2023

- 1) Staff Allegations
- 2) Request for Protective Custody
- 3) Sexual Assault/Abuse Allegations

The BOC reviewed samples of 300 randomly selected grievances submitted to the Department in 2023, 2022, and 2021, spanning multiple facilities. Of these, 72.3% were classified as unsubstantiated.

Several key factors contributed to this outcome:

1. **Failure to Provide Written Statements:** Many grievances were deemed unsubstantiated because the incarcerated individual did not submit a written statement to the DOC staff member conducting the investigation.
2. **Facility Transfers:** In some cases, the individual filing the grievance was transferred to another facility.
3. **Multiple Issues in a Single Grievance:** Grievances addressing multiple issues were often narrowed down to a single concern for investigation, which may have left other critical aspects unexamined.
4. **Lack of Evidence:** Investigations frequently concluded there was no proof to support the allegations made in the grievance.

5. **Weight of Staff Statements:** It appears statements from staff members were given greater credibility and weight than those of the incarcerated individual, influencing the determination of the grievances.

Summary of Percentage Changes Year Over Year (2021–2023)

Categories with Growth (Positive % Changes):

1. **311:**
 - 2022 vs. 2021: **+2.1%**
 - 2023 vs. 2022: **+25.3%**
 2. **BOC, H & H:**
 - 2022 vs. 2021: **+400.0%**
 - 2023 vs. 2022: **+20.0%**
 3. **CCRB (Civilian Complaint Review Board):**
 - 2022 vs. 2021: **+66.7%**
 4. **Contact the Commissioner:**
 - 2022 vs. 2021: **+103.7%**
 5. **Walk-Ins (introduced in 2022):**
 - 2022 vs. 2021: **New Category**
 - 2023 vs. 2022: **+30.1%**
 6. **Web Form (introduced in 2022):**
 - 2022 vs. 2021: **New Category**
 - 2023 vs. 2022: **-42.30%**
-

Categories with Declines (Negative % Changes):

1. **BOC:**
 - 2022 vs. 2021: **+562.5%**
 - 2023 vs. 2022: **-42.3%**
2. **CCRB (Civilian Complaint Review Board):**
 - 2023 vs. 2022: **-46.7%**
3. **Grievance Box:**
 - 2022 vs. 2021: **-68.4%**
 - 2023 vs. 2022: **-43.2%**
4. **E-Mail:**
 - 2022 vs. 2021: **-63.5%**
 - 2023 vs. 2022: **-7.5%**
5. **Legal Aid/Attorney:**
 - 2022 vs. 2021: **-30.4%**
 - 2023 vs. 2022: **-75.7%**
6. **Contact the Commissioner:**

- 2023 vs. 2022: **-97.2%**

System Concerns of the Top Five (5) Grievances

The BOC identified the top five grievance categories among those reviewed as Medical, Environmental, Mail/Correspondence, Fear for Safety, and Food. The following information is based on feedback from incarcerated individuals, BOC staff's review of internal complaints, and an analysis of grievances submitted to the DOC.

- 1) **Medical** – Incarcerated individuals frequently resort to calling 311 to request medical attention, yet the process for submitting medical requests remains unchanged despite consistent grievances over quarters and years. The DOC eliminated in-person sick call sign-ups in housing areas, replacing them with the CHS sick call triage hotline. This shift limits oversight by the BOC, OCGS staff, and DOC staff, as phone call data can only be aggregated by analyzing call logs, making it difficult to monitor individual cases. As a result, grievances about delays in accessing sick call services lack accountability and effective checks and balances.
 - a) Pursuant to Local Law 132 of 2019, the Department is required to provide a monthly aggregate report on the non-production of individuals in custody for scheduled medical appointments (i.e., encounters). According to these reports, individuals seeking medical care from Correctional Health Services (CHS) can use the Sick Call Triage Hotline to request a medical appointment. However, as reflected in complaints submitted by people in custody, the Sick Call Triage Hotline is plagued with significant shortcomings. Indeed, 53.2% of the selected grievances were related to medical complaints associated with the Sick Call Triage Hotline. The incarcerated individuals used the 311 hotline as a way to sign up for sick call and be seen by medical.
 - b) Based on BOC internal complaints, and review of the DOC grievances, incarcerated individuals often have to call the hotline multiple times before successfully reaching someone.
 - c) Many report needing to call consistently for 4-5 days in a row before being scheduled to see a doctor.
 - d) There is no system in place for incarcerated individuals to confirm whether they are on the list to be called down for medical care the next day. If they are not called down the next day, they will have to start the request process over.
 - e) Individuals experiencing pain or infections frequently wait up to a week and a half before being taken to receive medical attention.

- 2) **Environmental Issues** – The following environmental issues in Rikers Island jails are widespread. They were the common trends found in the reviewed grievances.
 - a) Inadequate heating and cooling systems leave individuals exposed to extreme temperatures, with insufficient air conditioning in the summer and inadequate heating in the winter.
 - b) Poor ventilation with damp conditions fosters mold and mildew growth.
 - c) Unsanitary conditions, including pest infestations and chronically unclean facilities.
 - d) Frequent plumbing issues, such as leaking pipes, clogged toilets, and broken showers.
- 3) **Mail/Correspondence** – Mail and correspondence grievances center around delays, mishandling, and denial of access to a streamlined mail process. Incarcerated individuals frequently report delays in receiving incoming mail, including legal documents and correspondence from family members, which can hinder their ability to meet deadlines or maintain personal connections. Grievances also highlight instances of missing or lost mail, where items are either misplaced or fail to reach the intended recipient.
 - a) Complaints often include allegations of mail being opened outside the presence of the incarcerated person, violating confidentiality, particularly in cases involving legal documents. In addition, individuals filed grievances regarding restricted access to stationery or mailing supplies, which prevents them from sending out important communications.
- 4) **Fear for Safety** – Requests to transfer to another housing area stemmed from widespread violence, gang activity, and inadequate supervision. Incarcerated individuals reported no officers in the housing areas. Gang-affiliated individuals controlled housing units and resources, leaving non-gang members vulnerable to harm and calling 311. Staffing shortages and delayed responses to incidents further exacerbated these risks.
 - a) The presence of contraband weapons, unsafe housing assignments, and neglect of vulnerable populations, such as LGBTQ+ individuals and those with disabilities, intensified fears. Fear of retaliation against those who reported violence was a common concern, and poor infrastructure, including broken locks and obstructed cameras, contributed to the feeling of danger. Delayed medical care and limited mental health support left individuals physically and emotionally at risk and notifying 311 staff that they felt suicidal.
- 5) **Food** – Based on review of BOC internal complaints, DOC grievance, BOC staff observations, and policy review, the operational practices surrounding

mealtimes and feedings in some facilities have significantly deviated from Department policy. There is an urgent need to retrain Department housing area staff to ensure adherence to in-house feeding policies.

- a) Issues in the supervision and management of food services within the facilities include inadequate oversight of feedings and a lack of trained and assigned pantry workers to serve meals properly. Food handling practices are also problematic, with workers often operating without essential protective gear such as aprons, gloves, or hairnets. Pantries are plagued by unsanitary conditions, including graffiti, dirty walls, the presence of roaches, and overall uncleanliness, further compromising food safety.
- b) Operational deficiencies exacerbate these issues, such as missing serving spoons to ensure proper portions and inconsistent or delayed temperature readings of food. Food pans are served on dayroom tables instead of from proper warmers and chillers, which are often out of service or lack secure storage in pantries. The absence of running water and soap for food handlers further endangers hygiene standards, and faulty power outlets in pantries prevent the use of essential equipment. Additionally, limited access to shared pantry spaces restricts meal preparation to only one housing area at a time.
- c) These challenges result in inequitable and unsafe food distribution. Vulnerable individuals often go without meals due to unreliable servers, with influential incarcerated individuals controlling who serves and who eats. Pantries are also improperly used to prepare non-institutional meals with commissary items, creating further disparities.

Grievance Approach

The DOC grievance system operates with a predominantly reactive approach to addressing issues, with complaints handled on a case-by-case basis by multiple staff members, both uniformed and non-uniformed, many of whom lack proper grievance-specific training. Grievance outcomes are recorded in the Service Desk system, where they remain until aggregate data is compiled and shared with facilities for review. However, proactive compliance has significantly declined due to the removal of grievance coordinators from directly conducting investigations. This shift, coupled with insufficient staffing within the OCGS, has left the system struggling to manage the increasing volume of grievances being submitted.

A major challenge lies in the misuse of the grievance system as a pseudo sick call line, with medical grievances constituting the highest category of complaints. The transition from a paper-based system to the 311 system has improved accessibility but introduced complications. Without immediate receipts or responses and lacking a mechanism to track

submissions, incarcerated individuals frequently submit duplicate grievances. Investigations are conducted by randomly assigned uniformed correctional captains, often leading to inconsistencies, and grievances are frequently closed or deemed unsubstantiated if the individual declines to provide a written follow-up statement.

To assess these issues, the BOC interviewed 43 incarcerated individuals across multiple facilities and population types. Participants were asked about their familiarity with the grievance process, filing methods, response times, awareness of grievance box locations, and suggestions for improving both 311 and paper-based systems. Among those with less than six months of incarceration, 76.3% did not know the location of the nearest grievance box. Of those with more than six months of incarceration, 42.2% had filed a grievance during their current or previous incarceration. All newly admitted individuals with less than one week in custody and no prior incarceration experience reported not receiving any orientation on the grievance process.

For individuals with prior incarceration experience, key recommendations included installing grievance boxes in every housing area, ensuring grievance forms are always accessible, and providing clear explanations of the grievance process during intake and after facility transfers. Additionally, participants emphasized the need for private spaces to discuss grievances confidentially and called for digitizing the grievance process. Notably, 64.3% of participants expressed interest in tracking grievances from submission to resolution through a digital system.

These findings highlight the urgent need for systemic improvements to enhance accessibility, transparency, and accountability in the grievance process, ensuring it serves as an effective tool for resolving complaints and addressing systemic issues.

By combining these metrics and approaches, facilities can create a robust framework to measure and continuously improve the effectiveness of their grievance systems.

CONCLUSION

Challenges continue in ensuring accountability for investigation outcomes, addressing delayed responses, and improving access to grievance processes. A key concern is the unsustainable volume of grievances, which continues to rise while staffing levels within OCGS remain unchanged. As a result, the DOC has delegated grievance investigations to uniformed staff who lack specialized grievance-specific training, which undermines the effectiveness and credibility of the process. These non-OCGS uniformed staff often conduct investigations in dayrooms, where conversations are audible to other incarcerated individuals or staff, compromising confidentiality. Additionally, their involvement can lead to biased outcomes, particularly when they oversee the operations that the grievance addresses.

Addressing these deficiencies will require the implementation of evidence-based strategies, including enhanced digital tracking, standardized staff training for non-OCGS staff conducting grievance investigations, improved monitoring of grievance handling and outcomes, and emphasis on understanding the root of the problems which triggered the grievance.

These changes are needed to ensure that the grievance process functions as a reliable mechanism for resolving complaints and addressing systemic issues. While the 2018 Directive 3376R-A provides detailed procedures and responsibilities for handling grievances within the Department, it does not incorporate the mandates established by Local Laws No. 134 and 135 of 2019. The Directive, which has remained unchanged for over six years, could serve as an effective framework if investigations were conducted with the level of confidentiality and integrity originally intended.

The Board remains committed to evaluating and reporting on the implementation of reforms to ensure measurable improvements in the grievance system and overall conditions within NYC correctional facilities.

The BOC recommendations in this report aim to foster a transparent, efficient, and trustworthy grievance system that effectively addresses individual complaints while identifying and resolving broader systemic challenges.