


Office of the Sheriff Custody Bureau	Policy Number: 14.05
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Signature of Issuing Authority	Current Policy Review
 _____ Carl Neusel, Chief of Correction	Date of Review: 17 Mar 2017 Revisions Made: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

POLICY:

The policy of the Sheriff's Office is to provide inmates the means for expressing and resolving grievances and an administrative mechanism for review of Sheriff's Office policies, decisions, actions, conditions, or omissions that have a material consequence on their health, safety, welfare, participation and/or access to programs.

PURPOSE:

The purpose of this policy is to establish and maintain a fair, objective and effective grievance process through which resolutions of inmate grievances are achieved at the lowest possible administrative level with timely responses to the aggrieved, and affording reasonable opportunities to appeal to the next level of review. Resolutions to grievances shall focus on correcting an identified problem.

PRINCIPLE:

When submitting grievances or appeals, the inmate should describe the specific issue and the relief and/or information requested. In order to ensure the orderly processing of grievances and to afford handling personnel adequate time to address them, inmates shall only place one issue on each request, grievance, or appeal form.

Inmates who are unable to complete a written or electronic form due to a disability, language barrier, or illiteracy may raise grievances verbally. Personnel shall assist these inmates with completing the forms. When determining the level/type of assistance needed by to an inmate with a disability, staff shall review the ADA Compliance System (ACeS) to identify the inmate's accommodation needs.

If an inmate submits a written request or grievance on an incorrect form, staff who received it shall

return it to the inmate along with the correct form and offer the inmate assistance as needed.

ACCOUNTABILITY FOR INMATE GRIEVANCES

Failing to provide an inmate with a grievance form in a reasonable time when requested, failing to respond appropriately to a grievance, destroying or concealing grievances, attempting to intimidate or prevent an inmate from filing a grievance, and retaliating against an inmate who has filed a grievance, may be cause for disciplinary action.

DEFINITIONS – Appendix A

I. Responsibilities

A. Custody Staff supervising inmates shall:

1. Ensure that adequate supplies of Inmate Grievance Forms are available and reasonably accessible to inmates in each housing location.
2. Not refuse Inmate Grievance Forms given directly to them. Instead, staff shall direct the inmate to place the grievance in the grievance box unless it is an emergency grievance or no grievance box is available.

B. Shift Sergeant shall:

1. Collect grievances a minimum of once per shift.
2. Document the number of grievances collected in each housing unit log book.
3. Review for completeness and emergent issues.
4. Determine whether the grievance is for conditions of confinement or staff conduct.
5. Resolve if the issue is minor in nature.
6. Assign a tracking number and grievance category in ACeS.
7. Forward to the Grievance Coordinator.

C. Facility Watch Commander shall:

1. Ensure Inmate Grievance Forms are collected from secured inmate grievance boxes as established in the facility's Post Orders no less than once per day.
2. Review the Daily Log Book on a random basis to ensure the supervisors are collecting Inmate Grievances and are signing the Daily Log Book as required.
3. Ensure supervisors are resolving minor issues.

D. Division Captain shall:

1. Review the monthly ACeS report of completed Inmate Grievances against staff and Use of Force.
2. Maintain the grievance process consistent with the approved policy within their respective facilities, division units, or bureaus in accordance with department policies and procedures. In addition, they shall establish Post Orders, as appropriate, to address the operations of their facility and forward their updated Facility Post Orders to the Grievance Unit.

D. Inmate Grievance Unit:

1. The Inmate Grievance Coordinator shall be responsible for:
 - a. Ensuring that Inmate Grievance Forms are collected from a secured box in each division/unit administration and that inmate notifications are made, as specified in this policy.
 - b. Regularly tracking the facility's handling of Inmate Grievances to ensure that investigations are completed reasonably, within established time frames, and that inmates are notified of the results of the investigations.
 - c. Ensure that grievance responses are meaningful and appropriate.
 - d. Inmate Grievance Coordinator shall provide a monthly status report to the Undersheriff, Chief of Correction, Assistant Sheriff of the Custody Bureau, and Division Captains.

II. Assignment and Handling of Grievances

- A. Grievances shall be directed to the appropriate facilities, divisions, units or bureaus in ACeS and shall be handled in accordance to specified time frames.
- B. The Inmate Grievance Coordinator shall be responsible for making a determination as to which business unit will be assigned to address the grievance. The Inmate Grievance Coordinator shall consult with the Division Captain, or Assistant Division Commander (ADC), as needed to determine which supervisor will be assigned to handle any emergency grievances or grievances against staff. In some cases, the grievance may be administratively closed and directly referred to the Internal Affairs Unit.
- C. The Watch Commander shall assign the handling of emergency grievances to an uninvolved sergeant and shall review and approve the subsequent investigations and resolutions.

III. Inmate Grievances

A. Any inmate in the custody of the Sheriff's Office may submit a grievance grieve and appeal any grievance response. Personnel collecting, sorting, and processing completed Inmate Grievance Forms shall take care to identify grievances requiring unique handling and to ensure they are handled according to protocols established in this policy. Grievance Categories are;

Category	Subcategory
1. ADA	Accommodations Medical Equipment/Accessories
2. Admin Booking	Bail Court Date Court Papers More Access to Court Release Date Release to Program Speedy Trial (1381 pc)
3. Classification	Dayroom Grouping Housing Security Level/Down class
4. Clothing/Laundry	Blanket Exchange Lack of Proper Size Stained Clothes Torn Clothes Type of Clothing
5. Commissary	Missing Purchased Items Order Not Processed Untimely Reimbursements
6. Dental	Appointment Not Scheduled Care Delay in Emergency Request Medication Pain
7. Environmental Conditions	Air Vents Cell/Dorm Cleanliness Clogged Toilets Dirty Showers Lighting Mirror Replacements Noise Pests Slow Water flow

	Temperature Water Temperature
8. Food Services	Diets Foreign Objects Missing Food Seasonings Taste/Quality Temperature Variety
9. Grievance Against Inmate	Does Not Want To Be In Same Cell/Unit Harassment Unruly Unsanitary
10. Infraction/Disciplinary	Appeal Hearing Process Hearing Decision Unwarranted Infraction
11. Inmate Property	Missing Personal Items Retrieve Items From Booked Property
12. Legal Services	Legal Research Pro-Per Supplies
13. Mail	Legal Mail Lost Mail Magazine/Newspapers Mail Tampered With Missing Photos Returned Mail Untimely Processed Mail
14. Medical Services	Accommodations Appointments Care Diets Medication Pain
15. Mental Health Services	Appointments Care Improper Diagnosis Medication

16. Other Inmate Services	Books Catholic Charities Copying Eyeglasses Notary Research/Information
17. Out of Cell Activity	Frequent Lockdowns Lack of Sundeck Not Given Out Time Time Allotted
18. Outside Agency	
19. Phone	Broken Phone Costly Overcharge Phone Interrupted Without Warning Shortage of Phones in Module
20. Policy/Rulebook	Outdated Violation
21. PREA (Prison Rape and Elimination Act) (Facility Badge staff, Other Badge Staff, Custody Health staff, Civilian, Contractor, Outside Agencies, Transportation, Court staff, Out of Custody)	Sexual Harassment
22. Programs (CASU, Reentry, PSP, WWP, RCP, Rehabilitation Program, Educational Program, Vocational Program, TSU/SLE)	Curriculum Denied Program Instructor Lack of Services/Classes Site Issue
23. Religious Services	Accommodation Diet Lack of services
24. Searches	Cell search Pat Search Strip Search
25. Staff Conduct & Behavior (Facility Badge staff, Other Badge staff, Custody Health staff, Civilian,	Attentiveness Indifference Unprofessional

Contractor, Outside Agencies, Transportation, Court staff)	Untimely Response
26. Technology	Broken Ipod Broken TV TV Channel Varieties
27. Use of Force (Facility Badge staff, Other Badge staff, Custody Health staff, Civilian, Contractor, Outside Agencies, Transportation, Court staff)	
28. Visits	Availability Canceled Family Denied/Banned Unable to Register Unable to Visit

B. Duplicate grievances will not be accepted.

C. Inmate Grievances shall be completed and submitted on an Inmate Grievance Form. Submissions in a letter format will also be accepted.

D. No group grievances will be accepted.

E. Third party grievances will be accepted.

F. All grievances shall be submitted no later than thirty (30) calendar days after the alleged incident.

G. Inmate Grievances should be investigated, resolved, and an attempt will be made to respond within thirty (30) calendar days from the date the grievance was received.

IV. Expedited Handling of ADA Grievances

A. During the collection and review of grievances, the shift sergeant shall identify any grievances which may require expedited handling. Determine if the situation requires prompt action to protect the life or safety of the inmate and take appropriate action.

B. All ADA Grievances and appeals will be sent to the ADA Coordinator by the Grievance Unit.

C. ADA requests that qualify for an expedited response may include, but are not limited to the following:

1. Provision of health care appliances/durable medical equipment/assistive devices that are essential to perform a major life activity

2. Programs services and providing assistance to permit effective communication in due process settings or for health care encounter communications

V. Hospital Grievances

- A. Inmates will be provided with a grievance form by the facility responsible for guarding them.

VI. Dispositions, Interim Status Responses, and Inmate Notifications

A. Dispositions:

1. Personnel assigned to handle grievances shall make a determination of an appropriate disposition based on information available and/or established through their investigative efforts.
2. General requests for service and grievances which are not against staff shall be resolved with one of the following dispositions:
 - a. Resolved: Any grievance which has been investigated and a resolution has been reached.
 - b. Administratively Closed: Grievance which was referred to Internal Affairs for further inquiry or the complaint revealed that outside agency was involved and the complainant was directed to contact that agency.
 - c. Unfounded: The inquiry shows that the grievance did not occur and the complaint was misconstrued; or where insufficient information was provided and the complainant failed to provide further information to resolve the issue.
 - d. Not Actionable: Where the grievance is totally and completely without merit, or for the sole purpose of harassing an opposing party.
 - e. Released prior to resolution: Where the complainant is no longer in custody.

VII. Appeals Process

- A. Inmates who are not satisfied with the result of their grievance response may appeal to the Division Captain.
- B. Inmates may only submit one (1) appeal per grievance. An appeal by an inmate must be submitted within thirty (30) calendar days of receiving the written result or the appeal will be denied.
- C. An appeal shall be submitted on the appropriate appeal form, which shall be provided by custody personnel making the required notification to an inmate of the result.

D. All appeal decisions are final.

VIII. Grievance System Abuse

A. An inmate may be considered as abusing the grievance system if the inmate:

1. Submits repeated grievances or appeals regarding the same issue without allowing sufficient time for a response.
2. Submits repeated grievances for issues that have already been addressed and/or resolved.
3. Submits repeated grievances or appeals regarding an issue for which the inmate has exhausted his/her administrative remedies or time constraints.
4. Submits repeated grievances or appeals that are frivolous, malicious, or include abusive, foul, or obscene language.

B. When the Inmate Grievance Unit is responding to an inmate grievance and believes that the inmate is abusing the grievance system, the Grievance Coordinator will notify the Facility Captain. The facility captain may suspend the inmate's ability to submit grievances for thirty (30) days. The facility captain will prepare a letter of suspension and ensure the letter is delivered to the inmate.

C. Once the Grievance Unit has determined the inmate is abusing the grievance process, a supervisor may direct the inmate to be infraacted.

IX. Jurisdiction of Grievances and Appeals

A. Grievances and appeals will be assigned to the business unit responsible for the incident or issue in question.

B. If a grievance or appeal received involves conditions or personnel at another facility, or business unit, the receiving staff shall indicate that information on the initial grievance entry in ACeS and forward the grievance to the Grievance Unit. The Grievance Unit will forward the grievance to the responsible business unit for investigation, response and resolution.

X. Retention of Grievances and Appeals

Pursuant to Policy 1.61 "Records Retention, Maintenance and Destruction" the Grievance Unit shall retain all Inmate Grievances, grievance responses, and appeals as well as all, requests requiring reference numbers, for four (4) years, plus the present year.

XI. Audits

A. Inmate Grievance Coordinator

1. The Grievance Coordinator shall conduct bi-annual audits of all units within the Custody

Bureau to ensure compliance with the standards and procedures set forth in this policy. Any irregularities identified by the Inmate Grievance Coordinator shall be documented and provided to each Division Captain for review.

2. The Grievance Coordinator will provide bi-annual reports to the Sheriff's Office Administration regarding grievance statistics and audit results.

B. Custody Administrative Services Captain

1. The Custody Administrative Services Captain shall conduct an annual audit to monitor the grievance process and to ensure compliance with the standards and procedures set forth in Sheriff's Office Policy

C. Division Captains

1. Division Captains shall conduct quarterly reviews and monitor the inmate grievance process to ensure the grievance process is effective and consistent with Sheriff's Office Policy.

XXII. Policy Revision

All Sheriff's Office policies will be reviewed not less than once a year. The Operational Standards and Inspection Unit (OSIU) will establish an annual schedule identifying policies to be reviewed during a specific month.

Appendix A

DEFINITIONS:

- A. Effective Communication ("EC"): Verbal speech or other methods of relaying information that gets a point across. An example of effective communication is when you talk in clear and simple terms.
- B. Grievance Control Number: A sequential number assigned to each grievance for tracking purposes.
- C. Grievance Coordinator: A lieutenant responsible for ensuring timely collection, tracking, distribution, and response to all inmate grievances received.
- D. Inmate Grievance: An inmate complaint arising from circumstances or conditions relating to his or/her confinement.
- E. Inmate Grievance Appeal Form: A form that enables the inmate to appeal the disposition of the grievance.
- F. Inmate Grievance Form: A form that enables inmates to submit grievances and complaints.