

Volume 8 - Inmate Grievance Manual

• 8-01/000.00 Preamble to the Inmate Grievance Policy

The policy of Custody Operations is to provide inmates the means for expressing and resolving grievances and an administrative mechanism for review of Departmental policies, decisions, actions, conditions, or omissions that have a material adverse effect on their health, safety, welfare, participation and/or access to programs.

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 and appeals shall focus on correcting an identified problem.

Except where specified by this policy, the subsequent procedures shall be applicable to non-medical and non-mental health inmate requests, grievances, and appeals.

For information regarding healthcare inmate requests, grievances, and appeals, refer to section 8-03/020.00, "Healthcare Grievances."

• 8-01/005.00 Filing of Requests, Grievances, and Appeals

Any inmate desiring to request a service, information, or file a grievance regarding an issue related to his or her confinement shall be permitted, and instructed as necessary, to initiate an Inmate Request Form, Inmate Grievance Form, and/or appeal to the next level of review through the procedures established in this policy. Completed forms can be submitted by placing them in any of the secured inmate grievance boxes located throughout the jail, or by handing them to any custody staff member, or supervisor. In addition, inmate requests, grievances, and appeals can be registered through the use of computer tablets available to inmates at various jail locations.

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

Inmates who are unable to complete a written or electronic form because of a disability, language barrier, or illiteracy may raise grievances or requests verbally, and Department personnel shall assist these inmates with completing the form. Any question regarding the level of assistance to be provided to an inmate with a disability shall be resolved by summoning the assistance of Correctional Health Services personnel.

Department members shall make every effort to address an inmate grievance regardless of the language or categorization of the grievance by the inmate.

If an inmate submits a written request or grievance on some other form, personnel who retrieved it shall return it to the inmate along with the correct blank form and provide the inmate with assistance to complete it as needed.

Procedures established by this policy do not preclude an inmate's ability to express their concerns informally through day to day interactions with staff or during periodic Town Hall meetings. Refer to CDM section 5-14/005.00, "Town Hall Meetings."

• **8-01/010.00 Accountability for Inmate Grievances**

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

• **8-01/020.00 Responsibilities**

It shall be the responsibility of line personnel on each shift to ensure an adequate supply of Inmate Request Forms, Inmate Grievance Forms, and medical envelopes are available and reasonably accessible to inmates in the housing location. Line supervisors shall check each housing location a minimum of once per shift to ensure the forms and medical envelopes are reasonably available.

Whenever possible, housing officers shall answer all informal requests for general information concerning the inmate and address any informal requests during the shift in which they are received. In instances where this is not possible, any requests for information that have not been addressed shall be relayed to respective personnel of the following shift for appropriate handling. Refer to section 8-02/005.00, "Informal Requests."

Inmate Grievance Forms given directly to the housing officer shall not be refused. Line personnel who receive a request, grievance, or appeal from an inmate shall give the form(s) to the floor sergeant, who shall review and time stamp the form(s) and assign any informal requests to housing area personnel. Emergency grievances as delineated in section 8-03/010.00, "Emergency Grievances," or those requiring priority handling (see "Line Sergeant Responsibilities"), shall be delivered promptly to the watch commander for further review and assignment. General requests and non-emergent grievances shall be placed in locked collection bins for retrieval by the Unit Inmate Grievance Team.

LINE SERGEANT RESPONSIBILITIES

Line sergeants shall be responsible for collecting inmate requests, grievances, and appeals, from all secured inmate grievance boxes located throughout the jail, in keeping with the collection times established in the respective facility's unit orders, but no less than once per day. The number of forms retrieved shall be recorded in the designated section of the electronic Uniform Daily Activity Log (e-UDAL).

Whether collected from secured inmate grievance boxes or delivered to staff directly by the filing inmate, request, grievance, and appeal forms shall be time stamped and reviewed by line sergeants. As part of their review, line sergeants shall identify any requests, grievances, and appeals requiring priority handling, confirm

the dates of submission and verify that only one issue is addressed per form, sign and date the forms, and ensure the inmate has taken his or her copy. The forms shall be sorted by category. Informal requests shall be assigned by the sergeant to a staff member to handle promptly (refer to section 8-02/005.00, "Informal Requests").

In addition, line sergeants shall be responsible for, at least once per day, reviewing any inmate requests, grievances, and appeals received via computer tablet to identify any which may require priority handling.

PRIORITY HANDLING

During the collection and review of inmate requests, grievances, and appeals, line sergeants shall identify any of which concern healthcare, including grievances against medical and mental health staff, and promptly time stamp and deliver these to an on-duty supervising staff nurse. Correctional Health Services (CHS) personnel receiving a medical or mental health grievance shall time stamp, review, and process them in accordance with unit orders established by CHS. Line sergeants identifying priority grievances outlined in section 8-03/005.00, "Inmate Grievances" and emergency appeals, shall handle them as follows:

- In cases of an emergency, determine if the situation requires prompt action to protect the life or safety of the inmate, and, if so, shall take any appropriate action
- Promptly ensure a reference number has been issued through the Custody Automated Reporting and Tracking System (CARTS)
- Promptly deliver the inmate request, grievance, and/or appeal to the watch commander
- Ensure a copy of the inmate request, grievance, and/or appeal is placed in a secured collection bin centrally located within each floor, area or building, pending retrieval and tracking by Inmate Grievance Team members.

Watch commanders presented with any of the requests, grievances, or appeals requiring priority handling shall review them with priority and ensure they are addressed in accordance with the procedures set forth in this policy.

Supervising staff nurses presented with any requests, grievances, or appeals shall review and address them in accordance with CHS policy. Refer to section 8-03/020.00, "Healthcare Grievances."

All other requests and grievances shall be time stamped and placed in secured collection bins centrally located within each floor, area or building, pending retrieval by Inmate Grievance Team personnel.

In the event that a line sergeant is not available to perform the collection as noted, he or she shall notify the watch commander who shall reassign this task to another line sergeant(s).

WATCH COMMANDER'S RESPONSIBILITIES

It shall be the watch commander's responsibility to ensure Inmate Grievance Forms, Inmate Request Forms, and appeals forms are collected from secured inmate grievance boxes as established in the facility's unit orders, but no less than once per day. The watch commander shall regularly review the e-UDAL to ensure the supervisors collecting Inmate Grievance and Inmate Request Forms are signing the e-UDAL as required.

Watch commanders shall review and approve all dispositions involving resolved grievances against staff as

stated under section 8-04/010.00, "Dispositions, Interim Status Responses, and Inmate Notifications."

NOTE: In cases of allegations concerning employee misconduct, the watch commander shall forward a memorandum with all related documents to the unit commander with his or her recommendation as to whether or not an administrative or criminal investigation is warranted.

UNIT COMMANDER RESPONSIBILITIES

In consultation with the Division Inmate Grievance Coordinator, unit commanders shall designate an Inmate Grievance Team at their respective facilities. The unit commander for Pitchess Detention Center (PDC) North shall designate the Inmate Grievance Team for North and South facilities. While a formalized Inmate Grievance Team will not be required for the Inmate Reception Center (IRC), the unit commander of IRC shall designate a sergeant who will be responsible to perform the duties of the Unit Inmate Grievance Coordinator, as applicable, and shall establish a unit order describing the process by which all grievances, requests, and/or appeals are collected, reviewed, and handled in accordance with this policy.

The unit commander, or designee, shall review and sign the final disposition of completed inmate grievances against staff and emergency grievances, as specified in section 8-03/040.00, "Grievances Against Staff." If during the review, the unit commander or designee determines the disposition to be inappropriate, the grievance shall be returned to the supervisor who approved the disposition for additional investigation or review.

Upon reviewing and approving their dispositions, unit commanders shall ensure that grievances against staff alleging that any level of force was used to retaliate against the aggrieved inmate are scheduled for review by the Custody Force Review Committee (CFRC). CFRC shall review the grievance at its next meeting, or the meeting thereafter, following the unit commander's approval of the disposition. Refer to CDM section 7-07/020.00, "Custody Force Review Committee."

In addition, the unit commander shall direct, when appropriate, any additional training, counseling, or mentoring, when a grievance against staff involving a use of force allegation results in a disposition of "Appears Employee Conduct Could Have Been Better," and document the action(s) taken. As part of the assessment and determination of the most appropriate course of action, unit commanders shall review the involved employee's Personnel Recording and Monitoring System (PRMS) record(s) and/or personnel file(s).

Should an inmate grievance investigation result in a disposition wherein the "Employee Conduct Should Have Been Different," the unit commander shall determine the following course of action:

- Train, counsel, and/or mentor the employee;
- Initiate an administrative or criminal investigation, as appropriate.

For further information regarding dispositions for requests or grievances refer to section 8-04/010.00, "Dispositions, Interim Status Responses, and Inmate Notifications."

Unit commanders shall review first-level appeals of general grievances (refer to sections 8-04/030.05, "Appeals of Grievances - Not Against Staff" and 8-04/030.15, "Appeals of Emergency Grievances"), and ensure that if the review of an appeal of a grievance against staff results in a disposition modification not reflected in the original "Result of Inmate Grievance Against Staff Review" form (SH-J-455), the required documentation is completed as delineated in section 8-04/030.10, "Appeals of Grievances Against Staff."

Unit commanders shall be responsible for ensuring the inmate grievance process is implemented and maintained within their respective facilities, bureaus, or units in accordance with these policies and procedures. In addition, they shall establish unit orders, as appropriate, to address the operations of their facility's Inmate Grievance Team, and the handling of inmate requests, inmate grievances, and appeals, according to the specific needs of the facility. Unit commanders shall ensure grievance positions and responsibilities are appropriately staffed during designated times in accordance with established unit orders to ensure consistency in collecting and processing inmate grievances and requests.

While every effort shall be made by line sergeants to ensure inmate requests, grievances, and appeals are collected from secured inmate grievance boxes once every shift, unit orders shall specify they be collected and reviewed no less than once per day. The time(s) of said collection shall be coordinated with the Unit Inmate Grievance Team's collection, and shall be determined by the needs of the unit as designated by the respective unit commander.

INMATE GRIEVANCE TEAMS

Inmate Grievance Teams at MCJ, TTCF, Century Regional Detention Facility (CRDF), and the North County Correctional Facility (NCCF), shall be comprised of, at minimum, a supervising line deputy, a custody assistant and/or other appropriate professional staff, and shall be supervised by at least one sworn supervisor of the minimum rank of a sergeant who will serve as the Unit Inmate Grievance Coordinator and report to the Division Inmate Grievance Coordinator.

Due to the unique composition of PDC's North and South facilities, one (1) Inmate Grievance Team will assume the described responsibilities at both of these facilities and will coordinate with the concerned Compliance Lieutenant to ensure adherence with this policy.

Members of the Inmate Grievance Team shall be responsible for collecting from centrally located collection bins those requests and grievances not handled by line sergeants. Each Inmate Grievance Team shall also be responsible for reviewing, categorizing, tracking, and forwarding requests, grievances, and appeals to the appropriate person or unit for investigation and handling, and shall assist with responding to inmates as appropriate. In addition, they shall scan and enter all non-electronic grievances, general requests, and appeals forms they collect into CARTS, including the collection times, and assign them reference numbers.

UNIT INMATE GRIEVANCE COORDINATOR RESPONSIBILITIES

Unit Inmate Grievance Coordinators shall be responsible for ensuring Inmate Request Forms, Inmate Grievance Forms, and appeals forms, are collected from collection bins daily, excluding weekends and holidays, by their Inmate Grievance Teams, and inmate notifications are made, as specified in this policy.

Unit Inmate Grievance Coordinators shall be responsible for regularly tracking the facility's handling of inmate grievances to ensure the investigations are completed reasonably and within established time frames, and inmates are notified of the results of the investigations.

Unit Inmate Grievance Coordinators shall ensure all pertinent information regarding grievances is entered and tracked in CARTS and the entries reflect the nature and status of each grievance and personnel assigned to address the concerns

In order to ensure appropriate tracking in CARTS, the Unit Inmate Grievance Coordinator shall be responsible

for consulting with the watch commander, or supervising lieutenant, to ascertain which supervisor will be assigned to handle priority grievances and grievances against staff.

Except where specified by this policy, the Unit Inmate Grievance Coordinator shall be responsible for investigating any grievances which do not fall under the jurisdiction of another sub-unit or supervisor.

Unit Inmate Grievance Coordinators shall provide a monthly report to unit commanders and the Division Inmate Grievance Coordinator regarding the status of inmate grievances and the timeliness of facility investigations, responses, appeals, and notifications to inmates of the results of the investigations and grievance appeals. The report shall also include an analysis of any identified problematic trends. Unit Inmate Grievance Coordinators shall provide the Division Inmate Grievance Coordinator with status updates and follow-up regarding any areas of concern involving inmate requests, grievances, and appeals as needed, or upon request.

General requests, grievances, or appeals received electronically or in written form, shall be directed to the appropriate facilities, bureaus, or units in CARTS and shall be handled in accordance with section 8-04/040.00, "Time Frames."

The Unit Inmate Grievance Coordinator shall be responsible for making a determination as to which unit and/or person is to be assigned to handle inmate requests, grievances, and appeals. The Unit Inmate Grievance Coordinator shall consult with the watch commander, or supervising lieutenant, as needed to determine which supervisor will be assigned to handle any emergency grievances, priority requests, appeals, and/or grievances against staff.

In the absence of the sergeant assigned to this position, an Inmate Grievance Team supervisor may be temporarily designated to assume the responsibilities of the Unit Inmate Grievance Coordinator, as directed by the concerned facility's compliance lieutenant. In addition, unit commanders may authorize the performance of limited duties by a trained Inmate Grievance Team member.

COMPLIANCE LIEUTENANT'S RESPONSIBILITIES

Each facility's compliance lieutenant shall serve as the direct supervisor of the Unit Inmate Grievance Coordinator, and the activities of the Inmate Grievance Team. Refer to CDM section 7-07/030.00, "Compliance Lieutenant."

RESPONSIBILITIES OF SUB-UNITS

Unit commanders of specialized units and/or bureaus such as Food Services Unit (FSU), Population Management Bureau (PMB), Custody Investigative Services (CIS), and Inmate Services Bureau (ISB) shall establish unit orders to ensure all grievances or requests involving their unit are reasonably addressed and responded to within fifteen (15) calendar days from the date they are received by the Sheriff's Department, in accordance with section 8-04/040.00, "Time Frames." In addition, the units shall ensure that the final disposition is entered in CARTS, and coordinate with CHS to ensure that the handling of medical and/or mental health inmate grievances are tracked by the Department in CARTS. Each bureau or unit shall designate an Inmate Grievance Coordinator who shall ensure CARTS is updated with the final disposition of the grievance or request. The coordinator shall forward approved dispositions of grievances against staff to the unit commander or designee for approval and signature.

DIVISION INMATE GRIEVANCE COORDINATOR RESPONSIBILITIES

A Division Inmate Grievance Coordinator, at the minimum rank of lieutenant, assigned to Custody Support Services (CSS), shall be responsible for coordinating the review of appeals, communicating with each of the facilities, bureaus, and units regarding inmate grievances and Inmate Grievance Team activities, and for conducting regular audits to ensure compliance with the Division's grievance and appeals policy (refer to section 8-04/030.00, "Appeals Process and Structure"). The Coordinator will ensure grievance responses are completely answered and stated in clear, understandable language. In the absence of the lieutenant assigned to this position, a sergeant may be temporarily designated to assume the responsibilities of the Division Inmate Grievance Coordinator.

• 8-02/005.00 Informal Requests

An informal request is a request that can be quickly resolved by a line staff member. This type of request may be conveyed by an inmate either through his/her day-to-day dialogue with personnel, or by completing and submitting an Inmate Request Form, in writing or through the use of an electronic tablet, if available.

Examples of informal requests include, but are not limited to:

- Trust Account balance
- Commissary kiosk access
- Hair cut
- A hygiene kit
- Library time
- Release date
- Court date
- State Prison ("SP") status
- Arrest charge(s)
- Hold(s)
- Telephone PIN
- Shoes, mattress, or linen replacement
- Inmate uniform replacement

Informal requests do not require a reference number. Note: When filed via computer tablet, an informal request that is not a request for information will generate a reference number in the Custody Automated Reporting and Tracking System (CARTS) and be directed to the housing area's electronic Uniform Daily Activity Log (e-UDAL) for handling. When possible, the request shall be handled by line/housing staff during the shift in which it is received. In instances where this is not possible, any informal requests that have not been addressed shall be relayed to respective personnel of the following shift for appropriate handling.

• 8-02/010.00 General Requests

Any requests requiring follow-up beyond the line or housing staff's capabilities, shall be submitted on an

Inmate Request Form and require reference numbers.

Examples of general requests and the units to which they are assigned include, but are not limited to:

- Electronic monitoring - Community Based Alternatives to Custody unit (CBAC)
- Re-entry services - Community Transition Unit (CTU)
- Veteran's assistance - CTU
- General Relief - CTU
- Homeless services - CTU
- Educational programming and Fire Camps, including Milestones and vocational classes - Education Based Incarceration unit (EBI)
- Participation in Custody Conservation Work programs - Prisoner Personnel Office (PPO)
- Religious and volunteer services - Office of Religious and Volunteer Services (RVS)
- Name changes - facility legal unit

The Inmate Request Form is not meant to discuss issues at length, nor is it to be utilized by inmates for resolution of grievances against staff. These types of concerns are to be submitted on an Inmate Grievance Form.

The inmate shall place a single request per form. If the inmate includes on a single form multiple unrelated requests, the form shall be returned and the inmate advised to use a separate form for each unrelated request.

Inmate requests shall be handled to conclusion and updated in the Custody Inmate Grievance Application (CIGA) within fifteen (15) calendar days from the date they were received by the Inmate Grievance Team in accordance with section 8-04/040.00, "Time Frames," absent exceptional circumstances. Refer to section 8-04/040.05, "Extensions."

Exceptions to this time frame may include requests that require research or the involvement of other units or bureaus, as may be the case with requests for credit calculation or inmate program placement. Other complications or delays with resolving inmate requests shall be brought to the attention of a supervisor.

An inmate's signature is not required for the disposition portion of any type of request.

Inmate requests cannot be appealed. Inmates dissatisfied with a response to an Inmate Request Form shall complete and submit an Inmate Grievance Form to seek a resolution. If an inmate does not receive a response to a request within fifteen (15) calendar days, he or she may file a second request or submit an Inmate Grievance Form.

Any Inmate Request Forms received related to healthcare shall be delivered in person to an on-duty supervising staff nurse.

• **8-02/020.00 Positive Comments by Inmates**

An inmate may request to make a positive comment about an employee by checking the appropriate box on the Inmate Request Form. A brief description of the staff member's actions may be included in the narrative

portion of the form. The positive comment shall be entered and processed in the Custody Automated Reporting and Tracking System (CARTS).

Supervisors shall assess and verify the nature of the actions of an employee being commended as described by an inmate. If it is determined that the employee's actions warrant recognition, supervisors may process an Employee Performance Log Entry (PLE), or an appropriate commendation in accordance with established Department policies. Refer to Manual of Policy and Procedures (MPP) section 3-02/140.00, "Commendations."

• 8-03/005.00 Inmate Grievances

Any inmate under the Department's jurisdiction may grieve and appeal any decision, action, condition, or omission by the Department or its staff that the inmate can demonstrate as having a material adverse effect on his or her health, safety, or welfare. A material adverse effect means harm or injury that is measurable or demonstrable or the reasonable likelihood of such harm or injury.

Non-grievable issues include, but are not limited to, final appeal dispositions, and any decision or action outside the jurisdiction or control of the Department, such as matters related to federal, state, or local laws, parole or probation actions, judicial proceedings, or decisions of the courts.

A grievance against staff is defined as a grievance alleging staff behavior which would be a violation of law, regulation, policy, or procedure. Refer to 8-03/040.00, "Grievances Against Staff."

In order to avoid duplicate or excessive entries and the disruption of orderly and timely processing of grievances and appeals, inmates may only submit two (2) non-emergent grievances per week, and no more than four (4) grievances in a month. Medical grievances, emergency grievances, grievances related to the Prison Rape Elimination Act (PREA) or Americans with Disabilities Act (ADA), and grievances against staff, use of force, retaliation, harassment, and/or racial or identity profiling, are not subject to this limit. Refer to 8-04/050.00, "Duplicate Filings of Grievances and Appeals, and Restriction of Filing Privileges."

PRIORITY GRIEVANCES

Personnel collecting, sorting, and processing completed Inmate Grievance Forms shall be careful to identify grievances requiring priority handling and to ensure they are handled according to protocols established in this policy. Examples of grievances which require priority handling include, but are not limited to:

- Emergency Grievances
- Healthcare Grievances
- Americans with Disabilities Act (ADA)-Related Grievances
- Grievances Against Staff
- Grievances of Retaliation
- Prison Rape Elimination Act (PREA)-Related Grievances

While priority grievances shall be brought to the attention of the watch commander, those concerning

healthcare, including grievances against medical and mental health staff, and those related to ADA that have been determined to require handling by health services staff, shall be delivered to an on-duty supervising staff nurse upon collection and handled in accordance to procedures in established Correctional Health Services (CHS) policy. Refer to section 8-01/020.00, "Responsibilities," for further additional information regarding the handling of priority requests, grievances, and appeals.

INMATE GRIEVANCE PROCEDURES

Inmate grievances shall be completed and submitted electronically, through the use of electronic tablets, or on an Inmate Grievance Form. The inmate shall place a single grievance per form. If the inmate includes on a single form multiple unrelated grievances, the form may be returned and the inmate advised to use a separate form for each unrelated grievance. Aggrieved inmates are required to sign and date the Inmate Grievance Form.

If during the processing or inquiry of an inmate's issue, it is determined the concerned inmate is only requesting information or a service, and is not grieving a decision, action, condition, or omission by the Department or its staff, the grievance shall be recategorized and handled as a general request. Refer to CDM 8-02/010.00, "General Requests."

An inmate may assist another inmate in the preparation of his or her grievance. An inmate shall not submit a grievance on behalf of another inmate, except when they are doing so in regard to allegations of sexual abuse or circumstances that threaten the life or safety of another inmate. For further information refer to CDM sections 3-04/025.00, "Prison Rape Elimination Act of 2003" and 8-03/060.00, "PREA-Related Grievances."

Grievances which are not against staff or related to PREA must be filed by an inmate within fifteen (15) calendar days from the date of the incident. Refer to section 8-04/040.00, "Time Frames." Grievances against staff, including allegations of retaliation or use of force, must be filed by an inmate within thirty (30) calendar days from the date of the incident. There shall be no deadline for filing PREA-related grievances by inmates.

If an inmate is housed in disciplinary segregation during any portion of the first fifteen (15) calendar day period following the incident, the inmate shall have fifteen (15) additional calendar days from the date he or she is released from segregation, or an additional 30 days for grievances involving retaliation or use of force.

Inmate grievances shall be investigated, resolved, and responded to within fifteen (15) calendar days from the date the grievance was received by the Sheriff's Department, absent exceptional circumstances, which must be documented. (Refer to section 8-04/040.05, "Extensions.")

Grievances that require a prolonged investigation such as in allegations of force, administrative, or criminal investigations, shall be referred to the concerned unit or entity and updated with an interim status in the Custody Automated Reporting and Tracking System (CARTS). The aggrieved inmate shall be given his or her copy of the Interim Status Notification Form (refer to section 8-04/010.00, "Dispositions, Interim Status Responses, and Inmate Notifications") and be informed of the grievance's referral for investigation by the appropriate unit. The inmate shall sign the printed Interim Status Notification Form to document receipt of the written response.

Time frames for grievances resulting in unit level investigations, Internal Affairs Bureau (IAB) investigations,

Internal Criminal Investigations Bureau (ICIB) investigations, or alleged use of force investigations, will be determined by established Department policies.

• **8-03/010.00 Emergency Grievances**

An emergency grievance is defined as an urgent matter wherein a disposition according to the regular time limits could subject the inmate to immediate risk of death, personal injury, or irreparable harm. Emergency grievances should not, however, be used by inmates as a substitute for verbally or otherwise informing staff of an emergency situation requiring immediate response.

When an inmate requests a grievance form for an emergency grievance, the inmate shall be given the form without delay.

Additionally, in order to mitigate the possibility of an inmate being over-detained, any claim by an inmate wherein he or she alleges to have been held in custody beyond his or her release date shall be handled as an emergency grievance. For additional information regarding alleged over-detentions, refer to CDM section 5-14/050.00, "Alleged Over-Detentions."

Personnel receiving any Inmate Grievance Form marked as an emergency shall determine if the situation requires prompt action to protect the life or safety of the inmate or others, and, if so, shall take any appropriate action. Personnel shall give the emergency grievance to a sergeant and notify him or her of the situation without delay. The sergeant shall promptly review the emergency grievance, verify that appropriate action has been taken to address the emergency, and initiate any additional actions to protect the life or safety of the inmate or others. The handling sergeant shall also be responsible for ensuring the Inmate Grievance Form is time stamped and a reference number is assigned in the Custody Automated Reporting and Tracking System (CARTS).

The sergeant shall promptly notify the watch commander of the emergency grievance, who shall confirm the emergency exists and, if so, shall ensure appropriate action has been taken to protect the inmate and to resolve the issues which gave rise to the emergency. The watch commander shall further ensure a written response is provided to the inmate within five (5) calendar days documenting what action was undertaken to address the situation which gave rise to the emergency.

After collecting a grievance in which the inmate is claiming his or her life is in danger, the sergeant shall expedite the process for determining if the grievance is an emergency by checking on the inmate's welfare and promptly notifying the inmate of the determination.

If it is determined an emergency does not exist, the watch commander or designated sergeant shall notify the inmate as soon as practical, but not later than five (5) calendar days, that the grievance will be handled as a non-emergency grievance and document why it was determined not to be an emergency. In addition, any aspects of an emergency grievance deemed to not be an emergency shall be subject to the general inmate grievance process and deadlines set forth in the Inmate Grievance Policy.

When an emergency grievance is received in written form, the watch commander shall ensure the bottom portion of the Inmate Grievance Form is completed by a supervisor of the minimum rank of sergeant, and shall ensure that the aggrieved inmate is given the yellow copy of the completed Inmate Grievance Form, along with

instructions regarding how to submit an appeal.

If an emergency grievance is received via computer tablet, the watch commander shall ensure the disposition is documented in CARTS. The watch commander shall also ensure the aggrieved inmate is given a CARTS-generated notification of disposition along with the instructions regarding how to submit an appeal.

Whether received in written or electronic form, emergency grievances shall be recorded and processed in CARTS.

Upon completion, all emergency grievances shall be forwarded to the Unit Inmate Grievance Coordinator noting the status and/or the disposition and an indication of when the inmate was notified. The Unit Inmate Grievance Coordinator shall review the emergency grievance to determine if it was handled in accordance with this policy and shall notify the unit commander if it was not handled properly.

• **8-03/020.00 Healthcare Grievances**

Inmates wishing to submit a grievance regarding healthcare concerns may do so via computer tablet or by placing a standard Inmate Grievance Form in designated envelopes available in each housing area. Health service requests, grievances or appeals require priority handling by line staff. As such, personnel collecting healthcare related requests, grievances or appeals shall deliver them to an on-duty supervising staff nurse at their respective facility.

Correctional Health Services (CHS) shall establish a policy to address the internal processing of healthcare related inmate grievances. CHS unit orders shall be in accordance with the general policies and time frames in this volume and shall include procedures for the following responsibilities:

- Review and assignment of healthcare grievances and appeals
 - Updating and tracking of inmate grievances and appeals in the Custody Automated Reporting and Tracking System (CARTS)
 - Addressing grievances against healthcare staff
 - Providing written interim status responses and notifications of dispositions to aggrieved inmates
 - Handling appeals of healthcare grievances at a higher level of supervision.
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• **8-03/030.00 ADA-Related Requests and Grievances**

Pursuant to the California Code of Regulations, Minimum Standards for Local Detention Facilities, Title 15, the same standards and services that apply to inmates who are housed in general population shall apply to inmates with disabilities. In addition, inmates with disabilities are entitled to reasonable accommodations. Refer to section 5-03/085.00, "Handling of Inmates with Mobility and/or Sensory Impairments."

Collecting line supervisors and reviewing health services personnel shall examine the narrative portions of inmate grievances and requests to identify any issues which may be related to ADA and shall determine whether the grievance or request is to be referred to the facility ADA coordinator or the Custody Services Division ADA Coordinator, or whether it necessitates assignment to Correctional Health Services (CHS) for

handling. Should the collecting line supervisor have any question about the appropriate handling unit for a grievance or request, he or she shall consult with the on-duty supervising staff nurse. Requests and grievances handled by CHS shall be handled by appropriate medical personnel in accordance with established CHS policies. Any request or grievance in which the narrative portion describes an ADA or mobility and/or sensory impaired issue, and/or the ADA box is checked, shall be appropriately entered and tracked in the Custody Automated Reporting and Tracking System (CARTS).

If it is determined the request or grievance is to be handled by the facility ADA coordinator or the Custody Services Division ADA coordinator, the line supervisor shall note on the reverse side of the form that no immediate involvement of medical staff was required, and shall ensure the form is placed in a secured collection bin for retrieval by the Unit Inmate Grievance Team.

Unit Inmate Grievance Team supervisors shall ensure ADA-related requests or grievances collected from secured collection bins are scanned and updated in CARTS. ADA-related requests or grievances shall be handled by the facility ADA Coordinator. Those which cannot be addressed at the facility shall be directed to the Custody Services Division ADA coordinators for any additional handling and processing.

The facility and/or Custody Services Division ADA coordinators, as appropriate with section 5-03/085.00, shall ensure the "Disposition" section in CARTS is completed for all ADA-related requests or grievances and they are responded to in accordance with section 8-04/040.00, "Time Frames."

• **8-03/040.00 Grievances Against Staff**

A grievance against staff is defined as a grievance alleging staff behavior which would be a violation of law, regulation, policy, or procedure.

All inmate grievances involving allegations of force shall be entered into the electronic Line Operations Tracking System (e-LOTS) prior to the end of the shift in which the incident occurred or the allegation is received, tracked under Project Type "Alleged Use of Force" (refer to CDM section 4-01/025.05, "Electronic Line Operations Tracking System (e-LOTS)," and shall be investigated and resolved in accordance with the Department's existing use of force policies. Refer to CDM section 7-06/000.00, "Use of Force Reporting Procedures."

Grievances against staff, including allegations of retaliation or use of force, received more than thirty (30) calendar days after the event upon which the grievance is based will be considered late and denied, absent exceptional circumstances as specified in section 8-04/040.10, "Late Submissions of Grievances." These types of late grievances shall be updated in CARTS as "Denied – Late Submission (Investigation Ongoing)." The aggrieved inmate shall be notified of the denial through the appropriate Interim Status Response, and the grievance shall be thoroughly investigated as delineated in this policy.

SUPERVISOR RESPONSIBILITIES

Grievances against staff shall be reviewed promptly by the watch commander, or other facility lieutenant, who shall evaluate the nature and seriousness of the grievance, and assess the type of response necessary (i.e., immediate or routine). The watch commander, or other facility lieutenant, shall assign the grievance to a supervisor with the permanent rank of sergeant or above, who is not the employee against whom the

grievance is directed, nor the employee's direct supervisor. The assigning lieutenant shall ensure the grievance is entered into the Custody Automated Reporting and Tracking System (CARTS) as grievance against staff.

The assigned supervisor shall initiate a comprehensive inquiry which shall include interviewing the aggrieved inmate and gathering any relevant documents and/or evidence. It is important the comprehensive inquiry be conducted as soon as practicable to capture information and/or evidence while it is still fresh and/or available. An interview of the aggrieved inmate shall be conducted in a private area, and shall be recorded using either audio or video media, as part of the inquiry of any grievance against staff with a serious allegation (e.g., use of force, retaliation, etc.), or at the watch commander's discretion.

The purpose of the inquiry is to gather information pertinent to the allegation or incident when a supervisor is determining if there is validity to the allegation(s), and/or if the involved employee's actions were reasonable or potentially involve misconduct. Cases wherein the supervisor has reason to believe the employee(s) committed misconduct shall be referred to the unit commander for disposition and the appropriate administrative action.

Based on the information obtained through the inquiry, the watch commander, or supervising lieutenant, shall ensure a memorandum is submitted to the respective unit commander describing the inmate's grievance, the statements and evidence that support or refute the grievance, the date the unit commander was notified of the alleged misconduct, and the watch commander's recommendation as to the necessity of an administrative or criminal investigation, and the disposition of the grievance in accordance with section 8-04/010.00, "Dispositions, Interim Status Responses, and Inmate Notifications."

Any grievances against staff which result in the initiation of an administrative investigation must be tracked in the electronic Line Operations Tracking System (e-LOTS) under Project Type "Admin Investigation."

If during any phase of the inquiry, the grievance is determined to pertain to another category (i.e., mail procedures, living conditions, commissary, etc.), and the aggrieved inmate is not alleging staff behavior which would be a violation of law, regulation, policy, or procedure, the watch commander or other facility lieutenant shall ensure that the unit commander is notified of the change in category and the reason for the modification through an entry in CARTS. The concerned supervisor shall ensure the grievance is properly re-categorized in CARTS to reflect the change in grievance type.

UNIT COMMANDER RESPONSIBILITIES

Determination of Grievance Classification and Preliminary Data Entry

Upon review of the comprehensive inquiry and supporting documentation, the unit commander shall determine whether the allegation will be classified as a grievance against staff. That determination shall consider whether the grievance alleges staff behavior which would be a violation of law, regulation, policy, or procedure. When the grievance is determined to be classified as a grievance against staff, the unit commander shall approve the memorandum and grievance disposition, and approve the retrieval of a Preliminary Data Entry (PDE) number from the Performance Recording and Monitoring System (PRMS) in CARTS. However, if the inquiry reveals possible criminal conduct, the PDE entry shall not be completed pending the outcome of the internal criminal investigation.

Determination of Course of Action

The concerned unit commander is responsible for evaluating each inmate grievance against staff to determine the appropriate course of action. The validity of the allegations, the nature and seriousness of the allegation(s), the potential for employee discipline, and the concerned employee's performance history are potential factors to consider in the evaluation. Depending on the circumstances, the following courses of action should be considered by the unit commander:

- Non-disciplinary actions including informal counseling, training, mentoring, and no further action for unsubstantiated allegations, as appropriate;
- Conduct a unit level administrative investigation;
- Request the Internal Investigation Bureau (IAB) conduct an administrative investigation. The request may be sent via e-mail from the concerned Division Chief directly to the Captain of IAB. (Use Exchange Group, "IAB Investigation Request.");
- Request the Internal Criminal Investigation Bureau (ICIB) conduct a criminal investigation if there is reason to believe a crime has been committed. The request may be sent via e-mail from the concerned Division Chief directly to the Captain of ICIB. (Use Exchange Group, "CIB Investigations Request.").

Refer to CDM section 4-10/005.00, "Disposition of Use of Force Review and Staff Discipline" for additional procedures and documentation requirements related to administrative investigations and staff discipline.

Result of Inmate Grievance Against Staff Review

When it is determined that an inmate grievance against staff is to be investigated as an administrative or criminal investigation, the original grievance form, a copy of the Interim Status Notification form, and the "Result of Inmate Grievance Against Staff Review" form (SH-J-455) shall be sent to Discovery Unit for processing. Other documents associated with an active investigation shall not be sent. The Discovery Unit may be contacted for inquiries regarding appropriate documents for submission.

If the unit commander determines an administrative, or criminal investigation is not warranted, he or she shall ensure the "Result of Inmate Grievance Against Staff Review" form, the original Inmate Grievance Form, a copy of the inmate notification of disposition print-out from CARTS, and the watch commander's memorandum with their findings are forwarded to the respective area commander for review. The unit commander shall ensure that the completed and approved "Result of Inmate Grievance Against Staff Review" form and supporting documentation are sent to the Discovery Unit for processing and closure in PRMS.

When conflict resolution techniques were utilized to resolve, or attempt to resolve a grievance, the unit commander shall ensure the "Conflict Resolution Techniques Utilized" category is appropriately checked. Refer to section 8-04/020.00, "Conflict Resolution." Refer to section 8-04/010.00, "Dispositions, Interim Status Responses, and Inmate Notifications" for acceptable dispositions for inmate grievances against staff and allegations of force.

If the review of an appeal of a grievance against staff results in a disposition modification, the unit commander shall ensure that an updated "Result of Inmate Grievance Against Staff Review" form is submitted to the Discovery Unit (refer to section 8-04/030.10, "Appeals of Grievances Against Staff").

At the conclusion of the investigation, the final disposition must be updated and closed in e-LOTS and CARTS

by the concerned unit.

Required Notification to the Aggrieved Inmate

The aggrieved inmate shall be provided with a response within fifteen (15) days of the Department's receipt of the grievance. This response shall consist of either the result of grievance, or a notification that the Department is unable to complete the investigation within fifteen (15) days, and has therefore initiated an extension or placed the grievance in an interim status (refer to section 8-04/010.00, "Dispositions, Interim Status Responses, and Inmate Notifications").

In cases where the Department has provided the inmate with an Extension Notification or Interim Status Notification, the aggrieved inmate must be notified of the results of the investigation, within ten (10) calendar days of the unit commander's approval of the disposition; however, a notification of the disposition to the aggrieved inmate shall not be made regarding allegations of force or when an administrative or criminal investigation has been initiated until the entire process has been completed, including the Internal Affairs Bureau's review of administrative investigations. Once the review process has been completed for these types of investigations, the aggrieved inmate shall be notified of the results of the investigation, but not any discipline imposed, within ten (10) calendar days.

Required Notification to the Involved Employee

In accordance with the Peace Officer's Bill of Rights as specified within the California Government Code under sections 3305, 3306, and 3306.5, the involved employee(s) shall be provided with a copy of the completed "Result of Inmate Grievance Against Staff Review" form. In addition, if the review of an appeal of a grievance against staff results in a disposition modification, the involved employee(s) shall be provided with a copy of the updated "Result of Inmate Grievance Against Staff Review" form (refer to section 8-04/030.10, "Appeals of Grievances Against Staff."

With the exception of those grievances resulting in alleged force, administrative, or criminal investigations, the unit commander shall ensure the inmate grievance is completed and the original is forwarded to the Discovery Unit within sixty (60) days of receipt of the initial grievance.

All grievances against staff shall be reviewed by the concerned area commander.

Grievances against healthcare staff shall be reviewed and addressed as outlined in Correctional Health Services (CHS) policy. Refer to section 8-03/020.00, "Healthcare Grievances."

• 8-03/050.00 Grievances of Retaliation

Any allegation of retaliation by an inmate will be objectively and thoroughly investigated by the Department. Refer to CDM section 5-12/005.05, "Anti-Retaliation Policy."

Upon receipt of an inmate grievance alleging retaliation, the watch commander shall conduct a preliminary assessment as to the nature of the allegation, ensure it is entered into the Custody Automated Reporting and Tracking System (CARTS), and document the allegation on a memorandum to the respective division chief, which shall be submitted to the unit commander of the involved facility for review.

The unit commander shall promptly forward the chief's memorandum and copies of the retaliation grievance to Custody Operations Headquarters, and to the Division Inmate Grievance Coordinator. The grievance shall be reviewed by the area commander, as directed by the division chief, and forwarded to the appropriate unit for handling within the fifteen (15) calendar day time frame as outlined in the inmate grievance policy.

In cases where the area commander determines the grievance is to be investigated by the receiving unit, the grievance shall be handled in accordance with CDM section 8-03/040.00, "Grievances Against Staff."

Grievances against staff alleging retaliation received more than thirty (30) calendar days after the event upon which the grievance is based will be considered late and denied, absent exceptional circumstances. These types of late grievances shall be updated in CARTS as "Denied – Late Submission (Investigation Ongoing)" within the Interim Status Response field, and shall be thoroughly investigated. The Interim Status Response shall serve to notify the inmate the grievance was submitted late and denied, but the Department will nonetheless conduct an investigation and take appropriate action in response to the grievance. No further notification to the aggrieved inmate shall be provided. Refer to CDM section 8-04/040.10, "Late Submissions of Grievances."

Upon their approval of the disposition, reviewing unit commanders shall ensure any grievance against staff alleging force was used to retaliate against the aggrieved inmate is scheduled for review by the Custody Force Review Committee (CFRC). CFRC shall review the grievance at its next meeting, or the meeting thereafter, following the unit commander's approval of the disposition. Refer to CDM section 7-07/020.00, "Custody Force Review Committee."

• **8-03/060.00 PREA-Related Grievances**

All inmate grievances involving allegations described in the Prison Rape Elimination Act (PREA) shall be investigated promptly, thoroughly, and objectively. Refer to CDM section 3-04/025.00, "Prison Rape Elimination Act of 2003 (PREA)."

There shall be no deadline for filing PREA grievances by inmates.

• **8-03/070.00 Group Grievances**

Individual grievances submitted by three (3) or more inmates from the same housing location referencing the same issue or concern, or the submission of one (1) Inmate Grievance Form by multiple inmates, shall be considered group grievances. A single reference number shall be assigned for each group grievance and applied to each individual Inmate Grievance Form.

A grievance shall not be accepted or processed as a group grievance if the matter for which the grievance is being filed requires a response to a specific set of facts that are not the same for all participants in the grievance. In such case, the group grievance shall be returned to the inmate by the retrieving Inmate Grievance Team member, or line personnel with directions to advise all inmates who signed the grievance to submit individual grievances regarding their separate issues.

Sufficient independent interviews with the participating inmates shall be held to clarify the issue in the

grievance.

Once the result of the group grievance investigation has been determined, the assigned sergeant shall complete the "Disposition" section in the Custody Automated Reporting and Tracking System (CARTS). A printed Notification of Disposition form and an advisory of the right to appeal, generated in CARTS, shall be delivered to each involved inmate within fifteen (15) calendar days from the date the grievance was received by the Sheriff's Department, absent exceptional circumstances.

In order to avoid duplicate entries and the disruption of orderly and timely processing of grievances, every inmate who signs a group grievance is ineligible to submit additional grievances on the same issue. Separate grievances filed by inmates who have signed a group grievance on the same issue shall be closed in CARTS as a duplicate of the group grievance. In addition, a group grievance counts toward each aggrieved inmate's allowable number of grievance filings, as specified in section 8-04/050.00, "Duplicate or Excessive Filings of Grievances and Appeals, and Restriction of Filing Privileges."

Refer to section 8-04/030.00, "Appeals Process and Structure," for information on appeals of group grievances.

• **8-03/080.00 Third-Party (Referred) Grievances**

A third-party grievance, or a referred inmate grievance, is a grievance received from a non-involved or non-aggrieved party, such as an inmate's friend or relative, on behalf of an inmate. These types of grievances may be received in person, telephonically, or via correspondence.

Such grievances shall be handled in accordance with section 8-03/005.00, "Inmate Grievances." When received, the following shall apply:

- The watch commander, or in exceptional circumstances, a designee, shall complete a Third-Party (Referred) Inmate Grievance Form (SH-J-438) and shall fill in the information provided by the reporting party. The watch commander shall ensure a reference number is assigned to the referred inmate grievance and write a brief synopsis of the aggrieved inmate's concerns in the "Nature of Grievance" section. The watch commander shall advise the reporting party the grievance is being taken, and will be addressed. The watch commander shall assign the handling of the grievance to a supervisor in the facility.
- If a grievance is received involving an inmate not housed at the contacted facility or unit, the watch commander shall also ensure an electronic copy of the completed Third-Party (Referred) Inmate Grievance Form is sent to the watch commander of the inmate's housing facility. The watch commander at the concerned inmate's housing facility shall assign the handling of the grievance to a supervisor and shall ensure it is processed pursuant to this policy.
- If the grievance was received telephonically, the handling supervisor shall call the reporting party, advise him or her of the status of the grievance, and provide the reference number.
- In all cases, a written acknowledgement of the grievance shall be issued to the reporting party and documented in the Custody Automated Reporting and Tracking System (CARTS).
- The information disclosed to the reporting party shall be limited to the following information:
 - An acknowledgment that the grievance was received;

- The grievance's reference number;
 - A statement indicating the status of the grievance, and that the final outcome will be provided to the concerned inmate.
 - A notation shall be made in the "Findings" section of the CARTS Inmate Grievance Form indicating the date, time, and name of the supervisor making the notification.
- The watch commander at the inmate's housing facility shall ensure the information provided on the Third-Party (Referred) Inmate Grievance Form is delivered to the Inmate Grievance Team for processing in CARTS.
 - Inmate Grievance Team supervisors shall ensure the concerned inmates receive a response within 15 days of the Department's receipt of the grievance, and, when the grievance is against staff, are notified of the results of the investigation within 10 days of the Department's adjudication of the grievance, as specified in sections 8-04/010.00, "Dispositions, Interim Status Responses, and Inmate Notifications" and 8-03/040.00, "Grievances Against Staff."

An inmate shall not submit a grievance on behalf of another inmate, but may assist another inmate in the preparation of his or her grievance. However, third parties, including fellow inmates, shall be permitted to assist inmates in filing grievances relating to allegations of sexual abuse, and shall also be permitted to file such grievances on behalf of inmates. For further information refer to CDM sections 3-04/025.00, "Prison Rape Elimination Act of 2003" and 8-03/060.00, "PREA-Related Grievances."

Grievances filed on behalf of the inmate through a third party are subject to the same submission limits as delineated in CDM section 8-04/050.00, "Duplicate or Excessive Filings of Grievances and Appeals, and Restriction of Filing Privileges."

• 8-03/085.00 Grievances Received Through Independent Oversight Organizations

In order to objectively critique and review its effectiveness, the Sheriff's Department receives direct independent oversight from the Office of the Inspector General (OIG), and works closely with the American Civil Liberties Union (ACLU) for specified issues. As part of this effort, the OIG and the ACLU are provided fair access to jail facilities, and direct communication with designated Sheriff's Department personnel to convey inmate grievances and inmate requests for services.

Sheriff's Department personnel shall be responsive to the OIG and ACLU by documenting inmate grievances, requests, and recommendations to their unit commander.

PROCEDURES

ACLU complaints or requests received and processed by Custody Support Services Bureau (CSSB) shall be initially reviewed by a CSSB supervisor upon receipt. Upon identifying any of the following types of requests or grievances, the supervisor shall promptly ensure a reference number is issued through the Custody Automated Reporting and Tracking System (CARTS) and the respective requests or grievances are delivered to the watch commander of the respective facility:

- Emergency grievances per section [8-03/010.00, "Emergency Grievances"](#)

- Grievances against staff as defined per section [8-03/040.00](#), "Grievances Against Staff"
- Grievances alleging retaliation by staff per section 8-03/050.00, "Grievances of Retaliation"
- Grievances with components related to Prison Rape Elimination Act (PREA). Refer to CDM sections **3-04/025.00**, "Prison Rape Elimination Act of 2003" **and** 8-3/060.00, "PREA-Related Grievances"

Remaining ACLU complaints shall be assigned for handling to the concerned facility's Inmate Grievance Team.

With the exception of grievances received by CSSB, respective supervisors shall ensure all grievances from independent oversight organizations are documented on a [Third-Party \(Referred\) Inmate Grievance Form](#) (SH-J-438) in accordance with section 8-03/080.00, "Third Party (Referred) Grievances."

In accordance with section 8-04/040.00, "Time Frames," a grievance must be filed by the inmate, whether through an oversight organization or through the Department's grievance collection process, within fifteen (15) calendar days of the date of the incident. Grievances against staff, including allegations of retaliation or use of force, must be filed within 30 days of the date of the incident. Refer to section 8-04/040.10, "Late Submissions," for guidelines on the handling of grievances submitted beyond the specified time frames.

Within fifteen (15) calendar days of the Department's receipt of the grievance from the concerned oversight organization, the handling sergeant shall ensure the grievance is investigated, resolved, and responded to, absent exceptional circumstances, which must be documented in accordance with sections 8-04/040.05, "Extensions," and 8-04/010.00, "Dispositions, Interim Status Responses, and Inmate Notifications." The handling sergeant shall ensure the inmate is notified of the disposition of the grievance in accordance with section 8-04/010.00.

Unit commanders shall ensure all requests, grievances, and recommendations by the OIG and ACLU are addressed, and communicated to the concerned Department executives when appropriate.

Grievances filed on behalf of the inmate through oversight organizations are subject to the same submission limits as delineated in CDM section 8-04/050.00, "Duplicate or Excessive Filings of Grievances and Appeals, and Restriction of Filing Privileges."

• **8-03/090.00 Grievances From Released Inmates**

Inmate grievances received from persons who have been released from custody shall be processed on an Inmate Grievance Form (not a Watch Commander Service Comment Report form) pursuant to Manual of Policy and Procedures (MPP), section 3-04/010.05, "Procedures for Department Service Review." Grievances submitted from former inmates shall be subject to the same guidelines, requirements, and procedures as a grievance submitted by an inmate in custody.

• **8-04/010.00 Dispositions, Interim Status Responses, and Inmate Notifications**

Personnel assigned to handle inmate requests or grievances shall make a determination of an appropriate disposition based on information available and/or established through their investigative efforts.

For requests, the determination of the disposition shall be based on the relief to be provided to the inmate, as follows:

- Granted - the reviewer is granting all requested service or relief, if applicable.
- Granted in part - the reviewer determined some or all of the requested service or relief should be granted, if applicable.
- Denied - the reviewer will not grant any part of the expected service or relief.
- Relief unavailable - the reviewer determined no relief is available.
- Released prior to resolution - inmate has been released.

Dispositions for general grievances which are not against staff shall be determined based both on the findings and the relief to be provided, as follows:

FINDINGS

- Sustained - the reviewer has determined the facts and circumstances obtained during the inquiry appear to support the claim in the grievance.
- Not sustained - the reviewer has determined the allegations and circumstances set forth in the grievance could not be substantiated.
- Sustained in part - the reviewer has determined the facts and circumstances obtained during the inquiry appear to support some but not all claims in the grievance.
- Inconclusive - the inquiry fails to resolve the grievance, and there is insufficient evidence to either affirm or refute the inmate's grievance.
- Released prior to inquiry - the inquiry cannot be initiated as the inmate has been released and reasonable efforts to contact the inmate have not been successful, which shall be documented in the Custody Automated Reporting and Tracking System (CARTS).
- Outside Custody Services Division - the grievance concerns a matter under the jurisdiction of a unit outside the Custody Services Divisions.
- Not processed (inmate on restricted status) - the grievance will not be processed, as the inmate has been approved for a restriction of filing privileges. (Refer to 8-04/050.00, "Duplicate or Excessive Filings of Grievances and Appeals, and Restriction of Filing Privileges.")
- Not processed (exceeds limit) - the grievance will not be processed, as it exceeds the established weekly/monthly filing limits.

RELIEF

- Granted - the reviewer is granting all requested relief, if applicable.
- Granted in part - the reviewer determined some of the requested relief should be granted or a comparable alternative be provided, if applicable.
- Denied - the reviewer will not grant any part of the requested relief.

- Relief unavailable - the reviewer determined no relief is available.
- Referred to contract vendor - the reviewer has referred the grievance to a contract vendor for relief.
- Referred to Department of Mental Health - the reviewer has referred the grievance to the Department of Mental Health/
- Referred - Court Services - the reviewer has referred the grievance to any unit of the Court Services Division.
- Referred - Other station/agency/entity - the reviewer has referred the grievance to an outside station, agency, or entity.
- Not processed (inmate on restricted status) - the grievance will not be processed, as the inmate has been approved for a restriction of filing privileges. (Refer to 8-04/050.00, "Duplicate or Excessive Filings of Grievances and Appeals, and Restriction of Filing Privileges.")
- Not processed (exceeds limits) - the grievance will not be processed, as it exceeds the established weekly/monthly filing limits.

Grievances against staff shall be resolved with one of the following dispositions:

- Exoneration - This disposition shall only be used in situations when it is established by clear and convincing evidence that:
 - the employee was not personally involved or in any other way connected with the incident or incidents or allegation in question;
 - the allegation giving rise to the investigation was demonstrably false and brought in demonstrable bad faith;
 - the allegation in question, broadly construed and even if true, would not in any circumstance constitute a violation of law or Department policies, rules, or procedures and is not otherwise censurable.
- Employee Conduct Appears Reasonable - the employee's conduct appeared to be in compliance with procedures, policies, guidelines, or training
- Appears Employee Conduct Could Have Been Better - the employee's conduct was in compliance with procedures, policies, and guidelines. The grievance could have been mitigated if the employee had employed tactical communication principles or common sense.
- Employee Conduct Should Have Been Different - the employee's conduct was not in compliance with established procedures, policies, guidelines, or training.
- Unable to Make a Determination - there is insufficient information to assess the employee's alleged conduct or to identify the employee involved.
- Resolved Through Conflict Resolution - a conflict resolution meeting with the aggrieved inmate and involved employee(s) was held. The meeting adequately addressed all concerns and no further actions are deemed necessary. Refer to 8-04/020.00, "Conflict Resolution."
- Referred - Other - shall only be used when the grievance involves personnel assigned to an outside agency. Refer to 8-04/060.00, "Jurisdiction of Requests, Grievances, and Appeals."

Once the results of a grievance investigation have been determined, the assigned sergeant shall complete the "Disposition" section in CARTS. Grievances against staff shall require the review of a watch commander, or other facility lieutenant. Dispositions for grievances against staff shall not be provided to aggrieved inmates

prior to their approval by the concerned unit commander. Refer to 8-03/040.00, "Grievances Against Staff."

In accordance with the California Code of Regulations, Minimum Standards for Local Detention Facilities, Title 15, Section 1073, "Inmate Grievance Procedure," a printed Notification of Disposition form and an advisory of the right to appeal, generated in CARTS, shall be delivered to the inmate for any approval or denial of a grievance within fifteen (15) calendar days from the date the grievance was received by the Sheriff's Department, absent exceptional circumstances. The Notification of Disposition form provided to the inmate shall include the disposition and the reason(s) for the decision when the relief to be provided is "Granted in Part," "Denied," or "Relief Unavailable."

Inmates shall sign the printed Notification of Disposition form to document receipt of the written response. However, if the grievance was previously addressed as the result of a court order or other governmental referral, it is not mandatory to summon the inmate for his or her signature. The signed Notification of Disposition form shall be placed into the Unit Inmate Grievance Coordinator's in-box for further processing. The Inmate Unit Grievance Coordinator shall ensure the receipt of the written response is properly entered in CARTS.

For grievances relating to inmates who have been released after the submission of a grievance, the assigned sergeant shall note in the "Disposition" section in CARTS that the inmate has been released. A copy of the disposition should be forwarded to the released inmate's listed mailing address, when available. A notation shall be made in CARTS when attempts to contact the inmate have been exhausted or if the inmate has no noted home address.

In cases where the investigation cannot be completed within the established time frame due to other exceptional circumstances, the supervisor may extend the requisite response time by initiating an extension in CARTS, documenting the reason for the extension, and providing the concerned inmate with an Extension Notification within fifteen (15) calendar days of the Department's receipt of the grievance. Refer to 8-04/040.05, "Extensions."

INTERIM STATUS RESPONSES

An Interim Status Notification form generated in CARTS shall be used to notify the aggrieved inmate when the investigation cannot be completed within fifteen (15) calendar days because the grievance resulted in the initiation of an alleged force investigation, administrative investigation, or when the grievance was referred to another unit or bureau within the Department. The Interim Status Notification shall be provided to the concerned inmate within fifteen (15) calendar days of the Department's receipt of the grievance or prior to the expiration of a previously-issued Extension Notification.

With the exception of grievances that result in the initiation of an administrative investigation, all grievances against staff not completed within their assigned time frame must be tracked in the electronic Line Operations Tracking System (e-LOTS) under Project Type "Inmate Complaints – Ongoing." Grievances that result in administrative investigations shall be tracked under Project Type "Admin Investigations." If the grievance concerns an allegation of force, it shall be tracked under Project Type "Alleged Use of Force." Unit Inmate Grievance Coordinators shall monitor inmate grievances with interim status responses to ensure they are being addressed and resolved.

An interim status response is not a disposition and not subject to appeal.

Upon completing an inmate grievance investigation, the handling supervisor shall ensure the inmate is notified of the disposition.

If the Department fails to notify the inmate of the disposition or status of a grievance within the requisite response time, the inmate may consider the grievance as denied and may request an appeal form for submission to the next level of review.

NOTIFICATION OF DISPOSITIONS OF GRIEVANCES AGAINST STAFF

Specific details resulting in an investigation pertaining to an inmate grievance against personnel shall not be disclosed to an aggrieved inmate. The handling sergeant shall advise the inmate, in writing, of the disposition of a grievance against any personnel or any results of inquiries pertaining to personnel conduct within ten (10) calendar days of the Department's adjudication of the grievance.

The information disclosed to the inmate shall include an acknowledgement of the grievance, a statement that the investigation was completed, and the reason for the disposition. Any circumstances which warrant the need to provide the inmate with additional information shall require the approval of the reviewing lieutenant. Documentation provided to the inmate shall include the following standardized responses associated with each of the appropriate dispositions for grievances against staff:

- For grievances against staff that have been resolved as "Employee Conduct Should Have Been Different," the disclosure shall be limited to the following response:

"Your grievance has been thoroughly investigated. Appropriate administrative action has been taken."

- For grievances against staff resolved as "Exoneration," "Employee Conduct Appears Reasonable," or "Appears Employee Conduct Could Have Been Better," the disclosure shall be limited to the following response:

"Your grievance has been thoroughly investigated; however, we were unable to substantiate that the described employee(s) violated any of our Department policies and procedures."

- For grievances against staff that have been resolved as "Unable to Make A Determination," the disclosure shall be limited to the following response:

"Your grievance has been thoroughly investigated; however, based on the information established in the investigation, we could not reach a determination."

- For grievances against staff that have been resolved as "Conflict Resolution," the disclosure shall be limited to the following response:

"Your grievance has been resolved through conflict resolution."

• 8-04/020.00 Conflict Resolution

The purpose of a conflict resolution meeting is to further the Department's ongoing effort to encourage respect-based interaction with inmates. Sergeants are encouraged to offer an aggrieved inmate a conflict resolution meeting with the employee(s) against whom he or she is complaining. Inmates who submit grievances against staff shall be advised that a conflict resolution meeting is voluntary for both the inmate and the involved personnel to address a grievance. This may be done in lieu of the Department conducting a personnel investigation to resolve the grievance.

An offer to utilize conflict resolution shall be made to the employee first. If the employee accepts, the handling sergeant shall make the same offer to the aggrieved inmate, explaining that the employee is willing and the meeting will be conducted objectively and impartially by the sergeant. If the aggrieved inmate accepts, the sergeant shall conduct the meeting.

If the aggrieved inmate declines, the reason(s) given by the inmate for refusing the offer shall be documented and included in the supervisor's inquiry memorandum directed to the unit commander as delineated in section 8-03/040.00, "Grievances Against Staff."

When conflict resolution techniques are utilized, the handling sergeant shall document his activities in handling the grievance in a memorandum to the unit commander. The documentation shall include the following:

- A synopsis of the aggrieved inmate's concern which brought about the grievance
- A summary of the conflict resolution meeting held
- Any actions taken by the sergeant
- The results of the review.

Cases which could be considered appropriate for conflict resolution may include:

- Situations in which there may exist a misunderstanding of policy or procedures
- Situations in which there may exist a misunderstanding of tactics or protocols
- Allegations involving discourtesy or rudeness by an employee
- Situations in which there are no independent witnesses
- Situations in which there are the same number of credible witnesses on each side of the issue.

Cases which would not be appropriate for conflict resolution include:

- Allegations wherein there is an indication of significant misconduct such as allegations of force used by personnel, retaliation, or criminal misconduct
- Allegations, which if founded, could potentially result in formal discipline.

Sergeants should use good judgment in determining whether a conflict resolution meeting is appropriate for the circumstances. If the conflict resolution meeting is successful, the grievance shall be marked closed through "conflict resolution" in the Custody Automated Reporting and Tracking System (CARTS) and properly documented.

When conflict resolution has been utilized to resolve an inmate grievance against staff, unit commanders shall ensure that a Result of Inmate Grievance Against Staff Form (SH-J-455), the original Inmate Grievance Form, a copy of the inmate notification print-out from CARTS, and the watch commander's memorandum, are sent to the Discovery Unit.

• 8-04/030.00 Appeals Process and Structure

Inmates who are not satisfied with the disposition, or with the action(s) taken to address their grievance may appeal to the next level of review.

Inmates may only initiate one (1) appeal process per grievance. An appeal by an inmate must be submitted within fifteen (15) calendar days of receiving the written results and disposition regarding the grievance, or the appeal will be denied as a late submission. If an inmate receives a written response to his or her grievance while in disciplinary segregation, and is not satisfied with the disposition, or with the action(s) taken to address the grievance, the inmate shall have fifteen (15) calendar days after release from segregation to file the appeal.

An appeal shall be submitted on the appropriate appeal form, which shall be provided by any custody personnel making the required notification to an inmate of any disposition of a grievance or appeal.

If the Department fails to notify the inmate of the disposition or status of a grievance or appeal within the requisite response time, the inmate may consider the grievance or appeal as denied and may request an appeal form for submission to the next level of review.

The appellant shall sign and date the appeal form. An inmate shall not submit an appeal on behalf of another inmate.

An appeal of a group grievance shall not be accepted or processed if the matter for which the appeal is being filed requires a response to a specific set of facts that are not the same for all participants in the appeal. In such cases, the group grievance appeal shall be returned to the filing inmates with directions to submit individual grievances regarding their separate issues.

Personnel receiving any appeals related to healthcare shall deliver them to an on-duty supervising staff nurse to be processed in accordance with procedures set forth by Correctional Health Services (CHS).

Command staff conducting reviews of inmate grievance appeals shall ensure a thorough investigation has been conducted and an appropriate disposition has been rendered.

With the exception of appeals related to healthcare, the Department's appeal process for grievances shall be composed of a two-level structure as specified in sections 8-04/030.05, "Appeals of Grievances – Not Against Staff," 8-04/030.10, "Appeals of Grievances Against Staff," 8-04/030.15, "Appeals of Emergency Grievances," and 8-04/030.20, "Appeals of Emergency Grievances Against Staff."

After reviewing the inmate's grievance documentation and the Department's previous decision(s) and response(s), respective command staff shall render a decision and indicate if the inmate appeal will be upheld or denied.

Unit Inmate Grievance Coordinators shall be responsible for ensuring that decisions rendered during appeal reviews are updated in the Custody Automated Reporting and Tracking System (CARTS) and the aggrieved inmate is provided a CARTS-generated Notification of Appeal Disposition, and a blank appeal form for the next level of review, as applicable.

Unless otherwise provided by this policy, an appeal shall not be accepted at the second level for review without first having been reviewed at the first level.

New issues raised by an inmate on an appeal form shall not be addressed, and any decision rendered will pertain only to the present appeal issue.

The appeals process shall only be applicable to inmates still in custody.

• **8-04/030.05 Appeals of Grievances - Not Against Staff**

When an inmate submits an appeal regarding the adjudication of a non-medical or a non-mental health grievance, the appeal shall be subject to the following levels of review:

First Level Appeal Review

- First level appeals shall be reviewed by the respective unit commander, or a designee with a minimum rank of lieutenant. The inmate shall be advised, in writing, whether the appeal was upheld (granted) or denied, within fifteen (15) calendar days of the Department's receipt of the appeal. First level appeal reviews shall be coordinated by the Unit Inmate Grievance Coordinator.

Second Level Appeal Review

- If an inmate's first-level appeal is denied or if the inmate is not satisfied with the action(s) taken to address the situation, he or she may submit another appeal. Second level appeals shall be reviewed by the respective area commander. The inmate shall be advised, in writing, whether the second appeal was upheld (granted) or denied, within fifteen (15) calendar days of the Department's receipt of the appeal. Second level appeal reviews shall be coordinated by the Division Inmate Grievance Coordinator.

Extensions of appeals that are not regarding grievances against staff shall require the approval of the concerned area commander. Refer to section 8-04/040.05, "Extensions."

• **8-04/030.10 Appeals of Grievances Against Staff**

Unless otherwise specified by this policy, all grievances against staff shall be reviewed and adjudicated by the respective unit commander. When an inmate submits an appeal regarding a grievance against a staff member, which has been adjudicated by the unit commander, the appeal shall be subject to the following levels of review:

First Level Appeal Review

- First level appeals shall be reviewed by an area commander who was not involved in the review of the initial grievance. The inmate shall be advised, in writing, whether the appeal was upheld or denied, and the resulting disposition of the grievance, within fifteen (15) calendar days of the Department's receipt of the appeal. (Refer to 8-04/010.00, "Dispositions, Interim Status Responses, and Inmate Notifications" for appropriate dispositions of grievances against staff.) First level appeal reviews shall be coordinated by the Unit Inmate Grievance Coordinator.

Second Level Appeal Review

- If an inmate's first-level appeal is denied, or if the inmate is not satisfied with the action(s) taken to address the situation, he or she may submit another appeal. Second level appeals shall be reviewed by the respective division chief. The inmate shall be advised, in writing, whether the second appeal was upheld or denied, and the resulting disposition of the grievance, within fifteen (15) calendar days of the Department's receipt of the appeal. (Refer to 8-04/010.00, "Dispositions, Interim Status Responses, and Inmate Notifications" for appropriate dispositions of grievances against staff.) Second level appeal reviews shall be coordinated by the Division Inmate Grievance Coordinator.

If the review of an appeal of a grievance against staff results in a disposition modification not reflected in the original "Result of Inmate Grievance Against Staff Review" form (SH-J-455), the concerned unit commander shall ensure that an updated "Result of Inmate Grievance Against Staff Review" form is submitted to the Discovery Unit, as well as a request for correction/removal/modification of records, in accordance with Manual of Policy and Procedures (MPP) section 3-02/085.70, "Correction/Removal/Modification of Records in the Automated Performance Recording and Monitoring System." The involved employee(s) shall be provided with a copy of the updated form.

Extensions of appeals that are regarding grievances against staff shall require the approval of the concerned division chief. Refer to section 8-04/040.05, "Extensions."

• 8-04/030.15 Appeals of Emergency Grievances

When an inmate submits an appeal regarding an emergency grievance, which has been adjudicated by the watch commander, or a supervising lieutenant, the appeal shall be subject to the following levels of review:

First Level Emergency Appeal Review

- If the inmate is not satisfied with the action(s) taken to address the situation, the inmate must submit an appeal of the Department's action within two (2) calendar days of receipt of the written response. The unit commander shall make a determination of the resolution of an emergency appeal within five (5) calendar days of receipt. Refer to section 8-04/040.00, "Time Frames."

Second Level Emergency Appeal Review

- If the inmate is not satisfied with the action(s) taken at the first level appeal review to address the
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situation, the inmate must submit an appeal of the Department's action within two (2) calendar days of receipt of the written response. The concerned area commander, or designee, shall make the final determination of the resolution of an emergency appeal within ten (10) calendar days of receipt. Refer to section 8-04/040.00, "Time Frames."

Emergency appeal reviews received during business hours shall be coordinated by Unit Inmate Grievance Coordinator. Those received during after-hours shall be coordinated by the watch commander, or supervising lieutenant.

Extensions of appeals regarding emergency grievances that are not against staff shall require the approval of the concerned area commander. Refer to section 8-04/040.05, "Extensions."

• **8-04/030.20 Appeals of Emergency Grievances Against Staff**

When an inmate submits an appeal regarding an emergency grievance against staff, which has been adjudicated by the unit commander, it shall be subject to the following levels of review:

First Level Emergency Appeal Review

- If the inmate is not satisfied with the action(s) taken to address the situation, the inmate must submit an appeal of the Department's action within two (2) calendar days of receipt of the written response. An area commander who was not involved in the review of the initial grievance shall make a determination of the resolution of an emergency appeal against staff within five (5) calendar days of receipt. Refer to section 8-04/040.00, "Time Frames."

Second Level Emergency Appeal Review

- If the inmate is not satisfied with the action(s) taken to address the situation at the first level appeal review, the inmate must submit an appeal of the Department's action within two (2) calendar days of receipt of the written response. The concerned division chief shall make the final determination of the resolution of an emergency appeal against staff within ten (10) calendar days of receipt. Refer to section 8-04/040.00, "Time Frames."

Emergency appeal reviews received during business hours, shall be coordinated by Unit Inmate Grievance Team Coordinator. Those received during after-hours shall be coordinated by the watch commander, or supervising lieutenant.

Refer to section 8-04/030.10, "Appeals of Grievances Against Staff," for required documentation for appeals of grievances against staff that result in a disposition modification.

Extensions of appeals that are regarding emergency grievances against staff shall require the approval of the concerned division chief. Refer to section 8-04/040.05, "Extensions."

• **8-04/040.00 Time Frames**

The following time frames shall be adhered to for the filing, investigation, and disposition of inmate requests, grievances, and appeals:

REQUESTS

An inmate request shall be handled to conclusion and updated in the Custody Automated Reporting and Tracking System (CARTS) within fifteen (15) calendar days from the date it was received by the Unit Inmate Grievance Team, which must be documented. (Refer to section 8-04/040.05, "Extensions.")

GRIEVANCES

- A grievance must be filed by an inmate within fifteen (15) calendar days from the date of the incident.

Note: Although late grievances against staff will be denied and closed in the CARTS, they shall be thoroughly investigated. Refer to section 8-04/040.10, "Late Submissions of Grievances."

- Inmate grievances shall be investigated, resolved, and responded to within fifteen (15) calendar days from the date the grievance was received by the Sheriff's Department, absent exceptional circumstances, which must be documented. (Refer to section 8-04/040.05, "Extensions.") In cases wherein the inmate grievance cannot be resolved within this time frame, the inmate must be provided with a written response advising him or her of the status.
- Dispositions of inmate grievances against staff shall be provided to the aggrieved inmate within ten (10) calendar days of the Department's adjudication of the grievance.

APPEALS

- A first-level appeal of a grievance must be filed by an inmate within fifteen (15) calendar days from the date the inmate receives the disposition. (Refer to section 8-04/030.00, "Appeals Process and Structure.")
- A second-level appeal of a grievance must be filed by an inmate within fifteen (15) calendar days from the date the inmate receives the disposition. (Refer to section 8-04/030.00, "Appeals Process and Structure.")
- An inmate shall be advised, in writing, whether a first-level appeal was granted, granted in part, denied, or unresolved within fifteen (15) calendar days of the Department's receipt of the appeal.
- An inmate shall be advised, in writing, whether a second-level appeal was granted, granted in part, denied, or unresolved within fifteen (15) calendar days of the Department's receipt of the appeal.

EMERGENCY GRIEVANCES AND EMERGENCY APPEALS

- The watch commander shall provide a written response to the inmate within five (5) calendar days from the date the emergency grievance was filed.
- A first-level appeal of an emergency grievance must be filed by an inmate within two (2) calendar days of

receipt of the written response.

- A second-level appeal of an emergency grievance must be filed by an inmate within two (2) calendar days of receipt of the written response.
- The unit commander shall make a determination of the resolution of any first-level appeal of an emergency grievance within five (5) calendar days of receipt of the appeal.
- The concerned area commander, or designee, shall make the final determination of the resolution of a second-level emergency appeal within ten (10) calendar days of receipt of the appeal.

EMERGENCY APPEALS OF GRIEVANCES AGAINST STAFF

- An appeal of an emergency grievance against staff, at any level, must be filed by an inmate within two (2) calendar days of receipt of the written response.
 - The respective area commander shall make a determination of the resolution of an emergency appeal against staff within five (5) calendar days of receipt of a first-level emergency appeal against staff.
 - The concerned division chief shall make the final determination of the resolution of an emergency appeal against staff within ten (10) calendar days of receipt of a second-level appeal against staff.
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• 8-04/040.05 Extensions

EXTENSIONS FOR REQUESTS AND GRIEVANCES

Under exceptional circumstances wherein the investigation of a request or a grievance cannot be completed within the established time frames, a supervisor of the minimum rank of sergeant, may extend the requisite response time by fifteen (15) calendar days. Examples of exceptional circumstances include:

- Unavailability of inmate(s), staff, or witnesses necessary to conduct an appropriate investigation;
- The nature of the investigation, decision, or action requires additional research;
- Necessary involvement of specialized units or other departments, agencies, or jurisdictions;
- An extended disruption of normal facility operations, including those affecting technological infrastructure;
- The investigation requires the interview of multiple witnesses.

Any additional extensions shall require the approval of the unit commander or designee, which shall be documented.

EXTENSIONS FOR APPEALS

Extensions of appeals that are not regarding grievances against staff shall require the approval of the concerned area commander. Extensions of appeals that are regarding grievances against staff shall require the approval of the concerned division chief.

In each instance where an extension for a grievance or appeal has been initiated, the handling sergeant shall notify the inmate of the extended date of anticipated completion in the form of an Extension Status Notification

Form, or an Appeal Extension Status Notification form generated in the Custody Automated Reporting and Tracking System (CARTS). In addition, all extensions shall be documented in CARTS and shall include the justification for the extension and the name of the authorizing supervisor.

- **8-04/040.10 Late Submissions of Grievances**

A grievance submitted fifteen (15) calendar days after the event upon which it is based shall be considered late and denied, absent exceptional circumstances. This type of grievance shall receive a disposition of "Denied - Late Submission (Closed)" in the Custody Automated Reporting and Tracking System (CARTS). Within fifteen (15) calendar days of receipt, the inmate shall be notified in writing that the grievance was submitted late and denied. No further notification to the aggrieved inmate is required.

Any grievance against staff, which includes allegations of retaliation or use of force, received more than thirty (30) calendar days after the event upon which the grievance is based will be considered late and denied. This type of late grievance shall be updated in CARTS as "Denied - Late Submission (Investigation Ongoing)" within the Interim Status Response field, and shall be thoroughly investigated. An Interim Status Notification Form shall be generated in CARTS and given to the inmate notifying him or her the grievance was submitted late and denied, but the Department will nonetheless conduct an investigation and take appropriate action in response to the grievance. No further notification to the aggrieved inmate shall be provided. The decision to conduct any investigation after the expiration of the thirty (30) calendar day deadline shall not invalidate the denial of an untimely grievance or confer any rights on the involved inmate.

If the date of receipt of a grievance comes into question, the assigned sergeant shall review the electronic Uniform Daily Activity Log (e-UDAL) and confirm that the forms had been retrieved on a daily basis. If the forms were not collected daily, an adjustment shall be made to allow for the fifteen (15) calendar days.

Under exceptional circumstances, the Unit Inmate Grievance Coordinator has discretion to accept a grievance beyond the time frames established in this section.

The basis of this discretion shall be compelling evidence or receipt of new information. An example of a situation which may be subject for consideration would be such as when it is established that an inmate was medically incapacitated and unable to file the grievance in a timely manner.

There shall be no deadline for filing Prison Rape Elimination Act (PREA) grievances by inmates.

- **8-04/050.00 Duplicate or Excessive Filings of Grievances and Appeals, and Restrictions of Filing Privileges**

DUPLICATE OR EXCESSIVE FILINGS OF GRIEVANCES

In accordance with California Code of Regulations, Minimum Standards for Local Detention Facilities, Title 15, Section 1073(b), and in order to avoid duplicate or excessive entries and the disruption of orderly and timely processing of grievances and appeals, inmates may only file, whether personally or through a third party or oversight entity, two (2) grievances per week, and no more than four (4) grievances in a month.

Medical grievances, emergency grievances, grievances related to the Prison Rape Elimination Act (PREA) or Americans with Disabilities Act (ADA), and grievances against staff (other than allegations of discourtesy and unprofessionalism, or any allegation which could not lead to discipline), use of force, retaliation, harassment, and/or racial or identity profiling, are not subject to this limit. In addition, inmates may not submit multiple grievances regarding the same topic without allowing sufficient time for a Department investigation and disposition of the original grievance. Grievances received from an inmate regarding the same issue will be categorized as duplicates and will not be processed.

When an inmate submits repeated grievances or appeals for issues that have already been addressed and/or resolved, or repeated grievances or appeals regarding an issue for which the inmate has exhausted his or her administrative remedies, the grievances shall be categorized as duplicates and shall not be processed. A notification shall be made to the inmate regarding their duplicate grievances, which shall be recorded in the Custody Automated Reporting and Tracking System (CARTS).

When an inmate files more than two (2) grievances per week, or more than four (4) grievances in a month, the Unit Inmate Grievance Team shall properly document and close the grievance in CARTS with the appropriate disposition (refer to CDM section [8-04/010.00](#), "Dispositions, Interim Status Responses, and Inmate Notifications"). In addition, the inmate shall be provided with a notification indicating the facility will not process the excess grievance(s), and the date after which he or she may file another grievance.

ABUSE OF THE GRIEVANCE SYSTEM

An inmate may be suspected of abusing the grievance system if the inmate submits repeated grievances or appeals over a period of time that are frivolous, malicious, contain information the grievant knows to be false, or include abusive, foul, or obscene language. A period of time will generally mean over a two (2) or three (3) month period, but can be determined on a case-by-case basis.

Inmates who are found to be abusing the grievance system shall be given a written warning by an Inmate Grievance Team member, or an electronic warning via computer tablet. If the abuse of process continues after the issuance of a written warning, the Unit Inmate Grievance Coordinator shall meet with the inmate in a timely manner, but no later than 30 days after the inmate's receipt of the written warning, before imposition of any restriction, to provide instruction in the appropriate use of the grievance and appeals process and to rule out any unintended basis for non-compliance. Instruction to the inmate shall consist of an explanation that in order to allow for the efficient handling of grievances submitted by other inmates, the Department has established the following guidelines:

- inmates must allow sufficient time for the Department to respond to previously-submitted grievances;
- duplicate grievances or grievances exceeding weekly or monthly limits will not be processed;
- inmates submitting grievances which meet the criteria for grievance abuse may have their filing privileges restricted.

This meeting shall be documented in CARTS.

When an inmate continues to file excessive grievances or appeals after having been issued a warning, the unit commander, with the concurrence of the concerned chief, may restrict the inmate's grievance and appeal filing privileges to one (1) non-emergency grievance every thirty (30) calendar days for a period of up to twelve (12) months.

ENFORCEMENT OF GRIEVANCE FILING RESTRICTIONS

An inmate for whom a grievance filing restriction has been approved shall be advised of the restriction by the Inmate Grievance Coordinator through a Notice of Restricted Status. The notification shall contain an advisory of the length of the restriction, the number of non-emergent grievances the inmate may submit per calendar week(s) during the period of restriction, and any other appropriate information.

Collecting sergeants who receive a grievance submitted by an inmate on restricted status who has exceeded their weekly limit, shall time stamp and review the grievance, and ensure the grievance does not constitute an emergency. If the grievance concerns an emergency, the grievance shall be handled in accordance with CDM section [8-03/010.00](#), "Emergency Grievances." If the grievance is determined not to concern an emergency, the sergeant shall deliver the grievance to the watch commander or other designated facility lieutenant, who shall make an entry in the Inmate Grievance Restriction Activity Log, documenting the receipt and review of the grievance, and whether the grievance will be processed. On a weekly basis, the Inmate Grievance Coordinator shall collect any grievances noted on the Inmate Grievance Restriction Activity Log, and ensure they are entered in CARTS. Grievances that are not processed shall be completed with a disposition of "Not Processed – Inmate on Restricted Filing Status" (refer to CDM section [8-04/010.00](#), "Dispositions, Interim Status Responses, and Inmate Notifications").

The unit commander shall have discretion to not process non-emergent grievances and appeals filed by inmates whose privileges have been restricted.

• 8-04/060.00 Jurisdiction of Requests, Grievances, and Appeals

Inmate requests, grievances, and appeals will be assigned to the facility where the incident or issue in question occurred.

If a request or grievance received involves conditions or personnel at another facility, the facility receiving the form shall redirect the request or grievance to the concerned facility in the Custody Automated Reporting and Tracking System (CARTS), and mail the original. The concerned facility shall be responsible for completing the request or grievance investigation as delineated in sections 8-02/010.00, "General Requests" and 8-03/005.00, "Inmate Grievances."

In most instances, grievances against staff will be handled by the involved employee's unit of assignment. In cases where there are involved employees from multiple units, the involved unit commanders will decide who will have primary responsibility for the handling of the inquiry and will coordinate one response for the grievance. If an employee becomes the subject of a grievance about his or her conduct while working overtime at another unit, then the unit commander of the facility where the incident took place is responsible for conducting the review of the grievance.

In cases where the grievance involves conditions, events, or personnel at another agency, the Inmate Grievance Team at the receiving facility shall scan and enter the form into CARTS, and assign it a reference number. The original grievance form and all pertinent documents shall be forwarded to the concerned agency, and the grievance shall be closed in CARTS under disposition "Referred – Other station/agency/entity." The filing inmate shall be notified through an Inmate Notice of Disposition that the grievance has been forwarded to the concerned agency. All subsequent questions from the inmate shall be directed to the handling agency.

Final decisions of jurisdiction may be resolved by the respective division chief, through the chain of command.

• **8-04/070.00 Retention of Requests, Grievances, and Appeals**

Pursuant to Custody Division Manual (CDM) section 4-13/000.00, "Retention of Records," custody facilities shall retain all inmate grievances and appeals, as well as all requests requiring reference numbers, for five (5) years. Requests or grievances which have been scanned into the Custody Automated Reporting and Tracking System (CARTS) do not need to be physically stored as they will be digitally retained. If the signed notification of disposition is not scanned into CARTS, the originating unit shall store the original for the five (5) year retention period.

Correctional Health Services (CHS) shall retain all healthcare grievances and appeals for seven (7) years.

• **8-04/080.00 Internal Review**

UNIT COMMANDER

Unit commanders shall monitor the grievance process in their facilities to identify, modify, or eliminate practices which are unnecessary or may impede the accomplishment of the Division's mission and goals.

As a part of this process, unit commanders shall be responsible for:

- Monitoring monthly statistics to ensure that the Department's investigations of grievances, responses to grievances, grievance appeals, and notifications to inmates are being conducted in accordance with the standards and procedures set forth in this policy;
- Analyzing inmate grievances to identify problematic trends;
- Reviewing and monitoring the Personnel Recording and Monitoring System (PRMS) to ensure that grievances against staff are appropriately tracked and documented.

Inmate grievance and appeal information shall be utilized as an early warning indicator to identify and respond to potential sources of liability for the Department.

DIVISION INMATE GRIEVANCE COORDINATOR

The Division Inmate Grievance Coordinator shall conduct monthly reviews of all units within Custody Operations to ensure compliance with the standards and procedures set forth in this policy. Any irregularities identified by the Division Inmate Grievance Coordinator shall be reviewed by the unit commander from the originating unit and reported back to the Division Inmate Grievance Coordinator.

In addition, as part of the audit process for inmate grievances, the Division Inmate Grievance Coordinator shall be responsible for:

- Reviewing emergency grievances received and handled by each facility and/or unit and determine if they

were handled in accordance with policy and notifying the respective facility's unit commander if any were not handled properly;

- Maintaining and reviewing a grievance collection log and monitoring compliance with the collection procedures set forth in this policy;
- Regularly tracking the Department's handling of inmate grievances, ensuring that the investigations are completed timely and reasonably, and that inmates are notified of the results of the investigations;
- Providing a monthly report to unit commanders and Custody Operations executives of the status of inmate grievances, the timeliness of the Department's investigations of the grievances, responses to grievances and grievance appeals, and notifications to inmates of the results of the investigations and grievance appeals;
- Analyzing inmate grievances monthly to identify any problematic trends and providing that analysis in a monthly report to unit commanders and Custody Operations executives.

DIVISION EXECUTIVES

Division executives, under the direction of the Assistant Sheriff of Custody Operations, shall review and monitor the inmate grievance process and shall ensure it operates effectively and consistently with this policy.
