

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.