

## **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.

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