

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."
