

## 5-12-000 Inmate Grievance Procedures



### **PURPOSE OF ORDER:**

The purpose of this order is to establish procedures for the collection and processing of inmate grievances at Men's Central Jail (MCJ).

### **SCOPE OF ORDER:**

This order shall apply to all personnel assigned to, and/or working in any capacity at MCJ.

### **ORDER:**

All inmates shall be permitted to initiate and submit a grievance, whether written or verbal, about any condition of their confinement, without fear of interference, alteration, or delay by any person. Refer to CDM section 8-01/005.00, "Filing of Requests, Grievances, and Appeals." All inmate grievances shall be collected by the respective floor sergeant at least once per shift and investigated within fifteen (15) calendar days from the date the grievance was received by the Sheriff's Department, absent exigent circumstances.

An adequate supply of inmate grievance and request forms shall be made available and inmates shall have unrestricted access to them.

An MCJ supervisor at the rank of sergeant or higher shall be appointed as the Inmate Grievance Coordinator.

### **Processing of Inmate Grievances/MCJ Grievance Team Duties**

The MCJ Grievance Team shall be responsible for the administrative processing of inmate grievances, requests, and appeals, in addition to the daily collection of inmate grievance and request forms from all floor sergeant offices in the facility.

The MCJ Grievance Team shall scan and enter all grievances, requests, referred inmate grievances, and appeals (excluding those related to healthcare) into the Custody Inmate Grievance Application (CIGA), which will automatically assign reference numbers for tracking purposes. The MCJ Grievance Team shall ensure dispositions for all grievances are delivered to the concerned inmates within fifteen (15) calendar days from the date the grievance was received by the Sheriff's Department and ensure the inmate signatures are obtained.

The MCJ Grievance Team shall be responsible for identifying duplicate grievances and documenting them appropriately in CIGA.

The MCJ Grievance Team shall be responsible for coordinating all appeals received after-hours. The MCJ Grievance Team operates during normal business hours.

### **Watch Commander**

The watch commander shall ensure the inmate grievance and requests forms are collected from the locked inmate grievance collection boxes at least once per shift, by a supervisor at the rank of sergeant or higher.

The watch commander shall regularly review the electronic-Uniform Daily Activity Log (e-UDAL) to ensure the supervisors collecting Inmate Grievance Forms (SH-J-420) and Inmate Request Forms (SH-J-437) are signing the e-UDAL as required.

The on-duty watch commander on each shift shall be responsible for reviewing the electronic watch

commander's queue located in CIGA to ensure the prompt handling of any emergent or priority grievances.

The on-duty watch commander shall promptly review and assess all grievances against staff in a timely manner to ensure a proper response is initiated, whether it be immediate or routine.

The watch commander, or other facility lieutenant, shall ensure all grievances against staff are assigned to a supervisor at the permanent rank of sergeant or above who is not the employee against whom the grievance is directed. The assigning lieutenant shall ensure the grievance is entered into CIGA, a supervisory inquiry is completed, and the filing inmate is notified of the disposition, notice of extension, or interim status notification, within fifteen (15) calendar days from the date of submission.

During exigent circumstances, the on-duty watch commander, or a designee shall be responsible for completing a Third-Party (Referred) Inmate Grievance Form (SH-J-438) whether it's received in person, telephonically, or via correspondence. If the watch commander receives a grievance involving an inmate not housed at the contacted facility or unit, they shall complete the Third-Party (Referred) Inmate Grievance Form and electronically forward it to the watch commander of the appropriate facility without delay.

### **Grievance Sergeant Responsibilities**

The grievance sergeant shall be responsible for reviewing and assigning the grievances and requests located in the "Sergeant Initial Review" queue located in CIGA. In addition, they shall be responsible for periodically, but no less than once per shift, reviewing all electronic queues to ensure prompt handling of any emergent or priority grievances, which, if found, should be immediately brought to the attention of the watch commander.

### **Inmate Grievance Retrieval**

The line sergeants shall retrieve the submitted inmate grievance forms from the locked inmate grievance boxes located in the inmate housing areas. Sergeants shall also scan the bar codes located on the inmate grievance boxes.

Grievance forms shall be picked up and scanned on each shift. Upon retrieval of the grievance forms, the

sergeant shall sign the e-UDAL and complete the Living Unit Collection Log, documenting by category the types of grievances collected or document if no grievances were collected. The grievance forms shall **immediately** be reviewed and time-stamped by the sergeant collecting the inmate grievance forms to determine if any require priority or emergent handling. Emergency grievances are those pertaining to serious or potentially life-threatening health issues. If a sergeant identifies a priority or emergent grievance, the sergeant shall sign their name and employee number on the form.

Priority grievances include, but are not limited to:

- emergency medical care;
- mental health treatment issues;
- allegations of use of force;
- serious threats to an inmate's safety and/or well-being;
- all Prison Rape Elimination Act (PREA) related grievances;
- Americans with Disabilities Act (ADA)-related grievances;
- grievances against staff;
- grievances of retaliation.

### **EMERGENCY GRIEVANCES**

When an emergency grievance is received, the sergeant shall promptly notify the watch commander of the emergency grievance. The watch commander 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 ensure the bottom portion of the Inmate Grievance Form is completed by a supervisor of the minimum rank of sergeant.

### **ALLEGATION OF FORCE**

When a grievance is received wherein force is alleged, the following shall be adhered to:

-The inmate shall be immediately escorted to the Men's Central Jail Main Clinic for a medical evaluation. This shall be documented in a Use of Force Medical Form.

-The inmate shall be interviewed on video.

-The above also applies to an inmate verbally advising of an allegation of force. An allegation of force is considered an inmate complaint.

-Personnel shall follow procedures established in CDM section 8-03/040.00, "Grievances Against Staff."

Grievances determined to be priority shall be handled immediately and brought to the attention of the watch commander. The watch commander shall be responsible for ensuring priority grievances are investigated and handled in an expeditious manner in accordance with Department policy and in the best interest of the inmate. The watch commander shall ensure the bottom portion of the Inmate Grievance Form is completed by a supervisor of the minimum rank of sergeant.

NOTE: If an emergency medical condition exists, the inmate shall be escorted immediately to the MCJ Clinic. Refer to CDM section 8-03/010.00, "Emergency Grievances."

The Title 15 sergeant and watch commander shall review the Living Unit Log Dashboard to ensure the scans of barcodes on the grievance boxes are being conducted in a timely manner.

Grievances concerning conditions or personnel at another unit shall be handled by those units respectively. Refer to CDM section 8-01/020, "Responsibilities," for specific procedures.

In the event multiple unrelated grievances are listed on one grievance form, sergeants shall return the grievance form to the inmate and advise them to use a separate form for each unrelated grievance.

When handling grievances against staff, sergeants shall complete a thorough supervisory inquiry in an effort to reach a disposition. The investigation and recommended disposition shall be documented in a supervisory inquiry memorandum and submitted to the watch commander or facility lieutenant for review and approval.

### **Supervising Line Deputies (SLD) Responsibilities**

The SLD shall handle inmate requests and general grievances that are assigned to them on CIGA. All notes/dispositions pertaining to general grievances and requests shall be noted in CIGA appropriately. The SLD shall deliver the inmate disposition and appeal form as appropriate and obtain the inmate's signature. The signed disposition form shall be placed in the locked inmate grievance box located in the watch sergeant's office and/or forwarded to the MCJ Grievance Team.

The floor sergeant or SLD shall check each housing location a minimum of once per shift to ensure the forms and medical envelopes are reasonably available. After performing this duty, it shall be noted in the appropriate area on the e-UDAL.

### **Housing Officer's Responsibilities**

It shall be the housing officer's responsibility on each shift to ensure an adequate supply of inmate grievance and request forms, as well as medical envelopes are available and to replenish them as needed.

### **Unit Commander Responsibilities**

The unit commander or a designee shall be responsible for reviewing all supervisory inquiry memoranda related to grievances against staff. The unit commander shall have the final approval of the disposition or, when appropriate, the re-categorization of a grievance against staff to a service complaint.

### **Resolution of the Grievance**

Inmates shall be advised of their grievance disposition, notice of extension, or interim status notification, within fifteen (15) days of the submission of the grievance.

Every attempt shall be made to investigate all inmate grievances within fifteen (15) days of receipt unless justifiable reasons exist to delay the final disposition. If the investigation of a grievance cannot be completed within the established time frames, a fifteen (15) day extension shall be entered into CIGA by a member of the Grievance Team.

### **Notification of Disposition and Right to Appeal**

The inmate shall be provided with the Notification of Disposition form indicating the results of the investigation and the availability of the appeal process. If the inmate refuses to sign the notification, or is unable to, the

assigned investigator and a second staff member shall indicate such with their signatures. The completed form shall be submitted to the watch commander for further processing.

All completed and logged grievances and any proposed written replies shall be submitted to the operation's lieutenant for final review and the unit commander's approval.

### **Informal Requests**

An informal request is a request that can be quickly resolved by line staff members. Informal requests shall be handled by floor personnel and do not need to be entered into CIGA.

Examples: haircuts, hygiene kits, account balance, release date, court date, holds, charges, telephone PIN, shoes, linen, uniforms, and vending machine access.

### **Sub-Unit Inmate Grievances**

All grievances and requests related to recreational activities, equipment, vending, and commissary shall be handled by the MCJ Grievance Team; mail grievances shall be handled by the mail room personnel; inmate worker requests shall be handled by the MCJ Prisoner Personnel Office (PPO); educational requests shall be handled by the Education Based Incarceration (EBI) sub-unit at MCJ; and chaplain grievances and requests shall be handled by the sub-unit of the Office of Religious and Volunteer Services.

### **Appeal Process**

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 actions(s) taken to address the situation, they 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 do not concern grievances against staff shall require the approval of the concerned area commander. Refer to CDM section 8-04/040.05, "Extensions."

#### **Inmate Notification Form Distribution**

The MCJ Grievance Team shall be responsible for distributing disposition notifications for grievances against staff.

The handling sergeant or a designee shall be responsible for distributing extension and interim notification forms to the inmate(s).

The handling sergeant and SLD shall also be responsible for distributing general grievance and requests dispositions to the inmate(s).

#### **Jurisdiction**

Any question of grievance jurisdiction within the facility will be resolved by the unit commander. Any question of jurisdiction within the custody division will be resolved by the division chief.

### **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. Grievances with specific screening factors, including use of force allegations, or specific complaints of abuse, torture, or misconduct shall be automatically categorized as a grievance against staff and the following shall be adhered to:

- The inmate shall be immediately escorted to the Men's Central Jail Main Clinic for a medical evaluation. This shall be documented in a Use of Force Medical form.
- The inmate shall be interviewed on video.
- The above also applies to an inmate verbally advising you of an allegation of force. An allegation of force is considered an inmate complaint.
- Personnel shall follow procedures established in CDM section 8-03/040.00, "Grievance Against Staff."

The results of any grievance against staff investigation shall not be disclosed in any form, including in written responses to inmate grievances (per § 832.7 PC).

The disclosure of any results of inquiries pertaining to staff conduct shall be limited to the following information:

- acknowledgment of the complaint;
- statement that the grievance was received and thoroughly investigated;
- assurance that appropriate administrative action has been taken (if applicable).

Results of inquiries into staff conduct shall only be documented in a supervisory inquiry memorandum.

When an inquiry into the conduct of any personnel results in the initiation of a unit level or Internal Affairs Bureau (IAB) investigation, the supervisor conducting the inquiry shall complete the appropriate areas in CIGA indicating an interim status disposition of "Unit Level Investigation."

Pursuant to CDM section 4-13/000.00, "Retention of Records," inmate grievances shall be retained for a period of five (5) years.

## **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. If the employee and aggrieved inmate accepts, the sergeant shall conduct the meeting.

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.

## **SUMMARY**

The summary **SHALL** include dates and times of when interviews were conducted.

## **Restriction of Filing Privileges**

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 found to be abusing the grievance process shall be given a written warning by a member of the Grievance Team or an electronic warning via computer tablet. If the abuse continues after issuance of the warning, the Inmate Grievance Coordinator shall

meet with the inmate no later than thirty (30) days after the inmate's receipt of the written warning to provide instruction in the proper use of the grievance and appeals process. This meeting shall be documented in CIGA.

If the inmate continues to file excessive grievances or appeals after the verbal warning, the unit commander, with the concurrence of the division chief, may restrict the inmate's grievance and appeals filing privileges to one non-emergency grievance every thirty (30) calendar days for up to twelve (12) months.

### **SAFETY CHECK SERGEANT**

The safety check sergeant shall ensure the Living Unit Log Dashboard is in compliance within their respective shift. If a location falls within RED or YELLOW, the Safety Check Sergeant will notify (email and phone) the sergeant assigned to that location immediately.

Timeline: The following shall be completed within fifteen (15) calendar days of assignment. Grievances considered emergent or an allegation of force shall be investigated immediately.

-Conduct interviews (complainant, witnesses, and Department personnel involved).

-Upload fixed video surveillance and recorded inmate interviews into the shared folder.

-Document personnel interviews within the memorandum.

-In the event the complainant cannot be interviewed, video surveillance cannot be reviewed, or personnel interview information cannot be completed within the aforementioned 15 day period, the reason for the delay shall be explained within the completed grievance memorandum.

-In the event someone other than the supervisor assigned to handle the staff complaint conducts inmate/personnel interviews, the reason for such shall be noted in the memorandum.

-Grievances shall be completed and submitted to the Discovery Unit no later than sixty (60) days from the receipt of the initial grievance. If unforeseen circumstances prevent the submission of a grievance within the time frame, a thirty (30) day extension can be requested. However, a memorandum shall be submitted to MCJ Operations explaining the reason for the delay.

### **RETURNED FOR CORRECTIONS/ADDITIONAL INFORMATION**

If a grievance is returned for corrections/additional information, the grievance shall be completed and returned to the Grievance Team within fifteen (15) calendar days of receiving it.

Refer to the Inmate Grievance Policy Handbook or CDM Volume 8 for additional information.

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