

5-12-300 Inmate Grievance Procedures

PURPOSE OF ORDER:

The purpose of this order is to establish procedures for accepting and processing inmate grievances at the Twin Towers Correctional Facility (TTCF).

SCOPE OF ORDER:

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

ORDER:

All inmates shall be permitted to report and submit an inmate grievance whether written or verbal. At which time, all appropriate actions shall be taken. All inmates shall be able to submit their completed grievance forms without fear of interference, alteration, or delay by any person.

An adequate supply of "Inmate Grievance" forms (SH-J-420) and "Inmate Request" forms (SH-J-437) shall be made available, and inmates shall have unrestricted access to them. A TTCF supervisor, at the rank of sergeant or higher, shall be appointed as the Inmate Grievance Coordinator.

In conformance with Custody Division Manual (CDM), section 8-01/005.00, "Inmate Complaints", any inmate shall be allowed to appeal, and have resolved, grievances relating to any condition of confinement.

Processing of Inmate Grievances

The TTCF Grievance Team will enter all grievances, requests, referred inmate grievances, appeals (excluding medical and mental health) into the Custody Inmate Grievance Application (CIGA), which will automatically assign reference numbers for tracking purposes. The TTCF Grievance Team will ensure dispositions for

grievances against staff are delivered to the inmate in a timely manner and the inmate signature obtained.

TTCF Inmate Grievance Team

The TTCF Grievance Team will be responsible for the overall administrative processing of inmate grievances, requests, and appeals. The TTCF Grievance Team is also responsible for the following duties:

- Daily collection of the inmate grievance and request forms from locked inmate grievance team collection boxes located in the supervising line deputies in Tower I, the 6th floor line sergeant's office in Tower II, Correctional Treatment Center (CTC), and watch sergeant's office;
- Identifying duplicate grievances and documenting them appropriately in CIGA.

The TTCF Grievance Team will be scheduled to operate during normal business hours.

Line Personnel Responsibilities

It shall be the responsibility of the personnel working the module to check the supply of the inmate grievance and request forms, and to replenish them as needed. After performing this duty, the appropriate area on the electronic-Uniform Daily Activity Log (e-UDAL) shall be noted.

Supervising Line Deputies Responsibilities

Supervising line deputies shall handle inmate requests and general grievances. All notes/dispositions pertaining to general grievances and requests shall be documented in CIGA appropriately. The supervising line deputy shall deliver the inmate disposition and appeal form (for general grievances only) to the inmate, along with getting the inmate's signature, if necessary. 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 TTCF Grievance Team.

Line Sergeant Responsibilities and Inmate Grievance Retrieval

The line sergeants, or a designee at the rank of supervising line deputy, shall retrieve the submitted inmate grievance forms from the locked inmate grievance boxes located in the inmate housing pods.

Upon retrieval of the grievance forms, the sergeant, or a designee at the rank of supervising line deputy, shall sign the e-UDAL, along with completing the Grievance Collection Log documenting by category, the types of grievances collected or if there were none collected.

The grievance forms shall immediately be reviewed and time stamped by the sergeant, or a designee at the rank of supervising line deputy, collecting the inmate grievance forms to determine if any fall into the category of being a "priority or "emergent." If a sergeant identifies a priority or emergent grievance, that sergeant shall sign his/her name along with their employee number on the form. Priority complaints are those dealing with serious or potentially life-threatening health issues. Examples of priority issues 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.

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. Medical inmate grievances shall be immediately hand delivered by the floor sergeant to the supervising nurse in the Tower I or Tower II clinic for handling.

NOTE: If an emergency medical condition exists with the inmate, he shall be escorted immediately to the clinic area.

Grievances concerning conditions or personnel at another unit shall be handled by those units respectively. Custody personnel shall refer to CDM, section 5-12/000.00, "Inmate Complaints" for specific procedures.

In the event there are multiple unrelated grievances listed on one grievance form, the handling sergeant shall return the grievance form to the inmate and advise him/her to use a separate form for each unrelated grievance.

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

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 will 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 and TTCF Grievance Team.

Watch Commander Responsibilities

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

The on-duty watch commander on each shift shall also be responsible for the following duties:

- Review the electronic watch commander's queue located in CIGA, to ensure the prompt handling of any emergent and/or priority grievances.
- 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 in which 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 within fifteen (15) calendar days from the date of submission.
- The on-duty watch commander shall be responsible for coordinating all appeals received after hours.
- The on-duty watch commander, or their designee during exigent circumstances, shall be responsible for completing a "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, he/she shall complete the "Referred Inmate Grievance" form and electronically forward it to the watch commander of the concerned inmate's housing facility without delay.

Unit Commander Responsibilities

The unit commander, or their designee, shall be responsible for reviewing all supervisory inquiry memorandums related to grievances against staff. The unit commander shall have the final approval of the disposition as well as if a grievance against staff is downgraded to a service complaint.

Resolution of the Grievance

Inmates shall be advised of their grievance disposition within ten (10) days after adjudication by the inmate grievance team for grievances against staff.

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. At which time, a fifteen (15) day extension shall be entered into CIGA by a member of the Grievance Team.

All investigative notes and findings shall be documented in CIGA in the appropriate area. The assigned sergeant shall make the determination with one of the following dispositions:

- Exoneration.
- Employees' conduct appears reasonable.
- Appears employees' conduct could have been better.
- Employees' conduct should have been different.
- Unable to make a determination.
- Resolved through conflict resolution.”

Notification of Disposition and Right to Appeal

The acknowledgment at the bottom of the complaint form shall be discussed with the inmate by the assigned investigator. The inmate shall sign the acknowledgment indicating that the results of the investigation have been discussed with him. If the inmate refuses to sign, or is unable to, the assigned investigator and a second staff member shall indicate such with their signatures. The completed form shall then be placed in the watch commander's in-tray for further processing. Refer to the "Inmate Grievance Disposition Data Form" section of this unit order for further information.

All completed and logged complaints and any proposed written replies shall be placed in the operations lieutenant's in-tray for final review, typing, distribution and unit commander's signature.

NOTE: Refer to the Complaints "Grievances Against Staff" section of this Unit Order.

Sub-Unit Inmate Grievances

All grievances and requests related to mail, indigent kits, recreational activities/ equipment, personal grooming, vending and commissary complaints shall be handled by TTCF Inmate Programs, inmate worker requests shall be handled by the TTCF Prisoner Personnel Office (PPO), educational requests shall be handled by the Education Based Incarceration (EBI) sub-unit at TTCF, and chaplain grievances and requests shall be handled by Religious and Volunteer Services (RVS) sub-unit.

Appeal Process

Inmates shall be permitted to appeal any denied grievance. The unit commander will make the Level One final determination as to whether the appeal will be granted or denied. The unit commander, or his designee, through the regular process of reviewing all inmate grievances, may approve the watch commander's decision or return the complaint to the watch commander who handled the appeal for additional investigation or review.

Inmate Notification Form Distribution

- The TTCF mail room personnel shall be responsible for distributing the inmate "Grievance Acknowledgement" forms daily.
- The TTCF Grievance Team shall be responsible for distributing the "Disposition/Inmate Summary Signature" forms for grievances against staff.
- The handling sergeant, or their designee, shall be responsible for distributing extension and interim notification forms to the inmate(s).
- The handling sergeant and supervising line deputies shall also be responsible for distributing general grievance and requests dispositions to the inmate(s).

Jurisdiction

Any question of complaint jurisdiction within a jail facility will be settled by the unit commander. Any question of jurisdiction within Custody Division shall be settled by the Division Chief.

Grievances against Staff

The TTCF Grievance Team shall have discretion to determine what constitutes a grievance against staff and will assign the grievance accordingly. Grievances with specific screening factors, including use of force allegations, use of profanity, or specific complaints of abuse, torture, or misconduct, shall be automatically constituted as a grievance against staff and registered as such.

When an inmate grievance involves the conduct of any line staff personnel, the results of any investigation regarding the employee shall not be disclosed in any form, including written responses to inmate grievances (per § 832.7 PC).

For the purpose of this policy, the disclosure of any results of inquiries pertaining to staff conduct (deputy or otherwise) 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 into the inmate grievance will complete the appropriate areas in CIGA, indicating interim status disposition as "Unit Level Investigation" or "P.T.D. Investigation." Inmate grievances shall be retained for a period of five (5) years.

Restriction of Filing Privileges

Inmates found to be abusing the grievance process shall be given a written warning by a member of the Grievance Team. If the abuse continues beyond the warning, the Inmate Grievance Coordinator shall meet with the inmate to provide instruction in the proper use of the grievance and appeals process. This meeting shall be documented in CIGA.

If the abuse continues beyond 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 (1) non-emergency grievance

every fourteen (14) calendar days for up to twelve (12) months, or other restrictions deemed appropriate by the chief.

Examples of abuse of the grievance system include, but are not limited to:

- Submitting duplicate grievances or appeals without allowing sufficient time for a disposition of the original grievance, or that have already been addressed or resolved.
- Submitting repeated grievances over a period that are frivolous, malicious, or containing information known to be false to the grievant.
- Submitting repeated grievances over a period that contain abusive, foul, or obscene language.
- A period will generally mean a two (2) to three (3) month period but can be determined on a case-by-case basis.

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03/02/2016 TTCF
