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| ALAMEDA COUNTY SHERIFF'S OFFICE DETENTION AND CORRECTIONS POLICY AND PROCEDURE | NUMBER: 16.03 | PAGES: 1 of 10 |
| | RELATED ORDERS: ACA 4-ALDF-2A-31, 3A-01, 3A-02, 6A-07, 6B01, 6B-02, 6C-18 MJS 1073 PREA 115.52 P&P 1.14 G.O. 1.23 | |
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| CHAPTER: Inmate Rights, Rules and Discipline | SUBJECT: Inmate Grievance Procedure | |

- I. **PURPOSE:** To establish clear procedures for the inmate grievance process relating to any incidents that affects the conditions of the inmate's confinement or any incident of sexual assault or harassment.
- II. **POLICY:**
- A. The Sheriff's Office policy is to comply with the Prison Rape Elimination Act and Title 15 requirements as they relate to inmate grievances. Inmates are entitled to utilize the inmate grievance procedure to resolve disputes and receive a timely written response without fear of reprisal or punitive action.
 - B. Inmates may file grievances related to any issue directly affecting the conditions of their confinement or regarding any incident of sexual assault or harassment, or the potential threat thereof.
 - C. Inmates shall be advised of this grievance procedure through the Inmate Rules and Information book, inmate publications, and the admission-orientation video.
- III. **DEFINITIONS:**
- A. **EMERGENCY GRIEVANCE:** Any grievance pertaining to sexual abuse or harassment.
 - B. **STANDARD GRIEVANCE:** All grievances not pertaining to sexual assault or harassment.

IV. PROCEDURE:

A. INFORMAL RESOLUTION:

1. When an inmate wishes to submit a formal written grievance, he/she requests an Inmate Grievance form (ML-51) from a deputy. The deputy receiving the request from the inmate shall provide the inmate with the Inmate Grievance form at their earliest convenience.
2. The deputy shall attempt to resolve the grievance to the inmate's satisfaction. If the inmate agrees with the resolution, check the box marked "Resolved", and DO NOT draw a tracking number. Also, have the inmate sign on the line next to "Resolved - Inmate Acceptance", and return the original Inmate Grievance form to the Grievance Unit. Give the inmate copy to the inmate.
3. If the inmate is not satisfied with the deputy's resolution or the inmate declines to resolve the grievance with the deputy, the inmate may submit the formal written grievance. Follow the instructions under the "Filing Process" section of this policy.
4. The deputy shall document his/her discussion with the inmate on an Inmate Grievance Response Supplemental form (ML-53), and then submit the Inmate Grievance form and the Inmate Grievance Supplemental Response form in accordance to their units' filing process as outlined in section III. B 8. a. and b. of this policy and procedure, prior to the end of his/her shift. DO NOT write what steps were taken attempting to resolve the inmate's grievance on the back of the Inmate Grievance form.
5. Deputies shall not attempt to informally resolve grievances pertaining to inmate sexual harassment or abuse. The proper reporting procedures for this type of grievance are outlined in section III. B.7 of this policy.

B. STANDARD GRIEVANCE FILING PROCESS:

1. The Grievance Unit at the Santa Rita Jail (SRJ) is responsible for investigating, properly documenting, storing, and tracking all grievances.
2. Inmate Grievance forms shall be kept in the housing unit deputies' offices. The Inmate Grievance form, Inmate Grievance Response form (ML-52 [Grievance Unit Use Only]), the Inmate Grievance Response Supplemental Information form and the Notice of Extension form, shall be used to process inmate grievances. The Inmate Grievance form can be ordered from supply. The Inmate Grievance Response form and Notice of Extension form are internal forms used solely by the Grievance Unit and are not readily available to ACSO staff members.
3. Inmate grievances shall be limited to one grievance per tracking number. Grievances with multiple complaints will not be accepted. Inmates will be advised to obtain a new Inmate Grievance form and to limit their grievance to one complaint per Inmate Grievance form.

4. The deputy shall provide an Inmate Grievance form to the inmate at the deputy's earliest convenience. Any deputy supervising the inmate shall:
 - a. Collect the completed Inmate Grievance form when offered by the inmate, at the deputy's earliest convenience.
 - b. Draw a tracking number; print their name and badge number, tracking number, and date and sign the Inmate Grievance form. Grievance numbers shall only be drawn from Santa Rita Jail; CP-1.
5. A deputy receiving an inmate grievance shall:
 - a. Write an explanation on an Inmate Grievance Response Supplemental Information form (***Attachment 1***), outlining what action was taken to attempt to resolve the grievance, or any knowledge gathered regarding the complaint. **DO NOT** write a response on the back of the Inmate Grievance form.
 - b. Separate the Inmate Grievance form and give the inmate copy to the inmate.
6. Upon completion of the above process, the deputy receiving the grievance will:
 - a. GEDDF - Forward the Inmate Grievance form and the Inmate Grievance Response Supplemental Information form to the on-duty Watch Sergeant by the end of their shift. The on-duty Watch Sergeant will ensure that the appropriate information has been included on the Inmate Grievance form and the Inmate Grievance Response Supplemental Information form. The on duty Watch Sergeant will then forward the documents to the Administrative Sergeant who shall in-turn forward the grievance packet to the Grievance Unit at the Santa Rita Jail. Appropriate staff member(s) will be tasked by the Grievance Unit to respond to the inmate's grievance and will have three days to do so.
 - b. SRJ -Place the Inmate Grievance form and the Inmate Grievance Response form in the Grievance Unit box in the Alcove, or deliver it to the Grievance Unit Office prior to the end of their shift. Appropriate staff member(s) will be tasked by the Grievance Unit to respond to the inmate's grievance and will have three days to do so.

C. EMERGENCY GRIEVANCE FILING PROCESS

1. The following only applies to grievances relating to sexual assault or harassment.
 - a. When receiving an emergency grievance, the deputy receiving the grievance shall take immediate action to ensure the inmates safety.
 - b. If the emergency grievance is against the deputy who receives it, they shall notify their Watch Sergeant immediately. It shall be the responsibility of the Watch Sergeant to notify the Watch Commander and begin the investigation as delineated below.

- k. In the unlikely event an inmate does not receive a response within the set time period; the inmate may consider the grievance has been denied.
 - l. Inmates who falsely file grievances or make false reports of sexual abuse of any kind shall be subject to disciplinary action. Evidence that the inmate acted in bad faith shall be fully documented in a disciplinary or criminal report.
 - m. Under no circumstances shall a grievance of this nature be resolved informally.
2. If the complaint is criminal in nature (e.g., sexual assault, an attempted assault or threats of sexual assault) and is recent:
 - a. The deputy receiving the grievance must take immediate action to secure the scene, protect the victim, existing evidence, and isolate the suspect.
 - b. The Watch Sergeant and Watch Commander shall be notified and the appropriate notifications to investigative staff shall be made according to ***DC P&P 13.07***.
 - c. A grievance number shall NOT be drawn. Rather, an ACSO report number will be drawn, and an official investigation will begin immediately.
 3. If the grievance is non-criminal and against another inmate, deputies shall draw a tracking number, and immediately conduct a thorough investigation. This shall minimally include speaking with other inmates as well as the suspect. Upon completion of the investigation, if it is determined the inmate is at risk, the investigating deputy shall contact the Classification Unit for reclassification of the suspect. The deputy receiving the grievance shall thoroughly document the event and his/her actions on the Inmate Grievance Response Supplemental Information Form. Additionally, the deputy shall document the incident and their actions in a memorandum to Classification, with a copy of the Grievance Supplemental Information Form attached.
 - a. Forward the Grievance packet and a copy of the memorandum to the Grievance Unit. The Grievance Unit shall prepare an initial response within 48 hours and a final decision within 5 days.
 - b. A copy of the final packet shall be forwarded to the PREA Coordinator as soon as possible.
 4. When a disposition is reached:
 - a. A written response with a brief explanation will be provided to the inmate on an Inmate Grievance Response form. This will be forwarded to the inmate for their review and signature.

2. If, during the course of the investigation it is determined that the inmate filed the grievance in bad faith, the inmate shall be subject to disciplinary action.

F. EXTENSIONS: The period of time referred to for action in any section of this policy may be extended for good cause if the circumstances indicate additional investigative time is necessary to make an appropriate decision. The reasons for the delay shall be noted in the grievance packet for reference. Inmates may inquire about any delay in the grievance process by submitting a message request to the Grievance Unit.

1. The Grievance Unit will have 21 days to respond to an inmate's grievance. If the investigation and response have not been completed within 21 days, a Notice of Extension form will be presented to the inmate. The Notice of Extension form shall provide an estimated date of completion. A Notice of Extension form is a notification that the investigation regarding the inmate's complaint is going to take longer than the average 21 days.
2. In the event the grievance pertains to sexual harassment or abuse, the grievance unit shall provide a date of completion for the extension.
3. Computation of the 90 day time period does not include time consumed by inmates in preparing any administrative appeal. The Grievance Unit shall provide a date by which a decision will be made.
4. Deputies will give inmates an opportunity to read and sign the "Notice of Extension form."
5. If an inmate refuses to read or sign the Notice of Extension form, the serving deputy will note on the inmate signature line, "Refused to Read," "Refused to Sign," (or both if applicable), print his/her name and badge number, and date the form.
6. Notice of Extension forms shall be returned to the Grievance Unit box via the Alcove, or delivered to the Grievance Unit Office before the end of their shift.
7. All grievances pertaining to sexual harassment or abuse shall be completed within 90 days.

G. RECORD KEEPING: A log shall be maintained of all grievances filed and their disposition.

1. The following subjects shall be used to describe the complaint.

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| ADA | Laundry | Property |
| Accounting | Law Library | Records/Release |
| CDCR Grievance | Mail | Religion |
| Civilian Staff Conduct | Medical Services | Safety |
| Classification | Medical Co-pay | Sanitation |
| Dental | Medical Staff Conduct | Search Process |
| Disciplinary Safeguards | OB-GYN | Sexual abuse/harassment |

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| Facility Conditions | Psychiatric | Supplies |
| Food | Other | Sworn Staff Conduct |
| Grievance Process | Pod/Recreation Time | Telephone |
| Hygiene | Pro-Per | Title 15 |
| Inmate Programs | Professional Staff | Transportation |
| Inmate Services | | Visiting |

2. The Grievance Unit at SRJ will file completed grievances in a master file system for five years.

H. TRANSFERRED INMATES: When a grievance is submitted by an inmate at one ACSO facility, and that inmate is transferred to another ACSO facility, the following will apply:

1. All procedures continue to remain applicable.
2. The final response to the inmate's grievance shall be forwarded to the inmate's new ACSO facility, via the Grievance Unit.

I. RELEASED INMATES: When an inmate has been released from custody, the following procedure will apply:

1. If the inmate is no longer in custody, the Grievance Unit shall be responsible for processing, completing and storing the original grievance packet.
2. Any grievance that is being investigated after the authoring inmate has been released from custody will be automatically appealed. The Grievance Unit will forward the response to the Appeals Officer for review and recommendation.
3. Out of custody inmates may request a copy of the final disposition of their grievance by submitting a written request, along with a self-addressed stamped envelope, to the Grievance Unit.
4. In cases where an inmate did not receive the final disposition of a grievance they wrote because they were released from custody prior to receiving the Grievance Unit's response, and where the inmate has returned to custody; he/she may request a copy of the final disposition via an Inmate Message Request form directed to the Grievance Unit.

V. GRIEVANCE RESTRICTION: In accordance with Minimum Jail Standards, Title 15, Section 1073 (b), any inmate who submits an excessive number of grievances shall be subject to a restriction of their grievance privileges.

A. EXCESSIVE GRIEVANCE submission is defined by:

1. Continual submission of grievances containing issues that are in process or have previously been addressed.
 2. Continual submission of grievances containing statements, which after investigation, are routinely found to be false.
 3. Submission of grievances determined by the facility Commanding Officer to be an abuse of the grievance process.
- B. RESTRICTION PLANS shall be approved by the facility Commanding Officer. The following steps outline the process for recommending an inmate for a Grievance Restriction Plan:
1. The grievance unit will address a memorandum to the facility Commanding Officer, via Chain of Command, outlining who is to be placed on grievance restriction and the reasons for the restriction.
 2. A second memorandum, "Conditions of Grievance Restriction" addressed to the inmate, from the Commanding Officer will be written. The memorandum shall detail the conditions of the restriction plan in accordance with this policy.
 3. Both memoranda, with all supporting documentation, will be forwarded to the Commanding Officer for final approval. Upon approval, the inmate shall be notified of the conditions of his/her grievance restriction by delivery of the "Conditions of Grievance Restriction" memorandum to him/her. Additional copies shall be posted in the inmate's assigned housing unit and placed in the inmate's grievance file.
 4. If the grievance restriction plan is denied, all documentation will be returned to the Grievance Unit and filed in the inmate's grievance file.
- C. GRIEVANCE RESTRICTION PROCESSING: If the grievance restriction plan is approved:
1. All subsequent inmate grievances, both the original copy and the inmate copy, submitted by the inmate will be forwarded directly to the Grievance Unit. The deputy collecting Inmate Detention and Corrections

Grievance form shall print their name, date and sign the grievance form.
 2. The deputy shall write an explanation outlining what action they took to resolve the grievance on an Inmate Grievance Response Supplemental Information form.
 3. The deputy will NOT draw a tracking number.
 4. Both forms shall be forwarded to the Grievance Unit in accordance to their unit's filing process as outlined in section III. B 5 of this policy and procedure, before the end of the deputies' shift.

5. If the grievance contains a previously addressed issue, the Grievance Unit Deputy will:
 - a. Chronicle each issue and the most recent corresponding grievance number where the issue was addressed, on an Inmate Grievance Supplemental Information form and attach it to the new grievance.
 - b. Return the inmate copy of the Inmate Grievance form to the inmate with, “previously addressed” written in the tracking number field.
 - c. The new grievance and supplemental form shall be kept in the inmate’s grievance file for reference.
6. If the grievance contains an issue that has not been previously addressed, the Grievance Deputy will:
 - a. Draw a tracking number for the grievance.
 - b. Return a copy of the Inmate Grievance form to the inmate with the new tracking number listed in the tracking number field.
 - c. Address the new complaint listed in the inmate’s grievance. An investigation will commence and a response will be generated in accordance with Section III. A through H of this policy and procedure.

VI. AFFIRMED GRIEVANCES:

- A. If a grievance is affirmed, the following procedures shall be followed:
 1. A copy of the affirmed Inmate Grievance form and the Inmate Grievance Response form shall be forwarded to the appropriate supervisors for review.
 2. Appropriate corrective actions will be taken or implemented as directed.

Attachment: [1. Inmate Grievance Response Supplemental Information form](#)