KERN COUNTY SHERIFF'S OFFICE

Detentions Bureau
Policies and Procedures

TITLE: INCARCERATED PERSON GRIEVANCE I-200

EFFECTIVE:	REVIEWED:	REVISED:	UPDATED:
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REFERENCE: Title 15, Section 1073, Prison Litigation Reform Act of 1995 (PLRA) DBPPM Section G-1210, I-0250, P-0500, DPPM D-0300, PREA Section 115.52

POLICY

The Detentions Bureau maintain a system for incarcerated persons to communicate their grievances relating to any condition of confinement to facility staff and administration. The intent of this system is to ensure that incarcerated person grievances are resolved in a reasonable and timely manner.

Whenever possible, deputies will resolve verbal grievances informally. When the deputy is not able to resolve the grievance issue informally, the incarcerated person may submit a written grievance.

Each written grievance a deputy receives will be forwarded directly to the on-duty shift supervisor, who will act upon it if appropriate, or forward it to the compliance section manager.

All written grievances, responses and appeals will be forwarded to the Lerdo Compliance Section for tracking and archiving.

DIRECTIVE #1

Incarcerated person will be notified of their ability to use the grievances system during the intake process. This notification will be documented on a Grievance Acknowledgement Form (Attachment ‘D’).

Grieve-able conditions of confinement may include, but are not limited to:
Medical and or mental health care, classification actions, disciplinary actions, program

participation, telephone, mail, visiting, procedures, food, clothing and bedding.

DIRECTIVE #2

Incarcerated persons who are illiterate, disabled, or non-English speaking, may seek assistance from other incarcerated persons or facility staff when preparing a grievance, Requests for such assistance that cannot be reasonably accommodated by facility staff will be referred to the Facility Administrative Sergeant. If the incarcerated person is a Federal contract incarcerated person, the Administrative Sergeant will notify the Federal Liaison Sergeant.

DIRECTIVE #3

All non-English speaking incarcerated persons may utilize Language Line Services in accordance with Section G-1210 of the Detentions Bureau Policy and Procedure Manual.

DIRECTIVE #4

Grievances involving sexual abuse, sexual harassment or staff sexual misconduct will be referred for investigation and/or criminal complaint appropriate. The shift supervisor will notify the PREA Coordinator and the appropriate Section Manager of any such grievances received.

DIRECTIVE #5

All written grievances, responses and appeals will be tracked by the Lerdo Compliance Section. Each facility will have a designated grievance box. The Compliance Section will check the grievance box at each Lerdo Facility daily, with the exception of weekends and holidays.

DIRECTIVE #6

The Inmate Receiving Center (IRC) Administrative Sergeant will scan and e-mail all grievance material to the Compliance Section SST. The original materials will be marked as “e-mailed to compliance”. Dated and forwarded to the Compliance Section SST for archiving.

Procedure A: Accepting Incarcerated Person Grievances

Deputies will make every reasonable effort to resolve incarcerated person grievances informally so that a written grievance is not necessary. However, if the deputy cannot resolve the grievance and the incarcerated person still requests a grievance form, the deputy will have the incarcerated person an incarcerated person grievance form.

DIRECTIVE A-1

Written grievances must, at a minimum, include the following:

- The name and booking number of the incarcerated person submitting the grievance;
- The time, date and location of the incident;
- The names of the persons involved;
- The issue the incarcerated person is grieving, including a brief statement of the facts regarding the incident;
- The remedy being requested;

A written grievance may not address more than one issue.

Grievances may not be written on behalf of a group of incarcerated persons, or housing unit.

Deputies will accept grievances alleging staff misconduct. Incarcerated persons will not be required to resubmit such grievance on a personnel complaint form.

If a deputy receives an anonymous grievance or the incarcerated person wants to remain anonymous. The deputy will continue to accept and handle the grievance required of DIRECTIVE A-1 of this section.

Upon receipt of a completed incarcerated person grievance form, The Deputy will:

- Read the grievance and ensure that the grievance conforms to the requirements of DIRECTIVE A-1 of this section. If it does not, return the form to the incarcerated person, and instruct the incarcerated person to re-submit the grievance with the necessary corrections unless the inmate wants to remain anonymous.
    - Print their name and CAD ID# legibly in the “Received By” section;

- Complete the "Date Received" section;
- Print the name of the on-duty shift supervisor in the "Forwarded to" section;

- Give the completed yellow copy of the form to the incarcerated person
- Give the completed form to the on-duty shift supervisor.

Upon receipt of an "Anonymous" grievance form,

The deputy will:

- Print "Anonymous" in the name and booking section.
- Print their name and CAD ID# legibly in the "Received By" section;
- Complete the "Date Received" section;
- Print the name of the on-duty shift supervisor in the "Forwarded to" section;

- Give the completed yellow copy of the form to the incarcerated person if known
- Give the completed form to the on-duty shift supervisor.

The Shift Supervisor will:

- Read the grievance;
- Print their initials and CAD ID next to their name to confirm they have read the grievance.

If the grievance involves a safety concern (i.e.; an issue in which delay may cause a substantial risk of personal injury or damage),

- Act to resolve the grievance;
- Place the original grievance form and a copy of their response signed by the incarcerated person in the facility grievance box;
- Additionally, if the grievance involves allegations of sexual abuse, or harassment follow the protocol outlined in DBPPM P-0500. Notify the PREA

Coordinator and the appropriate Section Manager of any such grievances received.

If the grievance does not involve a safety or security concern, forward the grievance to the compliance section for processing by placing it in the facility grievance box.

If the grievance involves staff misconduct, as defined in Department Policy Section D0300, forwards the grievance to the appropriate section manager;

If the grievance was submitted more than 10 days after the incident in question, the supervisor will determine if there is good cause for the grievance to be late;

- If there is a good cause for the grievance to be late, the supervisor will forward it to the compliance section for processing by placing it in the facility grievance box;

- If there is no good cause for the grievance to be late, the supervisor may respond to the grievance (as detailed in procedure B of this section) by indicating that it was submitted late and will not be acted upon. The supervisor will place the grievance and their response in the facility grievance box.

Note: The 10-day rule does not apply to grievances alleging staff misconduct – all such grievances must be processed.

The Compliance Section SST will:

- E-mail a scanned copy of unanswered grievances to the appropriate supervisor or section manager for response.

- Notify the supervisor or section manager of the response deadline date.

Procedure B: Responding to Incarcerated Person Grievances

Directive B-1

Staff will not be assigned to respond to a grievance in which they are a subject named in the grievance.

The Supervisor or Section Manger will:

- Respond to the grievance, or assign a staff to prepare a response.

The staff member responsible for delivering the response will:

- Take both the original and a copy of the response form to the incarcerated person;

- Give the copy of the response form to the incarcerated person and have them sign the original;

  - If the incarcerated person refuses to sign, write “refused” on the response form, after “refused”, write the time and date of the refusal and sign the form;

- If the incarcerated person wants to appeal the response, advise them that they may write a letter to section manager or submit a request slip with the “appeal box” marked;

- Return the completed response form signed by the incarcerated person to the Shift Supervisor.

The Shift Supervisor will:

- Review the response;

- Scan and e-mail the completed forms to the Compliance Section SST.

The Compliance SST will:

- Email a copy of the scanned grievance and completed response forms to the appropriate facility administrative sergeant.

The Facility Administrative Sergeant will:

- Forward copies of the grievance and response forms to the section manager via e-mail;

- Print the copies of the grievance and response forms and place them in the incarcerated person's file.

Procedure C: Incarcerated Person Grievance Response Appeals

Any staff member who receives an appeal to a grievance response will give the appeal to the on-duty shift supervisor.

Upon receipt of an appeal to a grievance response, the Shift Supervisor will place the appeal in the facility grievance box.

The Compliance SST will:

- E-mail the appeal to the appropriate supervisor or section manager for response;
- Notify the supervisor or section manager of the appeal response deadline date.

The Supervisor or Section Manager responsible for responding to the appeal will:

- Using the appeal response form (Attachment B), respond to the appeal as soon as practical, but no later than the response date stamped on the appeal;
- If the response due date has already passed, indicate the reason for the delay in the narrative of the response;
- If the person responding is the section manager, check the box at the bottom of the form that indicates the incarcerated persons has exhausted their administrative remedies;
- Forward the appeal and the response to the facility shift supervisor for delivery to the incarcerated person.

The Shift Supervisor will:

- Assign a deputy to deliver the response to the incarcerated person.

The assigned Deputy will:

- Make a copy of the response;
- Take both the original and the copy of the response form to the incarcerated person;
- Give the copy of the response form to the incarcerated person and have them sign the original;
- If the incarcerated person refuses to sign, write “refused” on the response form. After “refused”, write the time and date of the refusal and sign the form;
- Return the signed original to the shift supervisor, who will place the forms in the facility grievance box.

The Compliance Section SST will:

- E-mail a copy of the scanned grievance appeal and response to the appropriate facility administrative sergeant.

The Facility Administrative Sergeant will:

- E-mail copies of the grievance appeal and completed response form to the section manager;

- Print the copies of the grievance appeal and completed response forms and place them in the incarcerated person's file.

Procedure D: Incarcerated person Abuse of the Grievance System

An incarcerated person may be determined to be abusing the grievance system if the incarcerated person:

- Submits repeated grievances or appeals regarding the same issue without allowing sufficient time for a response;

- Submits repeated grievances or appeals regarding an issue for which the incarcerated person has exhausted their administrative remedies;

- Submits repeated grievances or appeals that are frivolous, malicious, or include abusive, foul, or obscene language (unless they are quoting what was said);

- Submits repeated grievances after the ten-day time limit has expired when there is no good cause for the grievances to be submitted late.

When a supervisor who is responding to a grievance believes that the incarcerated person is abusing the grievance system, the supervisor will notify the section manager of the specific abuse.

If the section manager determines that the incarcerated person is abusing the grievance system, they may suspend the incarcerated person's ability to submit non-health/safety related grievances for up to 30-days. The section manager will prepare a letter of suspension (Attachment 'C') and ensure that it is delivered to the incarcerated person.

The deputy assigned to deliver the letter of suspension will:

- Give the incarcerated person a copy of the letter and instruct the incarcerated person to sign the original;

- If the incarcerated person refuses to sign, write "refuse" on the response form. After "refused", write the time and date of the refusal and sign the form;

- Forward the letter to the administrative sergeant, who will ensure that a copy is placed in the incarcerated person's file and that the signed original is filed and retained for a minimum of five years.

Once an incarcerated person's ability to submit grievances has been suspended, grievances submitted by that incarcerated person will still be accepted and forwarded to the shift supervisor.

The shift supervisor will handle the grievance as follows:

- If the grievance involves an issue that may cause substantial risk of personal injury or damage, or alleges staff misconduct as described in Department Policy Section D-0300, act upon and respond to the grievance as detailed in Procedure A and B of this section.

- If none of the conditions described above apply, respond to the grievance as detailed in Procedure B of this section. Indicate in the response that the grievance will not be acted upon because the incarcerated person's ability to submit grievances has been suspended. No further response is necessary.

- Place the original grievance and response in the facility grievance box.

Procedure E: Grievance Alleging Staff Misconduct

- Upon receipt of grievance alleging staff misconduct,

The section manager will:

- Review the grievance and determine the appropriate level of investigation.

- If the grievance will be investigated at the facility level:

- Designate a supervisor level staff member to investigate the claim;

- Scan and e-mail a copy of the grievance to the compliance Sergeant to obtain a tracking number and response due date.

If the grievance will be forwarded to internal affairs for investigation:

- Send an e-mail to the compliance Sergeant to obtain a tracking number including the following information:

- Incarcerated person's name and booking number;
- Date of grievance;
- Date received;
- Nature of allegations (sexual abuse; staff misconduct, etc.)