
Inmate Grievances

609.1 PURPOSE AND SCOPE

The purpose of this policy is to establish a process by which inmates may file grievances and receive a formal review regarding the conditions of their confinement.

609.2 POLICY

It is the policy of the Nevada County Sheriff's Office that any inmate may file a grievance relating to conditions of confinement, which includes release date, housing, medical care, food services, clothing, bedding, hygiene and sanitation needs, recreation opportunities, classification actions, disciplinary actions, program participation, telephone and mail use procedures, visiting procedures and allegations of sexual abuse (15 CCR 1073).

Grievances will not be accepted if they are challenging the rules and policies themselves, state or local laws, court decisions and probation/parole actions.

Retaliation for use of the grievance system is prohibited.

All inmates, no matter their classification level or disciplinary status, may file a grievance according to this policy.

609.3 ACCESS TO THE GRIEVANCE SYSTEM

All inmates shall be provided with a grievance process for resolving complaints arising from facility matters with at least one level of appeal.

Information concerning the grievance system will be contained in the inmate informational handbook. Information regarding the grievance process will be provided to inmates in the language they understand.

The information will include (15 CCR 1073(a) and (b)):

- (a) A grievance form or instructions for registering a grievance.
- (b) Instructions for the resolution of the grievance at the lowest appropriate staff level.
- (c) The appeal process to the next level of review.
- (d) Written reasons for denial of a grievance at each level of review.
- (e) A provision of required timeframes for responses.
- (f) A provision for resolving questions of jurisdiction within the facility.
- (g) Consequences for abusing the grievance system.

609.4 INMATE GRIEVANCE PROCEDURES

Staff shall attempt to informally resolve all grievances at the lowest level. All attempts to resolve a grievance shall be documented in the inmate's file. If there is no resolution at this level, the

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inmate may request a grievance form. Officers shall provide a grievance form to the inmate within a reasonable timeframe.

[See attachment: Grievance Form.pdf](#)

The inmate should be advised to complete the form and return it to any staff member. A grievance should be filed by an inmate within 14 days of the complaint or issue. Exceptions will be made for good cause. There will be no time limit for PREA related incidents.

Inmates cannot file a grievance on behalf of another inmate but an inmate or third-party may assist the inmate in the preparation of a grievance. Custody staff may take reasonable steps to assist the inmate in the preparation of a grievance if requested. Group or "Class Action" grievances will not be accepted.

Upon receiving a completed inmate grievance form, the staff member shall confirm the grievance is completely filled out and then shall acknowledge receipt of the grievance by signing the form and giving a copy to the inmate. The staff member receiving the form shall gather all associated paperwork and reports and immediately forward it to the on-duty supervisor.

Only 1 topic per grievance form will be accepted. A grievance submitted with more than 1 topic will be returned and marked "grievance returned, multiple issues". Returned grievances will be documented in an incident report and the grievance will be scanned into the inmate's electronic file in the computer system.

609.4.1 EXCEPTION TO INITIAL GRIEVANCE FILING

Inmates may request to submit the grievance directly to a supervisor or mail it directly to the Facility Captain or their designee if they reasonably believe the issues to be grieved are sensitive or that their safety would be in jeopardy if the contents of the grievance were to become known to other inmates.

Inmates with limited access to mail privileges or are indigent may place their grievances in a sealed envelope labeled "Grievance" and deposit it in the regular mail boxes in the housing units or give the sealed envelope to a staff member. These envelopes will be delivered directly to the Facility Captain or their designee and not forwarded to the United States Postal Service.

609.4.2 EMERGENCY GRIEVANCES

Inmates filing emergency grievances should use a grievance forms. The inmate must include in the grievance why it is an emergency grievance. Emergency grievances will be delivered to the on-duty supervisor immediately. The on-duty supervisor will review the grievance to verify it is an emergency. If the grievance is verified as an emergency, the on-duty supervisor will either answer the grievance, forward it to the Operations Lieutenant or higher or Medical Staff if the grievance is health related. The respondent will respond to the grievances at the earliest possible time, but no later than 48 hrs, excluding weekends and holidays.

Normal handling procedures will apply if the grievance is not a true emergency.

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Emergency grievances include, but are not limited to medical treatment, fire and life safety complaints, PREA related incidents/complaints, and claims concerning missed release dates.

609.4.3 TIMELY RESOLUTION OF GRIEVANCES

Upon receiving a completed inmate grievance form, the supervisor will review the initial grievance and assign it a log number. The on-duty supervisor will either investigate and resolve or deny the grievance directly or forward the grievance to the appropriate party to answer.

Grievances related to medical care should be investigated by the medical staff or the authorized designee. The findings of that investigation, along with any recommendations, shall be forwarded to the Executive Lieutenant and the Facility Captain for review.

Grievances about food-related matters should be investigated by the food services manager. The findings of that investigation, along with any recommendations, shall be forwarded to the Operations Lieutenant and the Facility Captain for review.

Upon return of the reviewed grievance to the on-duty supervisor, the on-duty supervisor will scan the grievance and response into the inmate's electronic file in the computer system, file the original white copy and response on the grievance log and give a photocopy of the response to the inmate.

Written responses will be returned to the inmate within 10 business days. The time limit may be extended for good cause. If the time limit is extended, the affected inmate will be given written notice informing them of the extension and the reason for the extension.

609.4.4 APPEALS TO GRIEVANCE FINDINGS

There are 2 levels of review in the jail grievance process.

- Level 1: Respondent will be a supervisor or appropriate party.
- Level 2: Respondent will be a lieutenant or higher or appropriate authority.

[See attachment: Grievance Appeal Form.pdf](#)

If the inmate is not satisfied with the initial response the inmate may request a level 1 appeal. Upon receiving the grievance appeal form, the staff member shall confirm the grievance appeal form is completely filled out and then shall acknowledge receipt of the grievance by signing the form and giving the pink copy to the inmate. The staff member receiving the form shall forward the grievance appeal form to the on-duty supervisor. The on-duty supervisor will either investigate and resolve or deny the grievance directly or forward the grievance to the appropriate party to answer.

If the inmate is not satisfied with the level 1 appeal response, the inmate may request a level 2 appeal. Upon receiving the grievance appeal form, the staff member shall confirm the grievance appeal form is completely filled out and then shall acknowledge receipt of the grievance by signing the form and giving the pink copy to the inmate. The staff member receiving the form shall forward

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the grievance appeal form to the on-duty supervisor. The on-duty supervisor will forward the grievance to the appropriate party to answer.

Upon return of the reviewed grievance appeal to the on-duty supervisor, the on-duty supervisor will scan the grievance appeal and response into the inmate's electronic file in the computer system, file the original white copy and response on the grievance log and give a photocopy of the response to the inmate.

In all levels of appeal, written responses will be returned to the inmate within 10 business days. The time limit may be extended for good cause. If the time limit is extended, the affected inmate will be given written notice informing them of the extension and the reason for the extension.

Appeals related to sexual abuse allegations shall be confirmed or denied by the Operations Lieutenant or higher within 10 calendar days.

609.4.5 RECORDING GRIEVANCES

The Operations Lieutenant should maintain a grievance log in a central location accessible to all supervisors. The supervisor who originally receives a grievance shall record the grievance, along with its finding, on the grievance log. Periodic reviews of the log should be made by the Facility Captain or the authorized designee to ensure that grievances are being handled properly and in a timely manner. The grievance and the response pages will be scanned into the inmate's electronic file in the computer system.

The original grievance should be retained in a file maintained by the Facility Captain or the authorized designee, and shall be retained in accordance with established records retention schedules.

609.4.6 FRIVOLOUS OR EXCESSIVE GRIEVANCES

Inmates shall use the grievance process only for legitimate problems or complaints. If there is concern that an inmate is abusing the grievance process, the Facility Captain or authorized designee may classify an inmate as a grievance abuser if the inmate:

- Repeatedly files frivolous grievances
- Repeatedly files nuisance grievances
- Grievances that reference the same issue and are sent to multiple recipients
- Refiles a grievance that has already been appropriately addressed during the appeals process
- Does not file a grievance in good faith
- Repeatedly files excessive grievances on issues that have already been addressed

If an inmate is designated as a grievance abuser the Facility Captain or authorized designee may impose limitations on the inmate's ability to file grievances. The limitation does not apply to emergency or PREA grievances filed in good faith.

He/she shall be informed that continued behavior may also result in disciplinary action.

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609.5 GRIEVANCE AUDITS

The Facility Captain should perform an annual audit of all inmate grievances and complaints filed the previous calendar year. The Facility Captain should forward a memorandum to the Undersheriff detailing the findings, including recommendations regarding any changes to policy or procedures or any additional training that might be warranted to reduce future complaints. Specific identifying information regarding dates, times or individuals named in the complaints is not part of this process and should not be included in the memorandum.

The Undersheriff should evaluate the recommendations and ensure appropriate action is taken.

Any training issues identified as a result of this audit should be forwarded to the Administrative Sergeant who will be responsible for ensuring all necessary and required training is scheduled and completed.

609.6 ADDITIONAL PROVISIONS FOR GRIEVANCES RELATED TO SEXUAL ABUSE

The following apply to grievances that relate to sexual abuse allegations (28 CFR 115.52; 15 CCR 1029):

- (a) Inmates may submit a grievance regarding an allegation of sexual abuse at any time.
- (b) Third parties, including fellow inmates, staff members, family members, attorneys, and outside advocates, are permitted to assist inmates in filing such grievances and to file such grievances on behalf of inmates if the inmate agrees to have the grievance filed on his/her behalf. Staff members who receive a grievance filed by a third party on behalf of an inmate shall inquire whether the inmate wishes to have the grievance processed and shall document the inmate's decision.
- (c) Grievances may be submitted to any staff member and need not be submitted or referred to the staff member who is the subject of the complaint. Lockboxes for anonymous submissions of a grievance are located at A and B pod control and in Medical and N section Dayrooms.
- (d) Staff receiving a grievance shall forward the grievance to a supervisor. Grievances shall not be forwarded to any supervisor who is the subject of the complaint. The supervisor receiving the grievance shall conduct an investigation. Inmates and staff are not required to attempt to informally resolve grievances related to sexual abuse.
- (e) The Operations Lieutenant shall ensure that grievances related to sexual abuse are investigated and resolved within 90 days of the initial filing. Computation of the 90-day time period shall not include time consumed by inmates in preparing any administrative appeal. The Operations Lieutenant may grant an extension of up to 70 days if reasonable to make an appropriate decision. If an extension is granted, the inmate shall be notified in writing and provided a date by which a decision will be made.
- (f) At any level of the process, including the appeal, if the inmate does not receive a response within the allotted time, including any properly noticed extension, the inmate may consider the absence of a response to be a denial at that level.
- (g) Inmates may be disciplined for filing a false grievance related to alleged sexual abuse only when it is determined that the inmate filed the grievance in bad faith.

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609.6.1 EMERGENCY GRIEVANCES RELATED TO SEXUAL ABUSE

Any inmate who believes he/she or any other inmate is in substantial risk of imminent sexual abuse may file an emergency grievance with any supervisor. The supervisor shall determine whether immediate action is reasonably necessary to protect the inmate, shall provide an initial response within 48 hours and issue a final decision within five calendar days.

After the investigation is complete, the supervisor will forward the information to the PREA manager.

The initial response and final decision shall be documented and shall include a determination whether the inmate is in substantial risk of imminent sexual abuse and identify actions taken in response to the emergency grievance (28 CFR 115.52).

If the emergency grievance is determined not to be an emergency, the grievance may be processed as normal or returned to the inmate. The inmate will be required to follow normal grievance procedures. A written explanation of why the grievance does not qualify as an emergency will be provided to the inmate.

609.7 TRAINING

The Administrative Sergeant shall ensure that all custody staff receive initial and periodic training regarding all aspects of this policy. All training delivered should include testing to document that the employee understands the subject matter.

Attachments

Grievance Appeal Form.pdf

GRIEVANCE FORM.pdf

GRIEVANCE RESPONSE FORM

Initial Grievance: To be completed within 10 business days. Inmate to be provided a photocopy of response.

Response: _____

Responding Officer: _____ Date of Reply: _____

Level 1 Appeal: To be completed within 10 business days. Inmate to be provided a photocopy of response.

Response: _____

Level One Reviewer: _____ Date of Reply: _____

Level 2 Appeal: To be completed within 10 business days. Inmate to be provided a photocopy of response.

Response: _____

Level Two Reviewer: _____ Date of Reply: _____

Grievance Log #: _____