



## **INMATE GRIEVANCES**

### **POLICY.**

It is the policy of the Deschutes County Sheriff's Office – Adult Jail (AJ) to provide inmates an internal grievance process to resolve complaints about conditions of confinement. The process should resolve complaints at the lowest level possible.

### **PURPOSE.**

The purpose of this policy is to provide procedures for an administrative forum to address inmate grievances in a fair, timely and effective way. The procedures in this policy do not give inmates any rights or liberty interests.

### **OREGON JAIL STANDARDS:**

- C-501 Function of Grievance Process
- C-502 Resolution at Lowest Level
- C-503 Scope of Grievance Process
- C-504 Emergency Grievances
- C-505 Retaliation Prohibited
- G-103 Cost of Health Care Services
- G-212 Monitoring Medical Requests

### **REFERENCES:**

- 21 United States Code Section 1997e, Suits by Prisoners
- Prison Litigation Reform Act of 1995
- ORS 34.010 to 34.100, Writ of Review
- ORS 169.150, Payment of Expenses of Keeping Prisoners; Health Care Fees
- DCAJ Policy [CD-5-8, Time Computation](#)
- DCAJ Policy [CD-6-3, Rules and Discipline](#)
- DCAJ Policy CD-10-8, Emergency Medical Care

### **DEFINITIONS.**

**Confidential grievance.** A complaint that alleges staff misconduct, has the inmate in fear of retaliation from staff or another inmate, or concerns an extremely personal health care issue.

**Corrections Supervisor.** A corrections sergeant or lieutenant, the Corrections Captain, or the Sheriff.

**Chronic abuser.** An inmate currently or previously classified as a grievance abuser who continues to commit the acts of grievance abuse.

**Emergency grievance.** A complaint about a condition that threatens a person's life, health, safety, or PREA related complaint. A situation of a time sensitive nature that may cause undue harm or hardship, like a missed release date.

**Formal grievance.** 1) A written complaint that an inmate files with jail administrators using a form generated by the computerized grievance log. 2) A confidential grievance that an inmate writes on plain paper and mails to an intended responder.

**Frivolous grievance.** A grievance about a petty, trifling, or no-remedy available issue that makes it unworthy of serious attention.

**Good faith.** To be honest in conduct and transactions; to deal fairly; to observe the legal and generally accepted corrections standards for grievance systems. Good faith does not include evading the spirit of the process, lack of diligence, interfering with another person's ability to perform, failing to cooperate with others, abuse of power, deliberately doing only partial compliance, misrepresenting facts with the intent to mislead, apparent inaccuracies, malicious intent, and manipulation of the grievance process.

**Grievance.** A complaint by an inmate about a condition of confinement that causes hardship or harm.

**Grievance abuser.** An inmate who intentionally files frivolous and/or nuisance grievances repeatedly.

**Informal grievance.** 1) A complaint or concern where an inmate and staff verbally discuss its merits and try to resolve. 2) A non-sensitive complaint or concern that an inmate puts in writing on something other than an official jail grievance form.

**Intentional abuse.** To deliberately act to deceive or harm another person or entity, to damage resources, or cause the improper use of resources.

**Merit.** The facts of the matter apart from jurisdiction, form, or procedures. The standing, worth, or significance to the administrative or legal process.

**Nuisance grievance.** A grievance filed by an inmate with the apparent intent to harass staff or take up their time.

## **PROCEDURES.**

**SECTION A: INFORMAL GRIEVANCE PROCESS**

- A-1. Resolving Grievances Informally.** Staff will encourage inmates to discuss their concerns and complaints openly. Both staff and inmates are responsible for trying to resolve grievances informally and promptly at the line staff level. This includes investigating the complaint and giving the inmate an answer.
- A-2. Need for Informal Resolution.** Informal resolution allows inmates to avoid using the formal grievance process and not having to confront people or conditions of jail that they wish to avoid.
- A-3. Documenting Resolved Informal Grievances.** When a staff member resolves or tries to resolve a grievance of merit informally, he will write a very short note and log in the Jail Management System, in the inmate's file under Incidents. The note should include the inmate's name, the grievance, and the action taken. The inmate does not have to agree with the action.
- A-4. Written Informal Grievance.** When staff receives a written grievance on something other than a grievance log form, they will return it to the inmate. They will first talk to the inmate and try to resolve the issue. An exception to this is if it is an emergency or confidential grievance. In these cases, staff will respond to the grievance as if it was formal grievance. (See *Types of Special Grievances*, Section F, for handling emergency and confidential grievances.)

**SECTION B: FORMAL GRIEVANCE PROCESS**

- B-1. Functions of the Grievance Process.** Corrections staff will use the grievance process to do the following:
- a. Afford inmates a formal process to address complaints and other concerns.
  - b. Provide two-way communications between administrators and inmates about inmate complaints and concerns by means of administrative review.
  - c. Allow the Corrections Captain a means to identify operational dysfunction, inmate frustration, and other management problems.
  - d. Provide a system for numbering, tracking and retention of inmate grievances and of management's responses.
  - e. Provide for a requirement that inmates submit their grievance in written form, and set guidelines and time limits for written management responses.
  - f. Provide understandable procedures and requirements for inmates to initiate, and staff, to process and resolve grievances.
  - g. Define what it means to fully exhaust the grievance process in or out of custody.
  - h. Reinforce the policies, procedures, and rules for inmate conduct.
  - i. Review the effectiveness of policies and procedures for jail operations.
  - j. Review the performance of staff, including interpersonal skills.
  - k. Monitor the quality of basic services.
  - l. Defend against civil lawsuits brought by inmates.

- m. Assess the working and living climate of the jail.
- n. Maintain control of inmates in a humane and effective way.

**B-2. Grievable Issues.** An inmate may grieve confinement issues that corrections staff have control over. In addition, the issue must personally affect the inmate and there must be a reasonable remedy. Specific issues that an inmate may grieve include, but are not limited to, the following:

- a. Policies and procedures that deal with the treatment of inmates.
- b. Jail practices.
- c. Jail rules.
- d. Living conditions.
- e. Unprofessional behavior or actions of staff.
- f. Actions of other inmates.
- g. Programs, including inmate worker issues.
- h. Inmate services, like food, mail, visiting, commissary, laundry, and telephones.
- i. Custody status.
- j. Health care and health care costs.
- k. Inmate account transactions.
- l. Informal disciplinary sanctions.

**B-3. Non-grievable Issues.** The grievance process is intended to be used as a means of receiving, processing, and resolving inmate complaints including, but not limited to, those involving policies, procedures, practices, regulations, conditions and staff conduct. In general, all inmate complaints are grievable, **except** complaints involving the following:

- a. Actions or decisions not under the authority and control of corrections staff, such as those of the courts or a parole and probation officer. Specific examples are detainees and other agency holds.
- b. A disciplinary hearing sanction or formal discipline due process. Inmates are to use the disciplinary appeal process to file complaints on these matters.
- c. Classification assignments. Inmates are to use the classification appeal process to challenge their assigned classification level.
- d. Incidents or problems to which the inmate was not a party. (One inmate may not file a grievance on behalf of another.)
- e. A collection of unrelated complaints. (Staff will only allow one issue on a grievance form.)
- f. Group grievances (A grievance signed by two or more inmates.)

**B-4. Communicating the Grievance Process to Inmates.** The Corrections Captain will make sure the Inmate Manual contains information on grievance procedures. If necessary, corrections deputies or an interpreter will explain these procedures to an inmate when the inmate is unable to read or understand spoken English.

**B-5. Access to Grievance Process.** All inmates, no matter their supervision, classification level, or disciplinary status may file a grievance according to this policy. (A grievance

abuser or chronic abuser is subject to the limits of this policy.) Inmates will get all grievance and appeal forms from a deputy. Deputies must issue a grievance form upon request. Staff must not interfere with or delay an inmate's attempt to file a grievance or an appeal, nor delay a response without just cause.

- B-6. Help in Filing a Grievance.** One inmate may help another prepare a written grievance or appeal. Staff may assist the inmate themselves or will arrange to have another person aid the inmate that needs help in filing a grievance because of a disability, language barrier, or literacy difficulty. The complaining inmate must sign and turn in the form.
- B-7. Protection from Retaliation.** Corrections staff must not retaliate against an inmate who files a grievance in good faith. Retaliation includes a threat or action which potentially violates an inmate's civil rights, such as:
- a. Discriminates against, harasses, coerces, or punishes an inmate.
  - b. Is intended to reduce the willingness of inmates to file grievances.
- B-8. Process Impartiality.** The person responding to or investigating a grievance must be reasonably impartial. The person should not have any direct personal involvement in the event or conduct behind the grievance, nor any direct conflict of interest. A corrections lieutenant will appoint an appropriate supervisor to deal with a grievance where a conflict of interest exists.
- B-9. Grievance Coordinator.** Normally, the shift lieutenant will serve as the grievance coordinator. The Corrections Captain may appoint another staff member. The grievance coordinator will oversee the day-to-day workings of the grievance process to make sure responses are made to all formal grievances and appeals in a proper and timely manner and that staff serve inmates with responses.
- B-10. File Maintenance and Access.** The Corrections Captain will make sure staff maintains a filing system and log for grievances. Access to the files, database, and individual grievances will be as the Corrections Captain directs. The grievance coordinator will file a copy of grievances in a master file. Grievances will be scanned into the inmate's file in the Jail Management System.
- B-11. Confidentiality of Grievances.** Staff will take reasonable actions to maintain the confidentiality of a grievance while it moves through the process. Staff will treat the inmate's copy of a grievance form as the inmate's personal property and as legal material that staff may not read.
- B-12. Grievance Log.** Deputies will use the inmate's JMS file to log a grievance. Staff will print out grievance forms, enter details/narratives as necessary to chronicle the life of the grievance, record responses and upload each grievance response to the JMS. Grievance appellate authorities will also use the JMS to log/record appeal decisions. A shift lieutenant will use the JMS to update appeal responses from the Sheriff and Facility Provider, who may use a memorandum to reply.

**B-13. Staff Training.** All corrections staff will receive initial and refresher training on the grievance process. Shift supervisors will act as trainers tailoring the training to fit the duties of the staff position, as follows:

- a. Training for deputies and lower-level responders will include hands-on training.
- b. Refresher training will be “as required” or when procedures change; it may be in written or classroom form.
- c. Shift lieutenants will ensure ways to handle grievances informally are included as a part of interpersonal communications training for deputies.
- d. Shift lieutenants will provide feedback to trainers and supervisors on issues and trends that call for staff training.

**B-14. Grievance Process Review.** Annually, the Corrections Captain should assemble an impartial committee to do a review of the grievance process. It may include the Sheriff’s Office legal counsel, other corrections supervisors, and the Facility Provider. The review should include the following:

- a. Number and types of grievances.
- b. Handling of grievance records.
- c. Degree to which final settlement occurs at a grievance level.
- d. Quality of responses.
- e. Fairness of remedies.
- f. Timeliness of filings and responses.
- g. Adequacy of policies and procedures.
- h. Adequacy of the grievance section of the Inmate Manual.

### ***SECTION C: FILING A FORMAL GRIEVANCE***

**C-1. Filing a Formal Grievance.** Staff will not normally allow an inmate to file a formal grievance until the inmate has tried to resolve the grievance informally by talking with applicable staff. Exceptions include a confidential grievance or one that line staff does not have the means to resolve. If an inmate and staff are unable to resolve the grievance informally, the inmate may file a formal grievance. Staff then must issue a grievance form to the inmate. If an inmate is classified as an abuser and has reached his filing limit for the period, staff will contact the shift supervisor if the inmate persists in wanting to file a grievance. (See *Grievance Limits and Abusers*, Section G, for more on grievance abusers.)

**C-2. Filing Time Limits.** An inmate should file the grievance within 7 days after the event or knowledge of the event causing the problem. A deputy may contact the shift supervisor if the inmate persists in wanting to file a grievance after the 7-day mark. Though staff will accept the filing of grievance after the 7-day mark, they will not act on resolving a grievance if it is filed more than 30 days since the event or knowledge of the event. (See *Responding to Late-Filed Grievances*, Section D.)

**C-3. Issuing a Grievance Form.** If a grievance is not resolved informally and the inmate asks to submit a formal written grievance, the deputy must give the inmate a grievance form. The deputy will do the following to generate the grievance form:

- a. Open the incident file and select the grievance category and enter the required information, then “save” it. (The computer will self-generate an incident/grievance number.) A deputy must then complete all computer entries once a grievance is started even if the inmate decides to withdraw the grievance, including:
  - 1) Housing unit.
  - 2) Grievance category and, if applicable, grievance subcategory.
  - 3) Grievance summary.
  - 4) Issued by.
  - 5) Notes (optional information not to be seen by the inmate).
- b. Print the Grievance Form No. 611 and add the incident/grievance number to the form. Give the inmate the printed copy with instructions to write the grievance on the form, sign it, and return it before the end of the shift. If the inmate wants a copy of his handwritten portion of the grievance he submits, the inmate must make a copy of it by hand.

**C-4. Inmate Return of the Grievance Form.** While in-custody, an inmate has until the end of the issuing deputy’s shift to return the form (filled out or not) or mail it to the Corrections Captain or Sheriff if the inmate is in fear of reprisal. The issuing deputy will collect the grievance by the end of his shift even if the grievance is not complete. If the inmates asked for a form near the end of the deputy’s shift, the deputy may have the relieving deputy issue the form immediately after shift change so the inmate has more time to fill it out. A corrections supervisor may authorize more time to complete a form.

If an inmate has been released or transported, they may continue to pursue the grievance process through the U.S. Postal Service (USPS) mail. All grievances should be mailed to the Deschutes County Sheriff’s Office – Adult Jail (Attention: Administrative Lieutenant). It is the inmate’s responsibility to provide a good return address for response to their grievance, and to clearly explain whether you wish to continue the appeal process.

**C-5. Grievances Returned to the Deputy.** The deputy will do the following when the inmate returns the form:

- a. Make sure the grievance meets the criteria listed below. If it does not meet the criteria, the deputy will return the form to the inmate for correction. He will make a note of the reason why it was returned in the grievance narrative section of the inmate’s JMS file. The grievance must:
  - 1) Be legible.
  - 2) Meet the criteria for being a grievable issue.
  - 3) Be limited to a single issue.
  - 4) Be free of profane language or offensive material used in a disrespectful manner.

- 5) Include details of the location, involved staff and witnesses, and approximate date and time of the even being grieved.
  - 6) Include an explanation of what relief or remedy they are seeking.
  - 7) Be signed.
- b. If an inmate decides not to submit the grievance and turns in an incomplete form or did not fill it out by the end of the shift, note the grievance as “withdrawn” as the staff response.
  - c. Complete “filed by” and all relevant date information in the JMS incident/grievance report.
  - d. Scan the completed/signed grievance into the JMS incident attachment section.
  - e. Give a copy of the grievance to the inmate.
  - f. Forward the completed grievance to the appropriate responder, normally the shift sergeant.
  - g. The shift lieutenant will note in the JMS grievance narrative who it was forwarded to if it was someone other than the shift sergeant.

#### ***SECTION D: RESPONDING TO A FORMAL GRIEVANCE***

**D-1. Sergeant Review.** A corrections sergeant will do a timely review of each formal grievance. If possible, the sergeant will try to resolve the grievance at this point. If not resolved, the sergeant will send the form on to the person or work group that can best respond to the grievance. He should make a note of this in the incident/grievance report.

**D-2. Response Criteria and Time Limit.** Staff must respond to grievances in good faith. Staff will serve the inmate with a written response to all formal grievances within 7 days of the filing date. This includes frivolous, nuisance, and other types of abusive grievances. For these types, the responder need only say something like “frivolous—no action taken.” If an inmate does not receive the response or a response extension back within 7 days, the inmate will consider the response as “Denied—lacks merit.” The inmate may then file an appeal.

Staff will not respond (except to close them as improper) to improperly filed grievances, grievances that don’t provide required information, grievances that raise more than one issue, and grievances that don’t include the inmate’s suggested remedy.

Staff will document in the grievance narrative section whenever they provide an inmate a verbal explanation for why a grievance did not meet criteria for formal response.

**D-3. Response Time Limit Extensions.** The responder may extend the time limit to respond to a grievance for good cause. The responder will send the affected inmate a notice informing them of the extension. The responder may adjust response limits to be in line with the timeliness the inmate showed in filing the grievance. An extension notice is optional for a slow-to-file grievance. The inmate will be notified within 7 days that the grievance has been received and the reason for delay.



- D-4. Response Delays for Current Litigation.** Responders may delay responding to any grievance that relates to a case in current litigation. The inmate will be notified within 7 days that the grievance has been received and the reason for delay.
- D-5. Responding to Late-Filed Grievances.** Staff will not respond to late grievances except to close them as improper.
- D-6. Responder's Action.** The responder will review the grievance and related documents and do the following:
- a. If necessary, investigate to gather facts that pertain to the grievance. This includes talking with people who may have relevant information. The responder may ask other staff to help investigate the grievance. Such an investigator will provide the investigation results in writing to the responder. The inmate will not receive a copy of the investigation.
  - b. Enter an informative response in the grievance log that is suitable to the type of grievance and its merits. The response should:
    - 1) Describe the findings of fact and conclusions in a general way.
    - 2) Describe the actions taken, in a general way, to investigate and resolve the complaint. Include by whom if appropriate.
    - 3) Cite appropriate references, like ORS, policies, or the *Inmate Manual* that back up the response.
    - 4) Make a reasonable attempt to write at a level and in a way that the inmate can understand. (Consider the literacy, cultural, or other barriers to effective communication that pertain to the inmate.)
  - c. If it is a health care grievance, state the type of health care provider it was brought to the attention of.
  - d. Inform the shift sergeant that the grievance response is ready to print and serve to the inmate.
  - e. Deliver the completed grievance along with the inmate's handwritten grievance form to the shift lieutenant, or grievance coordinator, for filing.
- D-7. Enhancing Lower-Level Resolution.** If a responder judges that a grievance should have been resolved at a lower level, he will contact the appropriate supervisor.
- D-8. Remedies for Grievances.** A remedy that resolves a grievance does not have to be one that the inmate agrees with. For a grievance that has merit, staff will fashion a fitting remedy.
- D-9. Serving the Inmate the Grievance Response.** To serve an inmate with the grievance response, the deputy will complete the "served by" and date served information in the JMS grievance narrative section. He will then scan the original grievance into JMS, make a copy of the response and give it to the inmate. He will also arrange for a translator or an accommodation if an inmate needs help reading or listening to the response.

**SECTION E: APPEAL PROCESS**

**E-1. Levels of Appeal.** There are three appeal levels in the jail grievance process (see also *Appealing a Health Care Grievance*, Section F.):

Level 1 – Corrections Lieutenant

Level 2 – Corrections Captain

Level 3 – Sheriff

**E-2. Basis for Appeal.** An inmate may file an appeal if the inmate is not satisfied with a grievance response or did not receive a grievance or appeal response or extension by the response due date.

**E-3. Time Limit for Filing an Appeal.** An inmate should file the appeal within 7 days of being served with the response from the grievance or previous level of appeal or the passing of the response due date. (See *Response Time Limits*, Section C.) Staff will not issue an inmate an appeal form after the 7-day point without approval from a corrections supervisor. For transferred or released inmates, an additional 7 days will be allowed to file grievance appeals.

**E-4. Order of Appeal.** Inmates must appeal in the level order, starting with Level 1, unless the responder to the grievance was an authority with responsibility for reviewing appeals. In such a case, the appeal will start at the next higher level of appeal. For example, if a corrections lieutenant responded to the grievance, then the first appeal will go to Level 2, the Corrections Captain.

**E-5. Issuing the Appeal Form.** For each level of appeal, the inmate must request a grievance appeal from the deputy. (To appeal a confidential grievance, an inmate may use the appeal form or plain paper and mail the appeal.) The deputy will do the following to issue an appeal form:

- a. Determine the grievance number of the grievance being appealed.
- b. Access the appropriate grievance (by number) in the grievance report by the inmate's jail file in the JMS.
- c. Print the grievance appeal form. Give the inmate the printed copy with instructions to write the grievance in the available space, sign it, and return it before the end of the shift.
- d. Add a brief narrative to the grievance incident to document issuing the appeal.

**E-6. Inmate Return of an Appeal Form.** An inmate has until the end of the issuing deputy's shift to return appeal forms. The deputy will complete the "filed by" and note date information in the incident/grievance report. He will then deliver the appeal form to the shift lieutenant, for response. The appellate authority may have the shift lieutenant provide case file information before responding.

- E-7. Appeal Case File.** The shift lieutenant will assemble a case file and send it to the appellate authority for review, if requested. The case file will consist of the following:
- a. The current appeal form.
  - b. A copy of the inmate's handwritten grievance.
  - c. A copy of the inmate's handwritten previous appeals.
  - d. Any previously collected evidence or supporting documents.
  - e. Any relevant reference material not readily available to the appellate authority.  
Examples are relevant policies or the *Inmate Manual*.
- E-8. Response by Reviewing Appeal Authority.** The authority will review the appeal. Before responding, the appellate authority may send an appeal to a lower-level authority for more investigation. The authority may also ask the inmate for more information. At the end of the review, the appellate authority will note the appeal decision in the appropriate level in the grievance log. He will send the case file to the shift lieutenant, for filing.
- E-9. Response Time Limits.** Response time limits for each level of appeal are listed below. The appellate authority will use the same criteria to extend the time limit to respond to an appeal as staff may use for grievances. (*See: Response Time Limit Extensions, Section D.*) The levels are:
- Level 1 – Corrections Lieutenant: (has 7 days to respond)  
Level 2 – Corrections Captain: (has 7 days to respond)  
Level 3 – Sheriff: (has 14 days to respond)
- E-10. Serving the Inmate the Appeal Response.** The same procedures for serving an inmate a grievance response apply for an appeal response. (*See: Serving the Inmate the Grievance Response, Section D*)
- E-11. Exhausting the Grievance Process.** Grievances may be resolved informally or at any grievance level. The Prison Litigation Reform Act requires an inmate exhaust all administrative remedies before filing a lawsuit regarding his or her incarceration. The grievance will not be considered fully exhausted unless the inmate has properly and timely filed an appeal at every level regardless of custody status.
- E-12. Judicial Review.** The response by the Sheriff is the final decision and last administrative remedy available to the inmate within the grievance process. Inmates not satisfied with his final decision may pursue the matter through judicial review.
- E-13. Reasons to Reverse a Decision.** If staff fails to substantially comply with this policy, and the inmate can show that the non-compliance resulted in actual prejudice to the inmate's rights, the authority reviewing the appeal or judicial review authority may use the non-compliance as a reason for overturning a decision. No decision made under this policy should be overturned due to failure to strictly comply with time limits or other purely technical defects.

**SECTION F: TYPES OF SPECIAL GRIEVANCES**

- F-1. Emergency Grievances.** Inmates should use grievance forms to file emergency grievances and appeals. Staff will accept an emergency grievance that an inmate writes on plain paper. The receiving deputy will log the grievance in the grievance log as soon as practical. The inmate must include the reason why it is an emergency in the grievance narrative. The staff member receiving an emergency grievance must immediately notify a shift supervisor. If the reviewing supervisor verifies it as an emergency, a corrections lieutenant, or health care staff (if the grievance is health related) will respond to the grievance at the earliest possible time, but not later than 48 hours after the filing. Normal handling procedures will apply if the grievance is not a true emergency. Emergency grievances include the following:
- a. Medical treatment (In the event of a medical emergency, call 9-1-1 Dispatch and respond as outlined in *CD-10-8 Emergency Medical Care*)
  - b. Fire and life safety complaints
  - c. PREA related complaints
  - d. Claims concerning missed release dates
- F-2. Health Care Grievances.** Sergeants will route routine health care grievances directly to the Facility Provider, shift or Administrative Lieutenant, or designee. The sergeant will notify the shift lieutenant that they routed such a grievance.
- a. Staff must give a health care grievance of a serious or emergent nature to a shift supervisor immediately. Upon receiving the grievance, the shift supervisor will notify a nurse or Facility Provider of the issues and forward the grievance.
  - b. Corrections staff who must review a health care grievance as a part of their duties must treat the contents with the confidentiality due health related records.
- F-3. Appealing a Health Care Grievance.** The same procedures for appealing other jail grievances apply to health care grievances, except health grievances have a separate appeal track. The authority reviewing the appeal on each level will have 7 days to respond to the grievance. The levels are:
- Level 1 – Medical Provider/Lieutenant (has 7 days to respond)  
Level 2 – Jail Commander (has 7 days to respond)  
Level 3 – Sheriff (has 14 days to respond)
- F-4. Confidential Grievances.** If an inmate would like to file a confidential grievance, the inmate may use the U.S. Postal Service (USPS) to mail the grievance directly to a jail lieutenant. In the grievance, the inmate must give the reason for it being “confidential.”

- F-5. Logging a Confidential Grievance.** A person who receives an unlogged confidential grievance or appeal should log it in the grievance log for tracking and analysis purposes. The person will categorize the grievance as “confidential” and may use the word “confidential” as the summary statement. Responders will work with the grievance coordinator in keeping an external tracking system and file for any confidential grievances not logged.
- F-6. Response to Confidential Grievances.** The response to a confidential grievance may simply be that staff is working on the issue in a confidential manner or that a response will come as a memorandum to the inmate.
- a. If the recipient agrees the complaint is confidential, he may do one of two things to notify the inmate of the response:
    - 1) Send the inmate copy of the response to the inmate through USPS mail marked “official mail.” Note in the grievance log that the response was mailed rather than “served” in person.
    - 2) Meet with the inmate to go over the response. The inmate may keep or destroy the inmate copy of any written response. Note in the grievance log a face-to-face meeting took place with the inmate.
  - b. If not considered confidential, the recipient may refer the grievance to other staff to answer. The responder will record his response in the grievance log. The response will include a statement that the grievance is not considered confidential.

### ***SECTION G: GRIEVANCE LIMITS AND ABUSERS***

- G-1. Purpose of Grievance Limits.** Grievances that abuse the process (such as meritless, lack-of-good faith, nuisance, or frivolous grievances) divert limited resources, such as staff time and taxpayer money, away from valid jail safety, security, and operational needs. The Correction Captain will protect these resources by limiting the opportunity for inmates who abuse the grievance process to abuse it any further.
- G-2. Classifying a Grievance Abuser.** The Corrections Captain, or designee may classify an inmate as a grievance abuser if the inmate:
- a. Repeatedly files nuisance grievances.
  - b. Repeatedly files frivolous grievances.
  - c. Refiles a grievance the inmate already addressed in a previous grievance.
  - d. Does not file a grievance in good faith.
  - e. Repeats the same filing error after receiving a staff warning. Examples include:
    - 1) Trying to skip an appeal level.
    - 2) Repeatedly uses a grievance form as an Inmate Request (DCAJ Form No. 103).
    - 3) Repeatedly sends informal written complaints instead of using the grievance process.
    - 4) Repeatedly sends written complaints of a non-confidential nature using “confidential” procedures.

- G-3. Grievance Limits on Grievance Abusers.** The Corrections Captain or designee may limit a grievance abuser to filing one non-emergency grievance per week. The length of the limit will normally be 3 months; it may be up to 6 months. The person imposing the limit will notify the inmate of the limit in writing. The following also applies:
- a. A grievance abuser may file an emergency grievance at any time. A corrections supervisor must verify it is an emergency before a deputy gives the inmate a grievance form. All other procedures in this policy for handling emergency grievances apply. A filed emergency grievance will not count against the limit.
  - b. A grievance abuser may mail a confidential grievance. It will count against the limit. If it is not confidential, the inmate may be classified as a chronic abuser.
  - c. A grievance abuser is subject to discipline for his actions.
- G-4. Chronic Abusers.** The Corrections Captain or designee, may classify an already classified “grievance abuser” as a “chronic abuser” if the inmate continues to abuse the grievance process. A chronic abuser is subject to discipline and a maximum limit of 1 non-emergency grievance per month for 6 months. The supervisor imposing the limit will notify the inmate of the limit in writing. The same procedures that allow grievance abusers to file emergency and confidential grievances apply to chronic abusers.
- G-5. Grieving Abuser Status.** An inmate classified as a grievance abuser or chronic abuser may grieve the “abuser” or “chronic” status. Such a grievance will not count against the grievance limit number.
- G-6. Appeals by Abusers.** An abuser has full access to the appeal process for a filed grievance. An appeal does not count as a grievance against a grievance-filing limit.

**FORMS USED:**

- Inmate Grievance and Grievance Appeal Form No. 611
- Inmate Message Form No. 103