



**Sheriff's Office
COOK COUNTY, ILLINOIS
SHERIFF'S ORDER**

	ISSUANCE DATE	EFFECTIVE DATE	NO.
	07 JUL 11	14 JUL 11	11.14.5.0
SUBJECT	DISTRIBUTION	RESCINDS ALL PREVIOUSLY ISSUED WRITTEN DIRECTIVES REGARDING INMATE/DETAINEE GRIEVANCE PROCEDURE	
INMATE GRIEVANCE PROCEDURE RELATED DIRECTIVES	SP	AMENDS	

I. PURPOSE

This order establishes the written policy and procedure for the effective and efficient collection and processing of inmate grievances within the Cook County Sheriff's Office (CCSO).

II. POLICY

It is the policy of the CCSO to provide a procedure for all inmates to have their complaints and grievances addressed in a fair and equitable manner. CCSO staff shall process and address these grievances in a timely and efficient manner. The grievance process can be utilized by all inmates.

III. AUTHORITY

- A. 28 U.S.C. 1997, *et seq.*, Civil Rights of Institutionalized Persons Act
- B. 42 U.S.C. 1997, *et seq.*, Prison Litigation Reform Act
- C. 28 C.F.R. 40, Parts A & B
- D. Illinois County Jail Standards, 20 Illinois Administrative Code, Ch. I Sec. 701

IV. AMERICAN CORRECTIONAL ASSOCIATION REFERENCE

- A. 4-ALDF-2A-27
- B. 4-ALDF-6B-01

V. ENCLOSURES

- A. Inmate Grievance/Response Form (FCN-47)(JUN 11)
- B. Request for an Appeal Form (FCN-48)(JUN 11)
- C. CRW Inmate Grievance Tracking Log (FCN-51)(JUN 11)
- D. Inmate Grievance Collection Logbook (FCN-52) (JUN 11)
- E. Inmate Grievance Master Logbook (FCN-53)(JUN 11)

VI. DEFINITIONS

- A. Correctional Rehabilitation Worker (CRW)/Platoon Counselor – For the purposes of this order, the Sheriff’s Office employee assigned to collect, process grievances and assist detainees with the grievance process.
- B. Emergency Grievance – A grievance alleging that an inmate has been or may be at a substantial risk of immediate harm to his or her welfare or safety. Also, a grievance that involves the transfer of an inmate to another county jail facility.
- C. Grievance (Standard Grievance) – Generally, a written complaint by an inmate regarding a policy within the CCSO, a condition in the CCSO, or a CCSO action or incident affecting an inmate. Issues that can be grieved include, but are not limited to, the following:
 - 1. alleged violations of civil, constitutional or statutory rights;
 - 2. alleged criminal or prohibited acts by staff members, volunteers, contractors, or other inmates;
 - 3. concerns regarding unsafe or unsanitary living conditions within the jail;
 - 4. issues related to an inmate’s money, property, education, medical or medication concerns; and
 - 5. alleged violations of departmental policies affecting an inmate’s general welfare or safety.
- D. Healthcare Grievance – A grievance concerning matters of medical care, dental care, or mental health care.
- E. Not sustained – A finding that an inmate’s grievance is not based in fact and/or otherwise cannot be addressed through the grievance process.
- F. Remedy – A meaningful response, action, or resolution to an inmate’s sustained grievance. Remedies may include notification to Cermak Health Services of Cook County (Cermak) regarding medical care, restoration of privileges within the CCDOC, modifications to diet, access to programs, or changes in housing, classification, or other conditions of confinement. Remedies do not include, among other things, interference with inmate discipline, the discipline of staff, or interference with judicial orders or decisions made by physicians.
- G. Retaliation – Any action or threat of action against anyone who participates in the grievance process or the informal complaint process.

- H. Staff Misconduct Grievance – A grievance concerning the physical abuse of an inmate by staff; the sexual abuse of an inmate by staff; the psychological abuse of an inmate by staff; correctional staff's failure to provide services resulting in physical harm to the inmate; or staff engaging in any other illegal activity.
- I. Sustained – A finding made that an inmate's grievance raises legitimate concerns that can be remedied through the grievance process.

VII. PROCEDURES

A. Processing Standard Grievances

- 1. An inmate wishing to file a grievance shall do so within 15 days of the event he/she is grieving.
- 2. To file, the inmate shall fill out an Inmate Grievance/Response Form. If forms are not available, the use of blank writing paper or other department forms is acceptable.
- 3. The inmate shall deliver the signed and dated Inmate Grievance/Response Form to the CRW/Platoon Counselor.
- 4. The CCSO shall have 15 days upon receipt of the grievance to determine whether it is sustained or not-sustained and assign a remedy, if no exceptions apply.
- 5. The inmate shall be informed in writing of the findings and, if applicable, the remedy.

B. Staff Duties and Responsibilities for Standard Grievances:

- 1. CCSO employees shall never respond to a grievance in which he/she is involved directly or indirectly.
- 2. Retaliation by CCSO staff against anyone for participating in the grievance process is strictly prohibited.
- 3. Watch commanders shall:
 - a. When answering an inmate grievance, the clearly answer the issue raised by grievance and, if sustained, give the appropriate remedy within the applicable time frame.
 - b. Obtain additional Inmate Grievance/Response Forms upon receiving notification from a living unit officer that the supply is low.

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4. Officer responsibilities
 - a. Officers shall not collect grievances.
 - b. Officers shall not respond to grievances.
 - c. Intake officers shall hand each inmate an Inmate Orientation Handbook, which contains a section on the grievance procedure.
 - d. If the inmate is illiterate or non-English speaking, the officer shall inform the inmate that a CRW/Platoon Counselor is available to provide assistance with understanding the handbook.
 - e. Living unit officers shall check the supply of Inmate Grievance/Response Forms at least once per shift. If there are less than 15 forms, the officer shall notify his/her supervisor.
 - f. If an inmate notifies an officer that he/she is having difficulty completing an Inmate Grievance/Response Form, the officer shall notify the CRW/Platoon Counselor on duty.
 - g. If an inmate notifies an officer that he/she is unclear about the grievance procedure, the officer shall supply the inmate with a copy of the Inmate Orientation Handbook and request that a CRW/Platoon Counselor assist the inmate, if the officer cannot provide assistance.
 - h. If an inmate informs an officer that he/she wants to file a grievance against a CRW/Platoon Counselor, the officer shall inform their watch commander.
5. CRW/Platoon Counselors:
 - a. Assistance to Inmates
 - i. When a CRW/Platoon Counselor is made aware that an inmate is deaf, non-English speaking, illiterate or otherwise requires assistance in completing a grievance form or understanding the grievance process, the CRW/Platoon Counselor must assist the inmate and/or arrange for an appropriate interpreter to provide that service.

- ii. CRW/Platoon Counselors shall provide clear instruction to any inmate that is found to have used the grievance procedure improperly (e.g., inmate requests, health care requests, disciplinary hearing appeals).
- b. Collection of Grievances:
- i. The CRW/Platoon Counselor shall instruct the inmate to sign and date the grievance form.
 - ii. The CRW/Platoon Counselor shall inform the inmate that the grievance will go under review and shall be resolved within 15 business days.
 - iii. All CRW/Platoon Counselors in the living units/barracks must check the supply of grievance forms whenever the CRW/Platoon Counselor visits the units.
- c. Processing of Grievances:
- i. When the CRW/Platoon Counselor is finished collecting the grievances for that day's rounds, the CRW/Platoon Counselor must enter the number of grievances in the Inmate Grievance Collection Logbook.
 - ii. After Program Services assigns a grievance control number to the grievance form, the CRW/Platoon Counselor shall enter the grievance into the CRW Inmate Grievance Tracking Log.
 - iii. The CRW/Platoon Counselor shall assist the Program Services supervisor with determining which party will be the appropriate responder to the grievance and will deliver the grievance form to that responder.
 - iv. The CRW/Platoon Counselor shall instruct the responder to respond to the grievance, in writing, on the section of the Inmate Grievance/Response Form that is designated for that purpose.
 - v. The CRW/Platoon Counselor shall also instruct the responder to limit the response to the remedy deemed appropriate by the responder.

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- vi. The CRW/Platoon Counselor shall copy the relevant pages from the Inmate Grievance Collection Logbook each week and send the copy to Program Services by the end of the work week.
- vii. If a grievance concerns the CRW/Platoon Counselor collecting the grievance form, the CRW/Platoon Counselor shall notify his/her supervisor immediately, and that supervisor will process the grievance.
- viii. If the grievance is related to a health care issue, the CRW/Platoon Counselor may contact the Cermak Dispensary Line to attain non-confidential information regarding the inmate's health care issue.

d. Responding to Grievances:

- i. The CRW/Platoon Counselor shall ensure that responses to grievances adequately address the subject of the grievance.
- ii. In the event that a response does not adequately address the grievance, the CRW/Platoon Counselor shall refer the grievance to his/her respective supervisor to be handled appropriately.
- iii. The CRW/Platoon Counselor shall return the copy of the grievance response to the inmate, and will note the date of this delivery in the Inmate Grievance Tracking Log book.

C. Program Services Supervisors shall:

- 1. Review all grievances to determine whether the grievance raises an issue that is properly addressed through the inmate grievance procedure.
- 2. Create a schedule to ensure a CRW/Platoon Counselor makes rounds on every tier in every division or barracks as applicable and collects grievances at least once a day, excluding holidays, mandatory furlough days, or days when security concerns make it dangerous to visit the living unit at any point during normal shift hours.
- 3. Process and respond to grievances that concern CRW/Platoon Counselors.

4. Upon receipt of the grievance forms from the CRW/Platoon Counselors (or from an inmate directly through the mail), the supervisor shall assign the grievance form a control number and shall log the grievance into the Inmate Grievance Master Logbook.
5. Work with the CRW/Platoon Counselor assigned to the grieving inmate to determine who the appropriate responder is to the grievance. In the event that the Program Services supervisor communicates with the responder, the Program Services supervisor shall instruct the responder to respond to the grievance, in writing, on the section of the Inmate Grievance/Response Form that is designated for that purpose. The Program Services supervisor will also instruct the responder to limit the response to the remedy deemed appropriate by the responder.
6. Review all grievance responses to determine if the grievance was responded to appropriately and adequately addressed the subject matter of the grievance. The Program Services supervisor shall notify the responder in the event that the response was not appropriate.
7. Note the date of the grievance response in the Inmate Grievance Master Logbook.
8. Retain a copy of the grievance form and response in the inmate's grievance file. This information must be retained for five years.
9. Ensure that CRW/Platoon Counselors are trained and knowledgeable in the proper CCSO Inmate Grievance Procedures.

VIII. PROCEDURES - SPECIAL CIRCUMSTANCES

A. Emergency Grievances

1. For the initial processing, a grievance shall be considered an emergency if the inmate indicates on the form that it is an emergency grievance or if it meets the definition above.
2. The CRW/Platoon Counselor shall deliver all emergency grievance forms immediately to the respective supervisor.
3. The supervisor will determine if it meets the definition of an emergency grievance and shall, if applicable, assign it an emergency grievance control number and ensure proper follow up.
4. The CRW/Platoon Counselor shall enter the emergency grievance into the CRW Inmate Grievance Tracking Log.

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5. The CRW/Platoon Counselor shall then forward the emergency grievance to the divisional superintendent or ADO if the superintendent is unavailable or to the director of the applicable department/unit for review and signature.
6. The superintendent, ADO or applicable director shall sign the grievance form and shall resolve the grievance within 48 hours.
7. If resolution to the grievance is not possible within 48 hours, the superintendent must request in writing an extension from Program Services.
8. Program Services shall notify the inmate of the extension.
9. Upon resolution of the emergency grievance, written notification of the resolution, and the remedy if applicable, shall be provided to the inmate.
10. The CRW/Platoon Counselor shall instruct the inmate to sign the grievance response and shall enter the resolution date in the CRW Inmate Grievance Tracking Log.
11. If the grievance is determined to not be an emergency grievance, the CRW/Platoon Counselor shall inform the inmate within one business day of this determination, and shall process the grievance in accordance with Section VII. B. above.

B. Healthcare Grievances:

1. If any grievance collected by a CRW/Platoon Counselor concerns a medical, dental or mental health issue, that grievance shall be immediately recorded on the CRW Inmate Grievance Tracking Log and then forwarded to Cermak personnel.
2. The inmate shall complete and date an Inmate Grievance/Response Form (Part A) and submit it to the CRW/Platoon Counselor making the collection rounds.
3. The CRW/Platoon Counselor shall sign and date the Inmate Grievance/Response Form upon receipt and forward it to the Program Services Office.
4. The Program Services Office shall assign a control number, log the grievance, attach the Inmate Grievance/Response Form (Referral & Response) and complete the top portion of Part B, and forward it to the grievance coordinator at Cermak.

5. If a subsequent grievance regarding the same issue is filed by an inmate regarding an issue already being reviewed by Cermak, the inmate shall be notified by a CRW/Platoon Counselor in writing that his/her grievance is currently being reviewed by Cermak and when the inmate should expect a resolution. The CRW/Platoon Counselor shall contact the Cermak Dispensary for information regarding the inmate's health care appointment at Cermak and any other relevant information.

C. Staff Misconduct Grievances:

1. Staff misconduct grievances include, but are not limited to, the following allegations:
 - a. physically abusing an inmate;
 - b. sexually abusing an inmate;
 - c. psychologically abusing an inmate;
 - d. correctional staff's failure to provide services resulting in physical harm to the inmate; and
 - e. engaging in any other illegal activity.
2. All Staff Misconduct Grievances shall be recorded by a CRW/Platoon Counselor on the CRW Inmate Grievance Tracking Log and then immediately forwarded to the respective supervisor to assign a control number.
3. The CRW/Platoon Counselor shall then hand-deliver the staff misconduct grievance to the respective superintendent/designee or applicable director for review, signature and handling.
4. The superintendent/designee or applicable department/unit director will conduct an immediate review of the allegations to determine if there is an immediate harm posed to the inmate, and if so, take all appropriate steps to provide for the safety and security of the inmate.
5. The superintendent, designee or applicable department/unit director shall also screen the grievance for possible excessive force or failure to intervene by staff, and if either is suspected, forward the grievance to the Office of Professional Review (OPR).

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6. If no immediate harm is posed, the superintendent or applicable department/unit director shall determine the resolution of the grievance, either sustained or not sustained, within 15 business days of receipt of the grievance and indicate an appropriate remedy, if any on the Inmate Grievance/Response Form.
7. Program Services will then notify the inmate of the resolution as indicated on the Inmate Grievance/Response Form and record the resolution on the CRW Inmate Grievance Tracking Log.
8. In the event the superintendent/designee or applicable department/unit director determines the matter warrants an internal investigation, he/she shall forward a complaint register along with all pertinent documentation to OPR or the Criminal Intelligence Unit before the end of the business day. The OPR investigation shall have no bearing on, and shall be separate and distinct from, the inmate grievance process.

D. Appeals Process

1. If an inmate wishes to appeal the grievance decision, the inmate shall have 14 calendar days from receipt of the decision to appeal to the Administrator of Program Services or designee by completing a Request for Appeal form. Such requests for appeal shall be collected in the same manner as the original grievance.
2. The Administrator of Program Services/designee shall have 21 calendar days to review the grievance appeal and to reply to the inmate. The reply shall be in writing and the inmate shall date and sign the written decision, in duplicate, to indicate he or she has received notification of the appeal decision. The Administrator of Program Services shall be responsible for recording the appeal on the Program Services Grievance Tracking Log and for maintaining the written notification of the decision on appeal for, at minimum, five years.

IX. RECORD KEEPING AND ACCOUNTABILITY

- A. All original grievances and findings shall be forwarded to the Program Services Department, upon resolution of the grievance, where they shall be kept on file for a period of at least five years. These records shall not be kept in the inmate's divisional files.
- B. A Monthly Grievance Statistical Report of all Sheriff's Office grievance activity shall be prepared by the Administrator of Program Services or designee. This report shall be reviewed each month in order to ascertain patterns of problem areas in the institution and to intervene or prevent more problems in those areas from occurring. The report shall contain the following categories:

1. Nature of the grievance;
 2. Number of grievances that occurred in each division/department/unit broken down by category;
 3. Number of grievances answered and outstanding during the month;
 4. Total number of CCSO grievances filed during the calendar year broken down by department and unit; and
- C. The Monthly Grievance Statistical Report shall be generated by the 15th of the following month. Program Services shall have five business days from the 15th of the month for data review and distribution to the Deputy Chief(s) of Staff and Sheriff or designee.
- D. The report, which is a condensed version of the Monthly Grievance Statistical Report, shall be distributed to all superintendents and applicable department or unit heads no later than the 20th of the following month and will be included in the report for the Sheriff's Accountability meetings.
- E. The Department of Reentry and Diversion Programs shall conduct an annual audit of the grievance system and collected grievance data. The findings of the audit, as well as a list of suggestions for improving the system, shall be shared with the applicable Deputy Chief(s) of Staff and the Sheriff or designee.
- F. All written grievances shall be considered to be confidential in nature. Copies of the grievance documents shall be released only in response to a court order or subpoena, or other reasons so required by law. Members of the Sheriff's Executive Office and applicable department/unit directors may have access to the grievance documents.

X. APPLICABILITY

This Sheriff's Order is applicable to CCSO employees as outlined in Section XI. Supervisors shall review the contents of this order with all employees under their supervision as appropriate, and ensure the provisions as outlined are strictly adhered to.

XI. SPECIAL DISTRIBUTION

This Sheriff's Order shall be distributed to the following CCSO Departments and Units:

- A. CCDOC
1. All Divisions
 2. All Units

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- B. Department of Reentry and Diversion Programs
 - 1. Program Services Unit
 - 2. Pre-Release Center
 - 3. Boot Camp

- C. Sheriff's Women's Justice Programs – Residential