



# MARICOPA COUNTY SHERIFF'S OFFICE

## Policy & Procedure

Joseph M. Arpaio – Sheriff

Subject

### INMATE GRIEVANCE PROCEDURE

Policy Number

**DJ-3**

Effective Date

**12-06-13**

Related Information

Supersedes

DJ-3 (05-12-07)

#### PURPOSE

The purpose of this Policy is to establish an inmate grievance and appeal process by which inmates may communicate their concerns or complaints to Office personnel regarding their conditions of confinement and list reasonable resolutions to their issues. Inmates shall receive a prompt response allowing necessary corrective action to be taken at the lowest possible level.

#### POLICY

It is the policy of the Office to provide all inmates an opportunity to seek redress of their complaints without regard to disciplinary status, security level, housing category, or any other administrative status. Office personnel are responsible for attempting to resolve grievance issues using a reasonable resolution at the lowest possible level.

#### DEFINITIONS

**External Grievance Appeal:** A process by which an inmate may submit a grievance for review to the External Referee, following a response to an Institutional Grievance Appeal that the inmate considers unsatisfactory. The External Referee shall not be an Office employee.

**Formal Resolution:** Settlement of an inmate's written grievance after being reviewed by a hearing sergeant.

**Grievance:** A complaint by an inmate concerning the interpretation or application of Policies or *Rules and Regulations for Inmates* which govern his treatment in custody.

1. Detention Grievance: A complaint by an inmate regarding non-medical issues.
2. Medical Grievance: A complaint by an inmate regarding medical issues.

**Grievance Walk:** The process in which a shift supervisor visits inmate living areas in order to allow inmates an opportunity to submit grievances directly to him.

**Informal Resolution:** Settlement of an inmate's written or oral grievance prior to being forwarded to the Bureau Hearing Unit.

**Institutional Grievance Appeal:** A process by which an inmate may submit a grievance for review to the jail commander, or in the case of a medical grievance, the appropriate clinic supervisor, following a response to a concern that the inmate considers unsatisfactory.

#### PROCEDURES

1. **Availability of the Grievance Procedure:** Information regarding the Inmate Grievance Procedure is available to inmates, in both English and Spanish, in the *Rules and Regulations for Inmates*.

- A. A reasonable effort shall be made to assist those inmates whose comprehension of the *Rules and Regulations for Inmates* and the grievance procedure may be adversely affected by a disability, illiteracy, or due to having limited knowledge to read, write, speak, or understand the English language.
    - 1. Upon request, a hearing-impaired inmate shall be provided with an interpreter.
    - 2. Limited English proficiency (LEP) inmates shall be assisted, as specified in Policy DI-6, *Limited English Proficiency (LEP) Inmates*.
    - 3. A reasonable effort shall be made to provide someone to interpret for those inmates who are illiterate.
  - B. Inmates shall not be subjected to harassment, coercion, or reprisal because they submitted a grievance.
2. **Timeline for Submission of an Inmate Grievance:** Jail commanders will ensure that *Inmate Grievance Forms* are issued in a timely manner when requested and that all time limits are enforced, as specified in this Policy.
- A. Upon request, officers will, within a reasonable amount of time, provide an inmate with an *Inmate Grievance Form*.
  - B. Inmates must submit an *Inmate Grievance Form* to a shift supervisor within 48 hours of the event being grieved and must include a proposed resolution.
  - C. Inmates should submit an *Inmate Grievance Form* to a shift supervisor within 60 days of an event regarding allegations of excessive use of force or restraint.
    - 1. All grievances submitted which allege excessive use of force or restraint will be reviewed by the Bureau Hearing Unit Commander and the appropriate jail commander.
    - 2. Grievances which allege excessive use of force will not be denied solely on the basis that the involved inmate was given a Disciplinary Action Report (DAR) regarding the incident being grieved.
  - D. Grievances alleging a violation of the Prison Rape Elimination Act (PREA) may be submitted at any time following the alleged violation; the 48-hour time limit does not apply.
3. **Grievance Walk:** A shift supervisor shall conduct at least one grievance walk daily during his shift. An Operations Journal (OJ) entry will be made to record each grievance walk.
- A. Upon receiving a grievance from an inmate, the accepting supervisor shall sign his name and serial number and note the date and time.
  - B. The pink copy of the *Inmate Grievance Form* shall be returned to the inmate.
4. **Grievances of an Emergency Nature:** If failure to act promptly in response to an inmate's complaint or grievance may result in serious physical or psychological harm to an inmate or threaten the safety or security of a jail, the shift supervisor shall take immediate action.

5. **Detention Grievance:** An effort shall be made to reasonably resolve all detention grievances at the lowest possible level. The shift supervisor will not respond to medical grievances and shall forward them directly to the Bureau Hearing Unit prior to the end of the shift.
  - A. **Officer Responsibilities:**
    1. Upon request, officers will, within a reasonable amount of time, provide an inmate with an *Inmate Grievance Form*.
    2. At the direction of a supervisor, resolve the issue being grieved if it is under the officer's immediate control.
  - B. **Shift Supervisor Responsibilities:**
    1. The shift supervisor shall not accept a grievance or any appeals from an inmate for the following reasons:
      - a. Grievances filed on behalf of other inmates.
      - b. Mass or group grievances.
      - c. Grievances that contain vulgarity or name calling.
      - d. Grievances which contain no proposed resolution.
      - e. Grievances which address more than one issue.
    2. If an inmate submits a grievance concerning an area or facility other than his assigned housing facility, the shift supervisor shall forward the grievance to the Bureau Hearing Unit. The Bureau Hearing Unit shall forward the grievance to the supervisor in the affected area.
    3. The shift supervisor shall respond to the detention grievance within seven working days and shall ensure the following:
      - a. Encourage officers to resolve grievances that relate to issues under the officers' immediate control. If the grievance is not resolved by the officer, supervisors shall meet and address the issue with the inmate.
      - b. Contact the area that the complaint involves such as facility maintenance, kitchen, or religious services, in order to obtain accurate information to provide to the inmate.
      - c. Complete the *Inmate Grievance Form* by indicating what action was taken, sign his name and serial number, and note the date and time the form was returned to the inmate. Any additional documentation needed shall be attached to the back of the form.
        - i. If the grievance is resolved or the inmate withdraws the grievance, the shift supervisor will mark "resolved" or "withdrawn," on the *Inmate Grievance Form*.

- ii. The inmate will be instructed to acknowledge the resolution or withdrawal on the *Inmate Grievance Form* by signing his name, booking number and the date.
  - iii. The inmate will be given the yellow copy of the *Inmate Grievance Form*, including any attached documentation. The original will be forwarded to the Bureau Hearing Unit to be entered into the grievance database and filed.
4. If the shift supervisor is unable to resolve the grievance within seven working days he will inform the inmate that the *Inmate Grievance Form* shall be forwarded to his shift commander.
5. An inmate who has not received a resolution or a written response to his grievance within seven working days may submit an *Inmate Request Form* directly to a shift commander, unless the inmate has agreed in writing to an extension of time or has been advised that the grievance has already been forwarded to the shift commander by the supervisor who accepted it.

C. Shift Commander Responsibilities:

1. The shift commander shall meet with the inmate in an attempt to resolve a detention grievance within seven working days from the time he receives it.
2. He will be responsible for indicating on the *Inmate Grievance Form* what action was taken, signing his name and serial number, and noting the date and time the form was returned to the inmate. Any additional documentation needed shall be attached to the back of the form.
  - a. If the grievance is resolved, the shift commander will place a check mark in the appropriate area, indicating that the issue was resolved. The inmate will be instructed to acknowledge the resolution on the *Inmate Grievance Form* by signing his name, booking number, and the date. The inmate will be given the yellow copy of the *Inmate Grievance Form* and the original will be forwarded to the Bureau Hearing Unit to be appropriately logged and filed.
  - b. If the shift commander is unable to resolve the grievance, he will place a check mark in the appropriate area indicating that it will be forwarded as a formal grievance to the Bureau Hearing Unit. The inmate will be instructed to acknowledge this action on the *Inmate Grievance Form* by signing and printing his name, booking number, and the date. The *Inmate Grievance Form* shall then be forwarded to the Bureau Hearing Unit.
  - c. An inmate who has not received a written response to his grievance within seven working days of submitting it or having it submitted to the shift commander, may submit an *Institutional Grievance Appeal* through the Bureau Hearing Unit, with the pink copy of the original grievance attached, unless he has agreed in writing to an extension of time.

- D. Hearing Sergeant: A hearing sergeant shall meet with the inmate in an attempt to resolve a detention grievance within eleven working days from the date it is signed and marked as a formal grievance.

1. A hearing sergeant will indicate on the *Inmate Grievance Form* the actions taken and his reasons for them, sign his name, serial number, and note the date and time.
  2. If the grievance is resolved, the inmate will be instructed to acknowledge the resolution on the *Inmate Grievance Form* by signing his name, booking number, and the date. The inmate will be given the yellow copy of the *Inmate Grievance Form*, and the hearing sergeant will log and file the original.
  3. If the grievance is not resolved, the inmate will be informed of his right to appeal to the jail commander within 24 hours of the hearing sergeant's response. An inmate who decides to appeal will be given an *Institutional Grievance Appeal Form* to which he will be required to attach the yellow copy of the original *Inmate Grievance Form*, including the hearing sergeant's response and any other supporting documentation. All paperwork will be forwarded through the Bureau Hearing Unit to the appropriate jail commander within one working day.
  4. An inmate who has not received a response within seven working days may file an *Institutional Grievance Appeal Form*, through the Bureau Hearing Unit, with the pink copy of the original grievance attached. The Bureau Hearing Unit will forward all applicable documentation to the appropriate jail commander unless the inmate has agreed in writing to an extension of time.
- E. Personnel with the equivalent rank or authority in areas outside the detention chain of command will be responsible for responding to inmate grievances that affect their area of responsibility and will adhere to the equivalent grievance response timeframes.
6. **Medical Grievance:** The Bureau Hearing Unit shall ensure grievances designated as medical are in fact medical issues. Once determined, the grievance shall be forwarded within one working day from the date of receipt of the grievance to the responsible charge nurse or designee.
- A. The charge nurse shall meet with the inmate and discuss the issue. The charge nurse must respond to a medical grievance within 11-calendar days from the date the grievance was filed. The charge nurse shall indicate on the *Inmate Grievance Form* what actions were taken, including the reasons for his decision, sign his name, and include the date and time. The charge nurse must also identify, for the hearing sergeant, any inmate in psychiatric housing who is diagnosed as seriously mentally ill.
  - B. If the charge nurse resolves the grievance, the inmate will be instructed to acknowledge the resolution on the *Inmate Grievance Form* by signing his name, booking number, and the date. The inmate will be given the yellow copy of the *Inmate Grievance Form*. The originals will be forwarded to the Bureau Hearing Unit to be logged and filed.
  - C. If the grievance cannot be resolved by the charge nurse, the inmate will be informed by the charge nurse or Bureau Hearing Unit of his right to appeal to the appropriate medical, dental, or psychiatric manager, or clinic supervisor within 24 hours of receiving the charge nurse's response. The inmate shall be instructed to attach the yellow copy of the *Inmate Grievance Form*, including the response, to the *Institutional Grievance Appeal Form*. All paperwork will be forwarded through the Bureau Hearing Unit to the nurse manager or clinic supervisor, who must respond to the institutional appeal within 11-calendar days from the date of receipt.
  - D. An inmate who has not received a response within 11-calendar days of submitting the original grievance may submit an *Institutional Grievance Appeal Form* to the Bureau Hearing Unit. The Bureau Hearing Unit will log and forward the appeal to the appropriate medical, dental, or

psychiatric nurse manager, or clinic supervisor, unless the inmate has agreed in writing to an extension of time.

7. **Grievance Appeal Procedures:** The inmate grievance procedure includes two levels of review, the Institutional and External procedure.
  - A. **Institutional Grievance Appeals:**
    1. **Detention Grievance:** The jail commander, in consultation with the bureau commander if necessary, shall take action and provide a written response to the inmate within seven working days from the date the appeal was received. An inmate who has not received a response within seven working days of submittal may file an External Grievance Appeal, unless he has agreed in writing to an extension of time.
      - a. If the Institutional Grievance Appeal is resolved, the inmate will be instructed to place a check mark in the appropriate area indicating that it was resolved and acknowledge the resolution by signing his name, booking number, and the date. The inmate will be given the yellow copy of the *Institutional Grievance Appeal Form*, the yellow copy of the original grievance, and any other supporting documentation that was attached. The white original copy of the *Institutional Grievance Appeal Form*, along with supporting documentation, will be forwarded to the Bureau Hearing Unit to be logged and filed.
      - b. If the Institutional Grievance Appeal is not resolved by the jail commander, the inmate will be informed of his right to appeal to the External Referee within 24 hours of receipt of the jail commander's response. An inmate who decides to appeal will be given an *External Grievance Appeal Form*. The inmate will be required to attach the yellow copy of the *Inmate Grievance Form* and the yellow copy of the *Institutional Grievance Appeal Form*, including all responses and attachments, to a properly completed *External Grievance Appeal Form*. All paperwork will be forwarded to the Bureau Hearing Unit for logging and proper routing.
    2. **Medical Grievance:** The nurse manager or clinic supervisor shall discuss the appeal with the inmate, take appropriate action, and provide a written response to the inmate within 14-calendar days from the original submittal date. An inmate who has not received a response within 14-calendar days may file an External Grievance Appeal, unless he has agreed in writing to an extension of time.
      - a. If the Institutional Grievance Appeal is resolved, the inmate will be instructed by the nurse manager or clinic supervisor, or a hearing sergeant when applicable, to make a check mark in the appropriate area indicating that it was resolved. The inmate will be instructed to sign his name, booking number, and the date, acknowledging the resolution on the *Inmate Institutional Grievance Appeal Form*. The yellow copy of the *Institutional Grievance Appeal Form* will be given to the inmate, and the original will be forwarded to the Bureau Hearing Unit to be logged and filed.
      - b. If the Institutional Grievance Appeal cannot be resolved, the inmate shall be informed by the nurse manager, clinic supervisor, or hearing sergeant when applicable, of his right to appeal to the External Referee within 24 hours of receipt of the nurse manager's or clinic supervisor's response.

B. External Grievance Appeals:

1. Detention Grievance: All Detention External Grievance Appeals shall be forwarded to the Bureau Hearing Unit Commander, or his designee, for review. He will have seven-working days to review the grievance and appeals and, if necessary, acquire additional information that may be needed for a complete report for the External Referee.
  - a. If the Bureau Hearing Unit Commander concludes that the issues being grieved are valid, the appeal shall be forwarded to the External Referee within seven-working days. The External Referee will conduct his own review and provide a separate written response.
  - b. If the Bureau Hearing Unit Commander concludes that the appeal is frivolous, repetitive, or relates to a non-grievable issue, it will be noted and forwarded to the appropriate bureau commander with a recommendation to end the process.
    - i. The bureau commander shall review, respond and make a finding to the appeal. The response and findings shall be returned to the Bureau Hearing Unit Commander within 14-working days. If the bureau commander agrees with the recommendation of the Bureau Hearing Unit Commander, the grievance process will end and the appeal will be returned to the inmate. No further administrative remedy is available. The inmate may file a claim in Federal District Court.
    - ii. If the bureau commander disagrees with the recommendation of the Bureau Hearing Unit Commander, the appeal shall be sent to the External Referee within 14-working days. The External Referee will conduct his own review and provide a separate written response.
2. Medical Grievance: All Medical External Grievance Appeals will be forwarded to the Correctional Health Services (CHS) Legal Liaison for review.
  - a. All Medical External Grievance Appeals must include an *Authorization for Release of Medical Information* waiver completed by the inmate that acknowledges and approves the release of his medical records to personnel involved in the resolution of his medical grievance. The waiver must be signed by the inmate to include his booking number and date.
  - b. The inmate will be instructed to attach the yellow copy of the *Inmate Grievance Form*, the yellow copy of the *Institutional Grievance Appeal Form*, the *Authorization for Release of Medical Information* form, and all responses to a properly completed *External Grievance Appeal Form*.
  - c. The CHS Legal Liaison will have fourteen calendar days to review the External Grievance Appeal. A written report containing only the medical records information that pertains to the issue at hand shall be included with the *External Grievance Appeal Form*.
  - d. If the CHS Legal Liaison concludes that an External Grievance Appeal is frivolous, repetitive, or relates to issues that cannot be resolved using the grievance process, he will recommend that the appeal be summarily dismissed.

- i. The CHS Legal Liaison will then forward all *External Grievance Appeal Forms* and his written report to the Bureau Hearing Unit who will log, copy, and forward the appeal to the Bureau Hearing Unit Commander. The Bureau Hearing Unit Commander will have three calendar days to review and take action.
  - ii. If the CHS Legal Liaison has recommended that an External Grievance Appeal be summarily dismissed, the Bureau Hearing Unit Commander will review the basis for the recommendation. If the Bureau Hearing Unit Commander agrees with the recommendation of summary dismissal, the inmate will be provided a copy of the CHS Legal Liaison's written response bearing the Bureau Hearing Unit Commander's concurrence, and the matter will be concluded. No further administrative remedy is available. The inmate may file a claim in Federal District Court.
  - iii. If the Bureau Hearing Unit Commander concludes the summary dismissal is inappropriate, the appeal shall be sent to the External Referee. The External Referee will conduct his own review and provide a separate written response.
  - e. If an External Grievance Appeal has not been recommended for summary dismissal the appeal shall be sent to the External Referee. The External Referee will conduct his own review and provide a separate written response.
  - f. The External Referee shall hold hearings on all External Grievance Appeals submitted by inmates who are psychiatric inpatients, or diagnosed as seriously mentally ill.
3. An inmate who has not received a response within 25-calendar days of the original External Grievance Appeal submittal date, may request, in writing, that the External Referee reach a decision within the next seven calendar days.
  4. The response of the External Referee is final and will conclude the formal inmate grievance procedure. No further administrative remedy is available. The inmate may file a claim in Federal District Court.
8. **Direct Supervised Grievance Protocol:** The Direct Supervised Grievance Protocol is an enhanced process within the grievance procedure to effectively seek redress for an inmate submitting numerous complaints or alleging a practice or pattern of not receiving a timely response. This protocol will effectively allow corrective action to be taken at the lowest supervisory level.
- A. The Bureau Hearing Unit Commander in conjunction with a jail commander, will initiate the Direct Supervised Grievance Protocol when they have deemed it to be appropriate.
  - B. When an inmate has been placed on the Direct Supervised Grievance Protocol, the jail commander shall assign a shift supervisor and the Bureau Hearing Unit Commander shall assign a hearing sergeant to the process.
  - C. Both the shift supervisor and hearing sergeant shall meet with the inmate as soon as possible in order to explain the process and provide a copy of the procedures to the inmate.



- D. The assigned shift supervisor or the hearing sergeant shall meet with the inmate at least every other day, excluding weekends and holidays, to ensure that the inmate has the opportunity to communicate his concerns or complaints. Each meeting shall be documented notating the date, time, and reason for the meeting with the inmate.
  - E. Upon request, officers will, within a reasonable amount of time, provide the inmate with an *Inmate Grievance Form*. The inmate will submit and discuss the grievance with the assigned supervisor or hearing sergeant during the designated meeting times. If the inmate's complaint is of an emergency nature, alleges a violation of PREA, or alleges excessive use of force or restraint, the on-duty supervisor shall be notified.
  - F. The assigned supervisor or hearing sergeant will determine if the inmate's complaint should be handled through the grievance procedure. The assigned supervisor or hearing sergeant will make a final determination within two working days.
    - 1. If the assigned supervisor or hearing sergeant determines that the complaint will be processed through the grievance procedure, then the inmate's completed *Inmate Grievance Form* shall be handled, as specified in this Policy.
    - 2. If the assigned supervisor or hearing sergeant determines that the complaint will not be processed through the grievance procedure, the inmate's completed *Inmate Grievance Form* will be taken and the inmate will be advised why the grievance was not accepted. The inmate will not receive any copies of the completed *Inmate Grievance Form*.
      - a. The confiscated *Inmate Grievance Form* will be filed, and the reason the grievance was not accepted, will be logged in the inmate's Direct Supervised Grievance Logbook.
      - b. The confiscated grievances and logbook will be maintained by the Bureau Hearing Unit.
9. **Grievance Database:** A case number shall be assigned to all grievances that are forwarded to the Bureau Hearing Unit and each grievance will be logged in a computer database.
- A. The database will contain information including, but not limited to, the following:
    - 1. Case number.
    - 2. Inmate's name.
    - 3. Inmate's booking number.
    - 4. Synopsis of the grievance.
    - 5. Resolution of the grievance.
    - 6. Grievance appeals, including External Grievance Appeals.
  - B. The entries will be cross-referenced by the inmate's name and the assigned case number.
  - C. All grievances, informally or formally resolved, those withdrawn by the inmate, all Institutional and External Appeals, and all attachments will be filed by the Bureau Hearing Unit and

maintained within the Bureau Hearing Unit's electronic database and kept for a period of three years, following the release of the inmate.

10. **Confidentiality:** All records concerning an inmate's participation in the grievance procedure are confidential to the extent permitted by law and shall be handled in the same manner as other confidential case materials. Jail personnel working on the resolution of a grievance shall have access to all inmate records, excluding an inmate's medical records. CHS may release pertinent medical information for the purpose of resolving an External Grievance Appeal involving medical care upon completion of the *Authorization for Release of Medical Information* form by the inmate.

**ADDENDUM TO POLICY DJ-3**

**FLOW CHART**

**DETENTION GRIEVANCES**

WHO	TIME	ACTION
Inmate	48 hours of event or 60 days for excessive force/restraint	Submit to Shift Supervisor
Shift Supervisor	7-working days	Resolve or forward to Shift Commander
Shift Commander	7-working days	Resolve or forward to Bureau Hearing Unit
Hearing Sergeant	11-working days	Resolve and return
Inmate	24 hours	Accept or file an Institutional Grievance Appeal

**INSTITUTIONAL GRIEVANCE APPEAL**

WHO	TIME	ACTION
Inmate	24 hours of response receipt	Submit to Shift Supervisor
Shift Supervisor	24 hours	Forward to Bureau Hearing Unit
Hearing Sergeant	1-working day of receipt	Log and forward
Jail Commander	7-working days	Respond
Hearing Sergeant	1-working day of receipt	Log for return
Inmate	24 hours	Accept or file an External Grievance Appeal

**EXTERNAL GRIEVANCE APPEAL**

WHO	TIME	ACTION
Inmate	24 hours of response receipt	Submit to Shift Supervisor
Shift Supervisor	24 hours	Forward to Bureau Hearing Unit
Hearing Sergeant	1-working day of receipt	Log and forward
Bureau Hearing Unit Commander or his designee	7-working days	Review, respond, or if necessary prepare additional information and forward to the External Referee or the Bureau Chief
Bureau Chief Review	14-working days	Review, respond and return to Bureau Hearing Unit Commander
External Referee	25-calendar days	Respond
Hearing Sergeant	1-working day of receipt	Log for return
Inmate	N/A	Accept or file complaint in Federal District Court

**ADDENDUM TO POLICY DJ-3**

**FLOW CHART**

**MEDICAL GRIEVANCES**

WHO	TIME	ACTION
Inmate	48 hours of event	Submit to Shift Supervisor
Shift Supervisor	24 hours	Forward directly to the Bureau Hearing Unit
Hearing Sergeant	1-working day of receipt	Log and forward
Charge Nurse	11-calendar days	Respond
Hearing Sergeant	1-working day of receipt	Log for return
Inmate	24 hours	Accept or file Institutional Grievance Appeal

**INSTITUTIONAL GRIEVANCE APPEAL**

WHO	TIME	ACTION
Inmate	24 hours of receipt of response	Submit to Shift Supervisor
Shift Supervisor	24 hours	Forward to Bureau Hearing Unit
Hearing Sergeant	1-working day of receipt	Log and forward
Nurse Manager	14-calendar days	Resolve and forward to the Bureau Hearing Unit
Hearing Sergeant	1-working day of receipt	Log for return
Inmate	24 hours	Accept or file External Grievance Appeal

**EXTERNAL GRIEVANCE APPEAL**

WHO	TIME	ACTION
Inmate	24 hours of receipt	Submit to Shift Supervisor
Shift Supervisor	24 hours	Forward to Bureau Hearing Unit
Hearing Sergeant	1-working day of receipt	Log and forward
CHS Legal Liaison	14-calendar days	Review & prepare a medical report for the External Referee or Bureau Hearing Unit Commander
Hearing Sergeant	1-working day of receipt	Log and forward
External Referee	25-calendar days	Respond
Hearing Sergeant	1-working day of receipt	Log for return
Inmate	N/A	Accept or file complaint in Federal District Court