

**Broward Sheriff's Office
Department of Detention
Standard Operating Procedures**

7/13

7.7

7.7 - INMATE GRIEVANCE PROCEDURES (01/06/2014)

POLICY:

The Department of Detention (DOD) will ensure that reasonable efforts are made to resolve grievance issues by initial line staff and their first line supervisors. If resolution is not possible, the DOD will provide a grievance procedure which includes at least one level of appeal and is made available to all inmates.

AUTHORITY: FMJS Chapter 2; ACA 4-ALDF Chapter 6B.

DEFINITION:

Grievance: Is a method for inmates to file a complaint concerning their personal health, welfare, or operations and services in the Broward County detention facilities. They can either be made electronically or on paper forms.

FORMS:

Grievance / Request - electronically via the KIOSK
Inmate Grievance Form - **BSO DJ#51**
Inmate Request Form - **BSO DJ#24**
Law Library Request Form- **BSO A#113**

PROCEDURE:

A. Addressing Grievance Issues: Line staff, supervisors, and program specialists will attempt to resolve inmate complaints before the grievance process is initiated.

NOTE: Once the inmate complaint has become a grievance (i.e., the complaint has been **documented electronically or in writing**), any employee who is named in the grievance will not be involved in addressing the written complaint. A staff member who has no direct involvement in the complaint will be assigned to address the issue on the Inmate Grievance Form.

B. Non-Grievable Issues: Disciplinary action, classification status, and housing assignments are not grievable using the process described herein. Other inmate issues which cannot be answered by the housing deputy or the program specialist should be addressed by filling out an Inmate Request.

C. Inmate Grievance Steps:

1. When an inmate believes they have been subjected to unfair and / or unjust treatment, **they will first contact a deputy or program specialist to discuss the issue and attempt to resolve the issue. The staff member will then:**
 - a. Identify the issue, and
 - b. Make attempts to resolve the issue

2. If the issue cannot be resolved by security staff or the program specialist, the inmate may request to speak with supervisory staff (i.e., the sergeant, who will attempt to resolve the issue).

NOTE: The unit / area sergeant **will enter** every housing area under their command at least twice each shift to ensure inmates have the opportunity to address complaints which line staff are unable to resolve.

3. If the issue cannot be resolved by line or supervisory staff, the inmate may be given access to the grievance system or issued a form if a Kiosk is not available.
4. When an inmate files a grievance, it must be submitted within **five (5) business days** from the time the inmate becomes aware of the incident / issue.

5. Grievances will be accessible to inmates **at all times via the housing unit Kiosks** or by having a supply of paper grievances available to inmates **in the housing units**. If an inmate submits a grievance for a non-grievable issue (refer to section above titled "Non-Grievable Issues") the inmate will be advised that their concern is not grievable. But, under **no circumstance** will the grievance process be denied.
6. If an inmate requires a paper copy of his grievance and response he can request such by submitting a Law Library request form to include the Grievance number to the Law Library during their regular law library request day.

D. Filling out a Grievance Form:

1. The Inmate Grievance must be completed in its entirety; full name, arrest number, cell location, facility, and date of request.
2. Staff will assist inmates in completing the grievance form if the inmate is physically or mentally unable to complete the form or is non-English speaking.
3. Some areas without access to kiosk systems (lockdown inmates / mental health) will utilize the paper grievance if requested.
4. **Part A – Inmate’s Grievance** must include the following information:
 - a. Date, time, and location of the incident
 - b. Names of other individuals involved, and
 - c. A brief statement of how the situation has affected the inmate
5. If additional writing space is needed when using a paper grievance, the inmate should be directed to **use a blank sheet of paper** and attach it to the grievance form.

Note: Paper Grievances will be handled as listed below.

- A. The inmate must sign and date the form in the appropriate spaces. The inmate then retains the white copy and gives the completed grievance to any line staff member. The deputy will immediately try to remedy the grievance (see "**NOTE**" under section "**A**"). If the deputy is unable to resolve the situation the grievance will be given to the unit / area sergeant for resolution. If the unit / area sergeant is unable to resolve the grievance, the grievance will be forwarded to the facility commander’s designee.
- B. If the form is not filled out correctly, the facility commander’s office staff will make every reasonable attempt to complete the form. If information is unavailable, forms unable to be completed by staff will be returned to the inmate.

E. Processing Grievances:

1. The facility commander’s designee will:
 - a. Ensure that the Electronic Grievance system is checked daily during regular working hours.
 - b. Determine who the grievance should be forwarded to for the most appropriate response (i.e., shift commander, unit supervisor, unit manager etc...) and send an internal BSO e-mail to notify the individual that a grievance was sent to them via the ASK system.
 - c. Answer grievances which do not need to be forwarded to others for a response.
 - d. Ensure the grievance is classified properly and resolved appropriately as founded or unfounded.
 - e. Audit the process to assure time lines are followed.
 - f. Process paper form grievances (if applicable) by logging them into the grievance database.
2. If a group of inmates submit several grievances addressing one issue, the grievances will be addressed in the form of a petition. These grievances will be logged as one grievance.

F. Responding to Grievances:

1. The response to the inmate's grievance, after they are received, will be documented in the appropriate area.
2. The grievance response should include, but not be limited to:
 - a. Whether the grievance was founded or unfounded
 - b. A brief explanation / resolution
 - c. Staff's name / CCN, and
 - d. Date answered
3. When grievances involve private vendors (i.e., Food Services, Medical Provider, etc.) or specialized units (i.e., Confinement Status, Commissary, Property, etc.) the vendor, shift lieutenant or O.I.C. will respond to the grievance if appropriate. This process will ensure the response is returned to the inmate within **ten (10) business days** from the time the grievance was first received by the facility commander's designee.
4. The release of an inmate does not negate the completion of the grievance process.
5. If an inmate has been transferred, the grievance must be forwarded to the inmate's new location.
6. When an inmate is released and has a grievance issue that is in progress, he / she can contact the facility commander's office of the respective facility for resolution.
7. In the event a grievance cannot be satisfactorily answered within **ten (10) business days**, facility commanders or designee will respond to the inmate within the allotted time stating the reason an answer is not available. The inmate will then be advised of when to expect a response.

G. Appealing Grievances:

1. If the grievance response is not satisfactory to the inmate, the inmate may appeal to the facility commander.
 - a. The inmate's appeal must take place within **five business days** from the date the inmate receives a response.
2. The facility commander's designee will document the date the appeal process started and the date the appeal was returned to the inmate.
3. The facility commander, designee, appropriate staff, or vendor will complete the "Facility Commander's Response to Appeal" section **within twenty (20) business days** of receipt of the appealed grievance and return it to the inmate.
4. If the appeal cannot be satisfactorily answered within **twenty (20) business days**, facility commanders or designee will respond to the inmate within the allotted time stating the reason an answer is not available. The inmate will then be advised of when to expect a response.

AUDITS: Audits shall be conducted at least annually in accordance with the Internal Audit Schedule.