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5-12/000.00 INMATE REQUESTS FOR SERVICE AND COMPLAINTS (NON-MEDICAL/NON-MENTAL HEALTH)

All inmates confined within the Los Angeles County Jail system have a right to file a complaint or submit a request for service. No member of the Department shall discourage, hinder or prohibit any inmate from filing a complaint. For the purpose of this policy, the terms "grievance" and "complaint" are synonymous.

Responsibilities

It shall be the responsibility of all line personnel to ensure that Inmate Request/Complaint Forms (SH-J-420) and medical envelopes are readily available to all inmates. The supervising line deputy shall check each housing location a minimum of once per shift to ensure that the forms and medical envelopes are readily available.

The checking and restocking of forms and medical envelopes shall be noted in the narrative section of the electronic-Uniform Daily Activity Log (e-UDAL). Sergeants shall note the number of forms retrieved from the complaint boxes in the designated section of the e-UDAL.

At a minimum of once per shift, a sergeant shall remove the forms from the complaint boxes, review them, confirm the date submitted, ensure the inmate has taken the pink copy, and that only one issue is addressed per form. The sergeant shall sort the forms by category. Basic requests (defined below) shall be assigned by the sergeant to a staff member to handle promptly.

All other requests and all complaints (service, personnel, and Americans with Disabilities Act (ADA)) shall be assigned a reference number by the sergeant.

The sergeant shall deliver all other requests and service complaints to the watch sergeant for assignment/handling. The sergeant shall immediately deliver personnel complaints and ADA complaints to the watch commander for review and appropriate action. The sergeant shall immediately deliver, in person, any sealed medical and mental health requests and medical related complaints to a medical sergeant.

Emergency Complaints

An inmate may request that a complaint be handled on an emergency basis. An emergency is defined as an immediate risk of death or injury to the inmate.

Personnel receiving an emergency complaint shall determine if the situation requires immediate action to protect the life or safety of the inmate and, if so, shall take any necessary action pending further investigation. Personnel shall immediately notify their sergeant, who shall initiate the actions necessary to address the situation giving rise to the emergency. The sergeant shall also

notify the watch commander, who shall make the final determination on whether the complaint is an emergency and, if so, shall ensure that appropriate action has been taken to resolve the issues giving rise to the emergency.

The watch commander will further ensure that a written response is provided to the inmate within five calendar days documenting what action was undertaken to address the situation which gave rise to the emergency. If the inmate is not satisfied with the action(s) taken to address the situation, the inmate must submit an appeal of the Department's action within five calendar days of receipt of the written response. The watch commander shall make the final determination of the resolution of any appeal within two calendar days of receipt of the appeal.

If any portion of an inmate complaint is treated as an emergency, but there is another portion of the complaint that is not deemed to be an emergency, the non-emergent portion shall be treated as such and the non-emergent portion of the complaint shall be subject to the general inmate complaint process and deadlines set forth in other sections of this policy. The portion of the complaint that is deemed to be an emergency will proceed on the timelines set forth in the preceding paragraph.

Jurisdiction of Complaints

If the complaint or request involves conditions or personnel at another facility, the facility receiving the form shall facsimile a copy to the concerned facility's unit commander and mail the original. The concerned facility shall assign the reference number, and be responsible for completing the request.

Any question of complaint jurisdiction within a jail facility shall be determined by the unit commander. Any question of jurisdiction within the Custody Division shall be determined by the Division Chief.

Basic Requests

A basic non-medical or non-mental health request is a request that can be quickly resolved by a custody assistant, deputy, supervising line deputy or sergeant. This type of request does not require a reference number. When feasible, the request shall be handled during the shift in which it is received.

If this is not possible, the watch commander shall be advised and the inmate shall be notified of the reason for the delay. A complaint involving personnel is not considered a basic request and shall be handled as set forth below, under "Personnel Complaint." A basic request may be submitted in any written form.

Requests

All requests other than basic requests must be submitted on the Inmate Request/Complaint Form. The retrieving sergeant shall assign a reference number to these requests. Requests shall be handled by established unit procedures.

Requests of a medical or mental health nature shall be submitted by inmates in

a sealed envelope. The sergeant shall immediately deliver, in person, any sealed medical and mental health requests and medical related complaints to a medical sergeant.

Complaints (In General)

A sergeant with the rank of sergeant or above shall investigate all complaints within 15 calendar days of the complaint being filed. Upon completion, the handling sergeant shall complete the "Disposition" section of the Inmate Request/Complaint Form, obtain the inmate's signature on the white and yellow copies, and provide the yellow copy to the inmate (See Inmate Complaint Investigation Handbook for instructions on how to investigate inmate complaints).

If the investigation cannot be completed within 15 calendar days, the handling sergeant shall notify the assigning watch commander and request an additional 15 calendar days to complete the investigation. Upon approval, the handling sergeant shall notify the inmate of this extension.

If, after the extension, the Department has still not completed the investigation, or if an extension was not approved, the watch commander shall inform the inmate in writing that the complaint cannot be completed within the requisite time frame and that the inmate has the right to appeal.

Group Complaints

When individual complaints are submitted by three or more inmates from the same housing location referencing the same or similar complaints, these complaints shall be considered group complaints. A single reference number shall be assigned for each group complaint and applied to each individual complaint form. Each complaint form submitted shall be handled with written notice to the inmate as provided above.

At no time shall the group complaint procedure be used in regards to personnel complaints.

ADA Complaints

Inmates may submit ADA complaints on either the "Inmate Request/Complaint Form" or the "Los Angeles County Sheriff's Department Americans with Disabilities Act (ADA) Complaint Form". If the inmate uses the "Inmate Request/Complaint Form," the "ADA" box on the form should be checked. The posted toll free number may also be used to file a complaint.

Regardless of the form used, all ADA complaints shall be assigned by the watch commander to a sergeant to handle as quickly as possible. If the inmate is requesting a reasonable accommodation that requires the consultation of medical personnel, the request shall be handed to the appropriate medical personnel. Copies of both resolved complaints with action taken and unresolved complaints are forwarded by the facility administration to the Department ADA coordinator.

Complaints of Retaliation

Any allegation of retaliation by an inmate will be objectively and thoroughly investigated by the Department. Refer to CDM section 5-12/005.05, "Anti-Retaliation Policy."

Any allegation of retaliation by an inmate shall be objectively and thoroughly investigated by the Sheriff's Department. The unit commander shall forward a copy of the retaliation complaint to the Custody Division Headquarters and the Office of the Independent Review.

The complaint shall be reviewed by a Custody Division commander, as directed by the chief, and forwarded to the appropriate unit for handling within a fifteen (15) day time frame as outlined in the inmate complaint policy.

The allegation shall be documented by a supervisor on a SH-AD-32A and submitted to the unit commander of the involved facility for review. The unit commander shall be responsible for reviewing all retaliation complaints, and ensure all allegations of retaliation are entered into the Facility Automated Statistical Tracking (FAST) system. The unit commander shall refer to the inmate complaint policy for the handling of retaliation complaints.

Personnel Complaints

Personnel complaints shall be immediately delivered by the shift sergeant to the watch commander to evaluate the nature and seriousness of the complaint, and to assess the type of response necessary (i.e., immediate or routine).

The watch commander shall assign a sergeant to conduct a preliminary inquiry in order to determine the appropriate method for handling (i.e., handle according to the inmate complaint investigation process or handle via an administrative or criminal investigation). A personnel complaint shall not be handled by the staff member against whom the complaint is directed, and, if possible, not handled by a sergeant who directly supervises the involved personnel.

All personnel complaints shall be reviewed by the unit commander.

Form for Requests and Complaints

If an inmate submits a written request or complaint in some other form, the sergeant who retrieves it shall return it to the inmate along with a blank Inmate Request/Complaint Form and provide the inmate the assistance needed to complete the form. Regardless of the format, all complaints shall be recorded and processed as described under the section "Complaints (In General)."

Inmates who are unable to complete a written form because of disability, language barrier, or illiteracy may raise complaints or requests orally, and Department personnel shall ensure that the complaint or request is documented in writing.

Late Submissions

Complaints submitted 15 calendar days after the event upon which the complaint is based shall be considered late and denied. These complaints will receive a disposition code of 50 and closed. Personnel complaints shall not be considered late if the last event complained of occurred within 15 calendar days of the submission date.

If the date of submission comes into question, the assigned sergeant shall review the e-UDAL and confirm that the forms had been retrieved on a daily basis. If the forms were not collected daily, an adjustment shall be made to allow for the 15 calendar days.

Personnel complaints submitted 15 calendar days or more after the event upon which the complaint is based will be considered late and denied. Late complaints will be closed in F.A.S.T. with a code 50; however, they shall be thoroughly investigated. The inmate shall be notified that the complaint was submitted late and denied, but that the Department will nonetheless conduct an investigation and take appropriate action in response to the complaint. The decision to conduct any investigation after the expiration of the 15 calendar day deadline shall not invalidate the denial of an untimely complaint or confer any rights on the involved inmate.

Resolution of the Complaint

Once the results of the complaint investigation have been determined, the assigned sergeant shall complete the "Disposition" section on the Inmate Request/Complaint Form. A written response shall be delivered to the inmate generally within 15 calendar days after the submission of the complaint. A written response shall be provided for any approval or denial of a complaint. This requirement shall be satisfied by providing the inmate a copy of the final disposition of the Inmate Request/Complaint Form.

Inmates shall sign the original or facsimile copy (if forwarded from another unit) of the Inmate Request/Complaint Form to document receipt of the written response as stated in Title 15 Section 1073, "Inmate Grievance Procedure." However, if the complaint was previously addressed as the result of a court order or other governmental referral, it is not mandatory to summon the inmate for his/her signature.

For complaints relating to inmates that have been released after the submission of a complaint, the assigned sergeant shall note in the "Disposition" section that the inmate has been released. A copy of the disposition should be forwarded to the released inmate's listed mailing address. Once the investigation has been completed and signed by the inmate (if applicable), the Inmate Request/Complaint Form shall be placed into the facility's Inmate Request/Complaint Coordinator's in-box for further processing.

NOTE: The Inmate Request/Complaint Coordinator shall ensure that the receipt of the written response is properly entered in the F.A.S.T. system. The Inmate Complaint Disposition Data shall be completed on the back of the Inmate Request/Complaint Form.

Complaints From Released Inmates

Inmate complaints received from persons who have been released from custody shall be processed on an Inmate Request/Complaint Form (not a Watch Commander Service Comment Report form) pursuant to Manual of Policy and Procedures, section 3-04/010.05, "Procedures for Department Service Review." Complaints submitted from former inmates shall be subject to the same guidelines, requirements and procedures as a complaint submitted by an inmate in custody.

Referred Inmate Complaints

In the event an inmate is unable to submit a complaint, a complaint may be submitted by a non-involved party (i.e., an inmate's friend, relative, etc.) on behalf of the inmate. Referred inmate complaints shall be processed pursuant to Custody Division Manual section, 5-12/020.00, "Referred Inmate Complaints." Referred inmate complaints shall be subject to the same guidelines, requirements and procedures as a complaint submitted by an inmate in custody.

Conflict Resolution

Sergeants are encouraged to offer the inmate a "Conflict Resolution Meeting" with the employee(s) they are complaining about. A "Conflict Resolution Meeting" between an inmate and personnel is voluntary, and shall be conducted by a sergeant. The purpose of a "Conflict Resolution Meeting" is to further the Department's ongoing effort to encourage respect-based interaction with inmates. Even if the inmate's complaint against personnel is unfounded, a "Conflict Resolution Meeting" may serve as a learning experience for the inmate and personnel.

Certain inmate complaints where there is an indication of significant misconduct are not suitable for conflict resolution, such as excessive force, retaliation, or criminal misconduct. Sergeants should use good judgment in determining whether a "Conflict Resolution Meeting" is appropriate for the circumstances.

Dispositions

Findings resulting from an investigation in response to an inmate complaint depend on whether the complaint is against personnel or a service complaint.

Service complaints shall be resolved with one of the following dispositions:

- **Founded.** Further action taken (investigation establishes that the complaint is true and that a sergeant has taken appropriate action to remedy the matter),
- **Unfounded.** No further action (investigation clearly establishes that the complaint is not true and no further Department action is necessary),
- **Unresolved** (Investigation fails to resolve the complaint, and there is no preponderance of the evidence to either affirm or refute the inmate's complaint. It is within the sergeant's discretion to determine whether any action is necessary or appropriate to address the source of the inmate's complaint).

Inmate complaints against personnel shall be resolved with one of the following

dispositions:

- Exoneration (Employee was clearly not involved or incident could not have occurred),
- Employee Conduct Appears Reasonable (The employee's conduct appeared to be in compliance with procedures, policies, guidelines or training),
- Appears Employee Conduct Could Have Been Better (The employee's conduct was in compliance with procedures, policies and guidelines. The complaint could have been mitigated if the employee had employed tactical communication principles or common sense),
- Employee Conduct Should Have Been Different (The employee's conduct was not in compliance with established procedures, policies, guidelines or training),
- Unable to Make a Determination (There is insufficient information to assess the employee's alleged conduct or to identify the employee involved).

Should the inmate complaint investigation result in a disposition that the employee's conduct should have been different, the unit commander shall determine the following course of action:

- Train, counsel, and/or mentor the employee,
- Initiate an administrative or criminal investigation, as appropriate.

Refer to Complaints Against Personnel below for further details about what should be communicated to the complaining inmate.

Appeal Process for Complaints

Appeals by inmates must be submitted within seven calendar days of receiving the written disposition regarding their complaint, or it will be denied. Appeals shall be submitted on the appropriate appeal form. Inmates who are unable to complete a written form because of disability, language barrier, or illiteracy may raise complaints or requests orally, and Department personnel shall assist these inmates in completing the written form.

The appropriate sergeant, an individual different from the initial reviewer (watch commander, medical sergeant, mental health sergeant, or food production sergeant) shall make the final determination of the resolution for the appeal. Inmates shall be advised, in writing, of the disposition of their appeal within 15 calendar days after the submission of the appeal.

If the Department fails to notify the inmate of the disposition of the appeal within 15 calendar days, the inmate's appeal shall be considered denied. The unit commander or his designee, shall review all inmate complaint appeals to ensure a thorough investigation has been conducted and the appropriate disposition has been rendered.

Handling Dispositions of Personnel Complaints

The results of an investigation pertaining to an inmate complaint against

personnel shall not be disclosed in any form, including written responses to inmate complaints. The reviewing sergeant shall advise the inmate, in writing, of the disposition of a complaint against any personnel or any results of inquiries pertaining to personnel conduct. The information disclosed to the inmate shall be limited to the following information:

- Acknowledgment of the complaint,
- Statement that the investigation was completed,
- Assurance that the appropriate administrative action has been taken (for complaints that have been resolved as "Employee Conduct Should Have Been Different.").

Note: For the other personnel complaint dispositions, the disclosure shall be limited to the following response: "Your complaint has been thoroughly investigated; however, we were unable to substantiate that (employee's name) violated any of our Department policies and procedures."

When an inquiry into the conduct of any personnel results in the initiation of a unit level administrative investigation, an IAB investigation, or an ICIB investigation, the sergeant conducting the inquiry into the inmate complaint shall complete the "Disposition" section of the Inmate Request/Complaint Form, indicating the disposition as "Unit Level Investigation," "Internal Affairs Bureau Investigation," or "ICIB Investigation."

Retention of Original Inmate Complaints

Pursuant to Custody Division Manual section 4-13/000.00, "Retention of Records," custody facilities shall retain all inmate complaints for five years. Additionally, all inmate requests requiring a reference number shall be retained for five years.

Extensions

The unit commander, or his/her designee, may extend time deadlines for the submission or disposition of a complaint or appeal in the event of an emergency situation or when there is an extended disruption of normal facility operations.

Audits

Custody Division shall appoint a division-wide Inmate Grievance Coordinator, at the permanent rank of lieutenant, who shall provide oversight of all inmate complaints.

The Inmate Grievance Coordinator shall conduct monthly reviews of all units within the Custody Division to ensure compliance with the standards and procedures set forth in this policy.

The Inmate Grievance Coordinator shall report the findings to the Custody Division Executives on a monthly basis. Any irregularities identified by the Inmate Grievance Coordinator shall be reviewed by the unit from which they originated and reported back to the Inmate Grievance Coordinator by the unit commander or his/her designee.

Per CDM section 4-13/000.00, "Retention of Records", all inmate complaints shall be retained for five (5) years.

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