



## CUSTODY DIVISION REFERENCE LIBRARY

[LASD Home Page](#)

[Search Engine](#)

[Welcome Page](#)

## Custody Division Manual Table of Contents

[Volume 1](#) [Volume 2](#)

[Volume 3](#) [Volume 4](#)

[Volume 5](#) [Volume 6](#)

[Volume 7](#)

## Revisions

[2002-2013 Revisions](#)

[2014 Revisions](#)

## Custody Division Directives

[2004-2013 Directives](#)

[2014 Directives](#)

## Custody Division Links

[Custody Force Related  
Sections](#)

[Title 15 & Title 24](#)

[Standards for Training in  
Corrections \(STC\)](#)



## 5-12/000.05 MEDICAL AND MENTAL HEALTH INMATE COMPLAINTS AND REQUESTS FOR SERVICE

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

All medical and mental health requests/complaints shall be submitted by inmates in a sealed envelope. It shall be the responsibility of the shift custody sergeant(s) to collect all requests/complaints per Custody Division Manual (CDM) section 5-12/000.00 "Inmate Requests for Service and Complaints (Non-Medical/Non-Mental Health)". Medical supervisors or lead nurses shall receive the forms from custody sergeants, review them, confirm the date submitted, ensure the inmate has taken the pink copy and only one issue is addressed per form.

The medical supervisor or lead nurse shall sort the forms by category. The medical supervisor or lead nurse shall immediately deliver all non-medical (and non-mental health) requests and service complaints to the watch sergeant for assignment/handling. All other medical and mental health requests and complaints shall be assigned a reference number by the medical supervisor, and assigned to appropriate medical or mental health personnel for handling.

All mental health requests and complaints shall be delivered by a medical supervisor or their designee to Department of Mental Health (DMH) personnel at each facility. For facilities located at Pitchess Detention Center (PDC), the mental health requests and complaints shall be delivered by the respective facility's medical supervisor or designee to the North County Correctional Facility (NCCF) watch commander by 1300 hours daily, Monday through Saturday.

DMH or Jail Mental Evaluation Team (JMET) deputies assigned to PDC will retrieve mental health requests from the NCCF watch commander each work day prior to the end of their shift. DMH or JMET personnel will handle the complaint or request to completion, and forward the disposition to Medical Services Bureau.

### Emergency Complaints

Any medical or mental health requests which appear to be emergent in nature shall be handled immediately. Medical or Mental Health staff shall notify sworn staff of the inmate's need for immediate care, and shall either respond to the inmate's housing location to render proper medical/mental health assistance, or shall direct sworn staff to escort the inmate to the facility clinic.

If any portion of an inmate complaint is treated as an emergency, but if 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 medical or mental health 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 Custody Division Manual section 5-12/000.00, Inmate Requests for Service and Complaints (Non-Medical/Non-Mental Health).

### **Jurisdiction of Medical and Mental Health Complaints**

If the medical or mental health complaint or request involves conditions or personnel at another facility, the facility receiving the form shall facsimile a copy to the concerned facility's medical or mental health supervisor and mail the original. The concerned facility will assign the reference number.

Any discrepancies as to the jurisdiction of a medical or mental health complaint shall be forwarded to Medical Administration for determination.

### **Medical and Mental Health Requests**

All medical and mental health requests other than sick call request(s) must be submitted on the Inmate Request/Complaint Form. The retrieving medical supervisor or designee shall assign a reference number to these requests. The request shall be handled by established unit procedures.

### **Medical and Mental Health Complaints (In General)**

A medical supervisor or designee shall investigate all complaints within 15 calendar days of the complaint being filed. Upon completion, the handling medical supervisor or designee 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 medical supervisor shall notify the facility Clinical Nursing Director II or Head of Service (i.e. Chief Physician, Dental Director, etc.) and request an additional 15 calendar days to complete the investigation.

Upon approval, the handling medical supervisor 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 medical supervisor shall inform the inmate in writing that the medical complaint cannot be completed within the requisite time frame and that the inmate has the right to appeal.

### **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, if the inmate is requesting a reasonable accommodation that requires the consultation of medical personnel the request shall be handled by the appropriate medical personnel. A copy shall be given to the on duty watch commander for review. After reviewing the ADA complaint, the watch commander shall forward it to the facility administration.

Copies of both resolved complaints with action taken and unresolved complaints are forwarded by the medical 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.

If an inmate submits a complaint alleging retaliation, and such complaint is received by medical personnel, the Complaint/Request Form shall be immediately hand-delivered to the watch commander. The allegation will be documented by the watch commander on a SH-AD-32A, attached to the Request/Complaint Form, and submitted to the unit commander of the concerned facility for review.

The unit commander shall forward a copy of the SH-AD-32A and attached Request/Complaint Form to Internal Affairs Bureau, Internal Criminal Investigations Bureau, and the Office of Independent Review. The Captain of Internal Affairs Bureau will determine which unit will conduct the investigation.

### **Medical and Mental Health Personnel Complaints**

Medical and mental health personnel complaints shall be immediately delivered by the shift medical supervisor to the facility Nurse Manager to evaluate the nature and seriousness of the complaint, and to assess the type of response necessary (i.e., immediate or routine).

The Nurse Manager shall assign a medical supervisor 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 medical personnel complaint shall not be handled by the staff member against whom the complaint is directed.

### **Form for Medical and Mental Health Complaints and Requests**

If an inmate submits a written request or complaint in some other form, the medical supervisor 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. Medical and mental health complaints shall be considered received on the day they are first submitted, regardless of the format.

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

### **Late Submissions**

Medical or Mental Health complaints submitted 15 calendar days or more after the event upon which the complaint is based will be considered late and denied. These complaints will receive a disposition code of 50 and closed. Medical or mental health 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 medical supervisor 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.

Medical or mental health 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 Medical or Mental Health Complaint**

Once the results of the medical or mental health complaint investigation have been determined, the assigned medical supervisor or designee 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 medical or mental health 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 medical or mental health 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. If the inmate is released prior to the completion of the investigation, it shall be noted in lieu of the inmate's signature.

For medical or mental health complaints relating to inmates that have been released after the submission of a complaint, the assigned medical supervisor 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 Form, SHJ-438, has been revised. The SHJ-438 disposition information shall be completed on the back of the Inmate Request/Complaint Form. Additionally, all Inmate Request/Complaint Forms, SH-J-420, dated prior to May 2007, shall not be used and must be discarded.

### **Medical and Mental Health Complaints From Released Inmates**

Inmate medical or mental health 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." Medical and mental health complaints submitted from former inmates shall be subject to the same guidelines, requirements and procedures as a medical or mental health complaint submitted by an inmate in custody.

### **Referred Medical and Mental Health Inmate Complaints**

In the event an inmate is unable to submit a medical or mental health 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 medical and mental health complaints shall be processed pursuant to Custody Division Manual section, 5-12/020.00, "Referred Inmate Complaints." Referred inmate medical and mental health complaints shall be subject to the same guidelines, requirements and procedures as a medical or mental health complaint submitted by an inmate in custody.

### **Dispositions**

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

Medical and mental health service complaints shall be resolved with one of the following dispositions:

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



determine whether any action is necessary or appropriate to address the source of the inmate's medical or mental health complaint).

Inmate complaints against medical or mental health 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 medial or mental health 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 facility Clinical Nursing Director II or Head of Service shall decide between the following courses of action:

- Train, counsel, and/or mentor the employee.
- Recommend 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 Medical and Mental Health Complaints**

Inmates must submit an appeal from a denied medical or mental health complaint 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 supervisor, an individual different from the initial reviewer 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 Medical or Mental Health Personnel Complaints**

The results of an investigation pertaining to an inmate complaint against medical or mental health personnel shall not be disclosed in any form, including written responses to inmate complaints. The reviewing supervisor 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 medical or mental health 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 medical or mental health personnel results in the initiation of a unit level administrative investigation, an IAB investigation, or an ICIB investigation, the supervisor 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**

Medical Services Bureau shall retain all medical or mental health inmate complaints for seven (7) years. Additionally, all inmate requests requiring a reference number shall be retained for seven (7) years.

### **Extensions**

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

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

**04/29/12 CDM**