

# POLICY AND PROCEDURES

NUMBER: 1802

SUBJECT: Inmate Grievances

ACA STANDARDS: 4-ALDF-4C-01; 6B-01

ACTING DIRECTOR: *Julia Childrey*

EFFECTIVE DATE: 3/1/90 REVISION DATE: 8/1/91, 4/1/95,  
9/97, 8/06, 10/12, 11/13, 1/19



## I. POLICY

The St. Louis County Department of Justice Services shall provide all inmates with an administrative process which is available for the expression and resolution of inmate issues, with at least one (1) level of appeal.

## II. RESPONSIBILITIES

All St. Louis County Department of Justice Services' Corrections and Corrections Medicine staff are responsible for the following procedures.

## III. DEFINITIONS

**Informal Grievance Procedure:** The first step in the inmate grievance procedure that allows an inmate to verbally or in writing, express a problem or concern to a staff member.

**Formal Grievance Procedure:** A standard written procedure used to settle legitimate complaints concerning an incident, policy or condition within the facility. This procedure shall be used after an informal attempt to resolve the problem has been made by the inmate.

**Investigator:** The staff member who handles the initial formal grievance filed by the inmate.

**Appeal Investigator:** The Unit Manager or his/her designee who investigates an

appeal made by the inmate. The appeal investigator should not be the person who did the initial investigation.

#### **IV. PROCEDURES**

##### **A. Inmate Rights Concerning Grievances**

- 1.** All inmates have the right to register a complaint regarding treatment, incidents, medical care, administrative policies and procedures or other legitimate concerns.
- 2.** All inmates have the right to seek administrative or judicial redress without fear of reprisals or punitive disciplinary action.
- 3.** All inmates have the right to receive an immediate response to a grievance of an emergency nature which immediately threatens health or welfare.
- 4.** All inmates have the right to receive a response to a non-emergency grievance within five (5) working days of formally filing the grievance.
- 5.** All inmates have the right to appeal the grievance decision to the Director or his/her designee.

##### **B. Informal Process**

- 1.** Inmates shall be encouraged to use the informal process prior to initiating a formal grievance. Therefore, inmates should discuss the problem with his/her Housing Unit Officer or staff member responsible in the particular area of the problem.
- 2.** Staff shall encourage the informal process when it is brought to their attention that a legitimate problem exists.
- 3.** After an inmate has exhausted all efforts at informally resolving a grievance with staff, an Inmate Grievance Form may be requested from the inmate's Corrections Case Manager or Housing Unit Officer assigned to the unit.

##### **C. Formal Process**

- 1.** Inmate Responsibilities

- a. Inmates shall use the formal grievance process for legitimate problems and complaints only. If it is determined by the Unit Manager and Director or his/her designee that an inmate is abusing the grievance procedure, the inmate shall be informed in writing that grievances of a harassing or frivolous nature shall be denied a response.
- b. A grievance must be filed within five (5) days from the date of the incident or event that is the basis for the grievance, unless circumstances make it unreasonable to file within that time period.
- c. Inmates shall complete the Grievance Form to include the rule, regulation, policy or circumstance about which the inmate is filing a grievance.
- d. Specific details of the grievance including the date, time location of incident, witnesses and any other relevant information shall be included in the grievance.
- e. What informal actions were taken to resolve the grievance and which staff member the inmate addressed the informal grievance with shall be included on the formal grievance.
- f. The grievance shall include the date it is being filed along with the housing unit, name and signature of the inmate filing the grievance. Grievances shall be submitted to the inmate's Corrections Case Manager or Housing Unit Supervisor assigned to the unit.

## 2. Corrections Staff Responsibility

- [a. The Corrections Case Manager/Housing Unit *Officer or* Supervisor receiving the grievance shall decide if he/she can handle the grievance *informally* or if it should be forwarded to the Unit Manager.]
- [b. If the Corrections Case Manager /Housing Unit *Officer or* Supervisor decides he/she cannot handle the grievance *informally*, he/she shall immediately forward the grievance to the Unit Manager. *The Unit Manager will sign and date the grievance as received and will have five (5) days from the date the grievance was received by the Corrections Case Manager/Housing Unit Supervisor to respond.*]

- c. After the Unit Manager investigates the grievance, he/she, or the appropriate staff member, shall submit a written response to the inmate.

**[3. Forwarding Grievances**

- a. *If a Unit Manager receives a grievance that concerns issues in another area (i.e. medical, kitchen, commissary, etc.) the grievance will be forwarded to the assigned person in that area.*
- b. *The Unit Manager will sign and date as received and note on the grievance to whom it was forwarded and the date it was forwarded.*
- c. *The Unit Manager will make a copy to keep in his/her file and place the original grievance in the appropriate mailbox:*
  - 1. *Medical Grievances – Medical*
  - 2. *Commissary Grievances – Accounting Manager*
  - 3. *Mail Grievances – Office Manager*
  - 4. *Kitchen Grievances – Kitchen Manager*
  - 5. *Visiting Grievances – Office Manager for Director*
  - 6. *Programs/Volunteer Grievances – Superintendent of Community Corrections*
- d. *After the proper staff member has investigated the grievance and provided a response, the grievance and response will be placed in the Unit Manager's mailbox.*
- e. *The Unit Manager will make a copies of the response, have the inmate sign the response to be kept on file, and will enter the information into IJMS.]*

**4. Investigative Guidelines**

- a. The investigator shall interview the complainant.
- b. When appropriate, the investigator shall interview corroborating and adversary witnesses.

- c. When appropriate, statements from pertinent staff and/or inmates shall be obtained.
- d. The investigator shall review policies, procedures and/or standards of the facility.
- e. A completed Grievance Response shall be completed by the investigator and typed by the Unit Manager before being submitted to the inmate.
- f. The Unit Manager shall make two (2) copies of the response. The Corrections Case Manager, Housing Unit Supervisor or Unit Manager will return all grievance responses to the inmate.
- g. After returning the grievance to the inmate, one copy shall be signed by the inmate. The original shall be given to the inmate and the second copy shall go to the Unit Manager so it can be filed in the Administrative file.
- h. The inmate shall be notified at this time of his/her rights to appeal.

D. Appeal Process

- [1. The inmate has three (3) days from the date of receiving the response to appeal to the Unit Manager. Appeals shall be given to the Corrections Case Manager or Housing Unit Supervisor who will submit the appeal to the Unit Manager. *The Unit Manager will sign and date the appeal as received.* If the Unit Manager is the initial investigator, he/she will route the appeal to the Director or his/her designee.]
- 2. The Unit Manager may handle the appeal himself/herself or he/she may assign the appeal investigation to another staff member.
- 3. The appeal process shall consist of the following:
  - a. A review of the initial investigation
  - b. New interviews, if necessary
  - c. Receiving additional statements if necessary.
- 4. The Appeal Response Form shall be filled out by the appeal investigator.

5. The appeal investigator shall complete and sign the Appeal Response Form. The Director or his/her designee shall also sign the Appeal Response Form signifying his/her agreement with the report. The response shall be returned to the inmate through the Unit Manager or his/her designee.
6. The entire appeal process shall be conducted within five (5) working days of receiving the inmate appeal, by which time an Appeal Response should be returned to the inmate.
7. If the time limit to respond to the grievance or the appeal is insufficient due to a continuing investigation, then the inmate shall be notified in writing of the extension.
8. Each Unit Manager shall keep a grievance log that will consist of the inmate's name, date and type of complaint. Completed grievance reports shall always be noted in the log so a copy can be kept in the Administrative file.