

## EXHIBIT 3 - INMATE GRIEVANCE POLICY

### **12.200. INMATE GRIEVANCES**

REVIEWED 05/2020

**12.210.00 INMATE GRIEVANCE POLICY:** The inmate grievance system is a process through which inmates may seek formal review of issues, relating to conditions of confinement including but not limited to:

- Medical care
- Program participation
- Mail
- Telephone
- Food, clothing and bedding

Inmate grievances alleging staff misconduct may be handled by the facility's supervisory staff. Staff investigating these grievances may need to consult the Internal Affairs Division.

Grievance forms shall be available to inmates at all times either electronically by the automated kiosk located in the housing area or by staff and the Inmate Grievance form (ASU#050401) if the automated kiosk system is down for more than 24 hours.

Inmates shall not use this process to submit grievances or grievance appeals to represent another inmate or group of inmates. The process is intended to address specific concerns that are personal to the inmate making the grievance or appeal.

Inmates may obtain assistance in preparing a grievance or grievance appeal from another inmate, or outside resources such as family or an attorney. However, obtaining assistance shall not be a valid reason for exceeding the time limit for submission. (Refer to Title 15, Section 1073 and Penal Code Section 832.5)

(Rev. 09/2019)

**12.215.00 STAFF REGARDING GRIEVANCES:** Staff shall not destroy any grievance or dissuade or retaliate against any inmate who has filed a grievance. (Add. 06/2017)

**12.218.00 EMERGENCY GRIEVANCE REGARDING IMMINENT SEXUAL ABUSE:** An inmate may file an emergency grievance alleging they are subject to a substantial risk of imminent sexual abuse. Staff receiving these grievances shall immediately forward the grievance to a shift supervisor. The shift supervisor shall provide the inmate with an initial response within 48 hours and shall notify the inmate within five calendar days electronically on the automated kiosk or by the Inmate Grievance Investigation form (ASU#050402). The investigation shall

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document whether the inmate is in substantial risk of imminent sexual abuse and the action taken in response to the emergency grievance.

(Rev. 09/2019)

**12.220.00 INMATE GRIEVANCE PROCEDURE:** At the time of booking, inmates shall receive a copy of the Inmate Rules and Regulations pamphlet

(ASU#060803) explaining grievance and grievance appeal procedures. Inmates may file grievances relating to conditions of confinement. Inmates desiring to file grievances shall utilize automated kiosks located in their current housing area. If automated kiosks are unavailable, inmates may request an Inmate Grievance form from staff. Bureau Policy Section 18.066.00 Inmates with Disabilities and Grievances shall be followed without amendment. If an inmate grievance form is used, staff shall ensure the form is signed by the inmate. Upon receiving the grievance, staff shall enter their name, employee number, date, and time received. The inmate shall be given a copy of the grievance.

Inmates shall place a single complaint or reasonable number of closely related issues on one grievance form. Grievances containing multiple unrelated issues shall be accepted, however, supervisors may reject multiple grievances that are difficult to investigate together. Inmates shall receive an electronic response for the rejection on the automated kiosk or in writing if an Inmate Grievance form was used.

Inmates shall have 10 calendar days after the date of the incident to file a grievance. Inmates shall not have a time limit to report a grievance regarding allegations of sexual abuse or sexual harassment. (Refer to Title 15, Section 1073)

Grievances shall be completed electronically or by the Inmate Grievance form. (Rev. 09/2019)

**12.220.05 EMERGENCY INITIAL GRIEVANCE FILING:** Inmates that reasonably believe their issue is of a sensitive nature, or their safety or well-being would be placed in danger if the grievance contents became known by the inmate population at large, or an inmate who alleges sexual abuse or assault shall immediately notify staff and may request to submit the grievance directly to a supervisor without delay. If using the automated kiosk, the request will automatically be forwarded to a facility supervisor.

(Rev. 09/2019)

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**12.230.00 GRIEVANCES INVOLVING STAFF MISCONDUCT:** If during a grievance investigation, the investigator becomes aware of misconduct by a staff member of the Department, the investigator shall immediately notify the Facility Commander/designee. The Facility Commander/designee shall ensure an administrative or criminal investigation is completed for all allegations of sexual abuse and harassment.

(Rev. 09/2019)

**12.235.05 GRIEVANCES INVOLVING STAFF SEXUAL MISCONDUCT:** If during a grievance investigation, the investigator becomes aware of sexual misconduct by a staff member of the department, the investigator shall immediately notify the Facility Commander/designee. Acts of sexual misconduct involving staff will generally be handled through the administrative investigation

process. If the Facility Commander/designee orders an administrative investigation be initiated, the inmate shall be provided an Inmate Grievance Extension form (ASU#001001) or be notified electronically on the automated kiosk indicating in the comments area a staff investigation has been initiated. The inmate shall be informed of the disposition of that investigation once it is concluded. Following an administrative investigation that was initiated by an inmate grievance, the Internal Affairs Division shall respond to the inmate with the disposition of the investigation within 30 days of the conclusion of the administrative investigation. If during the administrative investigation, it is determined there may have been a criminal act committed, then a criminal investigation will be conducted, and the administrative investigation will be tolled until the criminal investigation is complete.

Investigations into allegations of staff sexual misconduct may require additional investigation time. The investigator shall issue a completed investigation regarding the merits of any portion of a grievance alleging sexual abuse within 90 days of the inmate's initial filing of the grievance. There may be circumstances when investigators will need more than the 90 day time frame. The investigators may have up to 70 additional days, if the normal time period is insufficient to make an appropriate decision. The investigator shall notify the inmate electronically on the automated kiosk or in writing using an Inmate Grievance Extension form anytime investigations require more than 90 days, and provide an estimated date when the investigation will be completed. (Refer to Bureau Policy Section 12.270.00)

(Rev. 09/2019)

**12.240.00 SUPERVISOR/WATCH COMMANDER RESPONSIBILITIES:**

(Refer to Facility Specific Procedures Manual)

(Rev. 09/2019)

**12.250.00 INVESTIGATION PROCEDURE:** Staff shall attempt to resolve

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grievances at the lowest possible level. All grievances are forwarded to supervisors for review.

Supervisors conducting reviews may assign an appropriate staff member from the appropriate division to investigate unresolved grievances.

Staff shall not handle grievance reviews or investigations if they are the subject of the grievance.

Staff shall ensure completed grievance investigation results are forwarded to the inmate's new housing facility if the inmate has been transferred from the facility where the grievance was initiated. (Refer to Facility Specific Procedures Manual)  
(Rev. 09/2019)

**12.252.00 INMATE GRIEVANCE LOG:** Inmate grievance logs shall be maintained at each facility. Paper grievances are not captured in JIMSnet and will need to be recorded on a separate log. Logs generated in JIMSnet should contain the following:

- Inmate grievance number
  - Date grievance received
  - Inmate's name and booking number
  - Grievance issue
- (Refer to Facility Specific Procedures Manual)  
(Rev. 05/2020)

**12.254.00 GRIEVANCE REPORT NUMBER:** Every inmate grievance shall be assigned a number for tracking and reporting purposes. An electronic grievance submitted on an automated kiosk is automatically assigned a grievance report number via JIMSnet.

If an Inmate Grievance form is issued to an inmate, the grievance report number shall consist of the following information:

- The first number shall be "G" which indicates the number as a grievance report
- The second and third numbers shall be the two-digit numerical facility designator.
- The fourth and fifth numbers shall be the last two-digits of the current year
- The sixth and seventh numbers shall be the two-digit number of the current month

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- The last numbers shall be sequential serial numbers.
- (Rev. 05/2020)

**12.260.00 DISPOSITION:** Completed grievance investigations shall be answered in a professional manner and contain one of the following determinations:

**UNFOUNDED:** The investigation clearly established the allegation is not true.

**EXONERATED:** The investigation clearly established the actions that formed the basis for the grievance are not a violation of law or department policy.

**SUSTAINED:** The investigation established the allegation is true.

**NOT SUSTAINED:** The investigation established insufficient evidence to prove or disprove the allegation.

**FRIVOLOUS:** The investigation established the complaint is totally and completely without merit or offered for the sole purpose of harassing the employee.

**REJECTED:** Grievances shall only be rejected when they are not in compliance of the grievance process, not within the grievance time frames, include multiple issues on one grievance, or not a complaint about a condition of confinement (general requests, complaints about activity outside the jail, illogical grievances, etc.). Generally, a rejected grievance should not need investigation.

(Rev. 09/2019)

**12.260.01 ELECTRONIC GRIEVANCE INVESTIGATION RESPONSES:**

Inmates shall receive a completed grievance investigation response electronically if the grievance was submitted on the automated kiosk. If an inmate selects the "ACKNOWLEDGE" box on the automated kiosk, the grievance process shall be considered complete.

An inmate may refuse the grievance investigation electronically by selecting the "APPEAL" button on the automated kiosk screen which would be considered an appeal. The appeal will automatically go back into the queue for follow-up review.

Grievances submitted electronically will be available for the inmate to review in the automated kiosk. Inmates may request only one paper copy of a grievance they submitted during their current booking by "using the request paper copy of a grievance" option via the automated kiosk. Inmates will be charged 10¢ per page for copies of their grievance; only one copy will be provided, which will be

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deducted from their inmate trust account.

(Rev.05/2020)

**12.260.02 WRITTEN GRIEVANCE INVESTIGATION RESPONSES:** If a grievance was submitted in writing on an Inmate Grievance form, inmates shall receive the disposition of their grievance on an Inmate Grievance Investigation form (ASU#050402). When returning an Inmate Grievance Investigation form to an inmate, staff shall enter their name, employee number, the date and time the response was delivered, and have the inmate sign the form. Once the Inmate Grievance Investigation form is signed by the inmate and a copy of the form is returned to them, the grievance process shall be considered complete.

In the event the inmate refuses to sign the Inmate Grievance Investigation form, it will be considered refused. Staff shall write "REFUSED" on the inmate's signature line. A copy of the refused Inmate Grievance Investigation form shall be given to the inmate. The original Inmate Grievance Investigation form shall be placed in the inmate's booking jacket, and a copy shall be placed in an administrative grievance file (administrative copies shall be retained in accordance with Bureau Policy Section 11.550.00).

Inmates housed in a location where an automated kiosk is not available, will be provided a free paper copy of the completed grievance investigation. Inmates may request only one additional paper copy of a grievance they previously received during their current booking by submitting a request specifying the grievance number on an inmate request form. Inmates will be charged 10¢ per page for copies of their grievance; which will be deducted from their inmate trust account.

(Add. 09/2019)

**12.270.00 GRIEVANCE PROCEDURE TIME LIMIT:** Facilities have 20 days to complete and answer an inmate's initial grievance. The electronic grievance

time period begins when the inmate submits the grievance on the automated kiosk. The electronic grievance time concludes when the inmate acknowledges or appeals the response of the completed inmate grievance investigation on the automated kiosk.

The written grievance time period begins when staff signs for acceptance of an Inmate Grievance form. The written grievance time period concludes when the inmate receives the response of the completed Inmate Grievance Investigation form.

Staff shall notify inmates by using the Inmate Grievance Extension form or electronically by the automated kiosk anytime investigations require more than 20 days. Inmate grievance investigation notifications shall have an estimated

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completion date. It shall not be routinely used unless there is a viable reason for the added time. Original copies of the inmate grievance investigation notification shall be attached to the original inmate grievance. Inmates shall be provided a copy upon request. (Refer to Title 15, Section 1073)

(Rev. 05/2020)

**12.280.00 GRIEVANCE APPEALS:** Inmates dissatisfied with the outcome of the initial grievance may file a grievance appeal.

The first level of a grievance appeal shall be assigned to a shift supervisor or designee.

Grievance appeals not resolved at the first level may be appealed to the Facility Commander/designee. The Facility Commander/designee shall be the final authority for the disposition of grievances.

Each level of appeal shall be completed in accordance with Bureau Policy Section 12.270.00 and a written response shall be required at each level. Appeals shall not be given a new grievance number; the original assigned number shall be used.

Grievance appeals shall be retained in accordance with Bureau Policy Section 11.550.00.

Grievance appeals shall be filed within 10 calendar days from date of the inmate's receipt of their grievance investigation. Subsequent appeals shall also be filed within ten calendar days from the date the previous appeals were made available to the inmate.

(Rev. 05/2020)

**12.280.05 GRIEVANCE PROCESS ABUSE:** To prevent abuse of the grievance process with frivolous grievance submittals, generally, each inmate, may file a maximum of four independent grievances regarding separate issues within any calendar week (Monday through Sunday), provided the grievances are filed within the 10-day limit.

It shall be considered an abuse of the grievance process for inmates to continually submit grievances regarding an issue that has already been resolved. Supervisors may return repetitive submittals having similar issues.

Frivolous/rejected grievances and grievance appeals may be subject to disciplinary action.

Inmates may be disciplined for filing a grievance related to an alleged sexual abuse only when the investigation determines the allegation was unfounded