

# Inmate Grievance Procedure

## 701.1 PURPOSE AND SCOPE

This procedure provides guidelines for the inmate grievance system in the Cook County Department of Corrections.

### 701.1.1 ISSUANCE/EFFECTIVE DATE

This procedure was re-issued on April 15, 2018, and shall become effective upon re-issuance (operational updates).

## 701.2 POLICY

The Department shall provide all inmates access to its grievance system. The grievance system shall enable an inmate to have his/her written complaint about any condition of confinement collected, processed and responded to in an efficient manner. Inmate Services members are responsible for monitoring the content of grievances in order to identify trends or problematic issues. It should be the goal of all members to reduce the need to file grievances by taking available and appropriate preventative operational and policy measures. Retaliation by a member against any inmate who participates in the grievance system is strictly prohibited.

Grievance forms shall be readily available to members and inmates. The form contains English and Spanish directions.

### 701.2.1 DEFINITIONS

**Appeal** - A request for a second review of a grievance if an inmate deems the grievance response unsatisfactory. The basis for the appeal must be included.

**Grievance** - A written complaint by an inmate regarding a condition of confinement in the Department of Corrections or a Department action or incident affecting an inmate.

- **Emergency grievance** - A grievance containing allegations that an inmate has been sexually or physically harmed or harassed, is in substantial or imminent risk of being sexually or physically harmed, or is otherwise at serious risk of having his/her health or safety jeopardized if more immediate attention is not given.
- **Non-compliant grievance** - A complaint by an inmate documented on a grievance form that does not conform to the processing or content rules established in the Inmate Handbook or other established and published rules for filing grievances. A non-compliant grievance will be reviewed to ensure that health and safety are not in jeopardy. A non-compliant grievance is not a valid grievance for purposes of this procedure.

## 701.3 ISSUES THAT CAN AND CANNOT BE GRIEVED

Issues that can be grieved include, but are not limited to the following:

- Alleged violations of civil, constitutional or statutory rights;

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- Alleged criminal or prohibited acts by members, volunteers, contractors, or other inmates involving physical, sexual, psychological abuse or failure to provide services resulting in physical harm;
- Concerns regarding unsafe or unsanitary living conditions within the Department;
- Issues related to an inmate's money, property, education, medical or mental health, or dental care; or
- Alleged violations of department policies and procedures affecting an inmate's general welfare or safety.

Issues that cannot be grieved and shall be processed as non-compliant grievances include, but are not limited to the following:

- More than one issue per grievance form.
- An issue that has already been grieved by an inmate and he/she has administratively exhausted remedies through the appeal process.
- An issue that has already been grieved by an inmate and the policy, practice, or conditions giving rise to the grievance has not substantively changed and he/she has already successfully exhausted administrative remedies on the incident.
- An issue that has already been grieved by an inmate and the policy, practice, or conditions giving rise to the grievance has not substantively changed and the inmate failed to exhaust his/her administrative remedies on the incident.
- An issue that has already been grieved by an inmate and he/she chose not to appeal it within the required 15 calendar days of receiving the response.
- An issue that has already been grieved by an inmate (e.g., repeated submission) within the prior 15 calendar days.
- An issue older than 15 calendar days, unless a reasonable exception applies (e.g., transfer to an outside agency, incapacitated inmate) or the allegation is sexual in nature.
- Vulgar or profane language used in an insulting, provoking or inappropriate manner.
- Complaints about other agencies or organizations.
- Classification or designation of an inmate as a security risk or protective custody inmate.
- Decisions of a disciplinary hearing officer.

**701.4 PROCEDURES**

- (a) An inmate may request a grievance form from any sworn member or an Inmate Services member. If a form is not available, an inmate may use any other type of paper to file a grievance.
- (b) Members shall instruct inmates to deliver the signed and dated Inmate Grievance Form to a correctional rehabilitation worker (CRW), Inmate Services supervisor or

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sworn supervisor. An inmate may also deposit a completed grievance form into a grievance repository box, where available.

- (c) An inmate shall submit a grievance within 15 calendar days of the original incident or issue. If the grievance includes an allegation of sexual assault, sexual harassment, voyeurism or sexual abuse, there shall be no time limit for submission of the grievance.
- (d) A CRW shall collect and log inmate grievances in the CRW Inmate Grievance Form Tracking Logbook and/or applicable database on a daily basis with the exception of days off.
- (e) Grievance forms submitted after 15 calendar days after an incident or issue arose will be accepted, but deemed non-compliant for being untimely and returned to the inmate. If the grievance contains a reasonable and serious complaint regarding criminal activity or serious misconduct, it shall be forwarded to the appropriate department/unit for investigation or inquiry regardless of the timing.
- (f) Upon receipt of an inmate grievance the CRW, Inmate Services supervisor or sworn supervisor shall sign and date the form and provide the inmate with a copy of the submitted grievance. It is the responsibility of the inmate to retain a copy of any submitted grievance.
- (g) A third party (e.g., any member, another inmate, family member, attorney, outside advocate) shall be permitted to file a grievance and/or assist in filing a grievance on behalf of an inmate. If the inmate declines to have the grievance filed on his/her behalf after being presented with the grievance, Inmate Services shall retain the grievance according to the applicable records retention procedures.
- (h) A member should provide a response to a grievance within 15 calendar days of the date that the grievance was collected. Exceptions may apply in certain circumstances, but an explanation for the delay will be given to Inmate Services Director or authorized designee at the time the grievance response is due. An Inmate Services member will verbally notify the inmate that his/her grievance response has been delayed.
- (i) An inmate may appeal a grievance response if the inmate deems the response to be unsatisfactory in order to exhaust his/her administrative remedies under this procedure.
- (j) This grievance procedure is separate and distinct from any investigations assigned to or undertaken by the Office of Professional Review (OPR). An inmate must appeal a referral to OPR of his/her grievance in order to exhaust his administrative remedies under this procedure.

### **701.5 GENERAL DUTIES AND RESPONSIBILITIES RELATING TO THE GRIEVANCE PROCEDURE**

#### **701.5.1 SWORN MEMBERS**

A sworn member shall:

- (a) Check the supply of Inmate Grievance Forms at least once per shift to ensure there is an adequate supply of forms. If more forms are needed, the member shall notify his/her immediate on-duty supervisor.

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- (b) Make diligent and meaningful efforts to resolve an inmate's needs and/or concerns at the initial point of contact, prior to initiating a grievance.
- (c) Provide a grievance form to an inmate when requested without unnecessary delay.
- (d) Provide direction to an inmate who is unclear about the grievance procedure by answering questions or referring him/her to the Inmate Handbook; ensure an Inmate Handbook is made available if the inmate does not have one and requests one. If further clarification is needed, the sworn member may request the assistance of a CRW.
- (e) Promptly contact a CRW when an inmate who is hearing impaired, visually impaired, not fluent in English or is illiterate wishes to submit a grievance. If any inmate is experiencing difficulty filling out a grievance, a CRW may be requested to assist.
- (f) When made aware of an inmate requesting to file a completed grievance form and the grievance repository is not available, notify an immediate on-duty supervisor, an Inmate Services supervisor or a CRW.
- (g) Never discourage or intimidate an inmate from filing a grievance, interfere with the process or retaliate against him/her.
- (h) Not provide a written response on any grievance form.

### 701.5.2 SWORN SUPERVISORS

A sworn supervisor shall:

- (a) Ensure Inmate Grievances Forms are available to inmates.
- (b) Accept any grievance form from an inmate directly or any mode of delivery.
  - 1. If an inmate delivers a grievance form directly to a sworn supervisor, the supervisor shall sign the form indicating receipt;
  - 2. Provide the inmate with a copy of the form; and
  - 3. Ensure delivery of the grievance form to a CRW, an Inmate Services supervisor or a designated CRW depository for collection and processing the following business day.
- (c) Collect any grievance form from a living unit when a CRW notifies the Superintendent and/ or the sworn supervisor that forms were not collected.
- (d) Make an inquiry into the grieved matters that raise concerns about safety, security, or member's misconduct by conducting interviews and gathering information from witnesses and/or relevant sources. This may include or require viewing video footage that will allow for a more responsive answer to the grievance.
- (e) Take necessary action to resolve an inmate's grievance, if permitted or possible.
- (f) Respond in writing to the grievance, if forwarded by the Inmate Services to the Division for a response, using language that is clear, professional and thoroughly addresses the issue raised by the inmate.
- (g) Ensure a grievance response is returned to Inmate Services within five calendar days of receipt of the processed grievance from the Inmate Services Department.

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- (h) Not provide a response to a grievance in which he/she was directly accused or implicated.

### 701.5.3 CORRECTIONAL REHABILITATION WORKERS

A CRW shall:

- (a) Make daily rounds, with the exception of days off, to collect grievances on every living unit assigned by an Inmate Services supervisor or the authorized designee.
  1. Collection efforts shall be made during hours when a CRW reasonably expects inmates to be awake and/or out of their cells.
- (b) Check the supply of grievance forms at every assigned living unit and replenish as needed.
- (c) Provide instruction and assistance to any inmate who used the grievance procedure improperly (e.g., inmate requests, health care requests, disciplinary hearing appeals).
- (d) Assist any inmate who requests or otherwise requires assistance to prepare a grievance including, but not limited to, inmates who are hearing impaired, visually impaired, have a mental health or medication condition, do not speak English or are illiterate.
- (e) Utilize an auxiliary aid (e.g., Video Relay Service (VRS), TTY, TDD, qualified interpreter) when appropriate.
- (f) Inform the inmate that he/she will receive a response within 15 calendar days unless reasonable exceptions apply. If exceptions apply, such as an in-depth inquiry or when supporting information is needed from various sources in order to provide an accurate and thorough response and will ensure that the delay will be verbally communicated to the inmate.
- (g) Collect and review all grievance forms to ensure that any issues raised can be addressed by the appropriate department/unit (e.g., the respective Superintendent's office, Inmate Services, Cermak Health Services of Cook County, Support Services, Inmate Welfare, Records, Mail Room). In the event that more than one issue is raised, ask the inmate to write a separate grievance for each issue and return any separated grievance(s) within 15 calendar days.
- (h) Ensure that each grievance form is signed and dated by the inmate.
- (i) Provide the inmate with a copy of his/her grievance form which includes a signature of receipt.
- (j) Determine if the grievance is a non-compliant grievance. If so, enter the grievance into the CRW Inmate Grievance Form Tracking Logbook and/or applicable database within three business days of receipt, unless an extension is granted by an Inmate Services supervisor.
  1. If the grievance is deemed non-compliant, the CRW will complete and return a copy of the Non-Compliant Grievance Response Form to the inmate. The inmate shall sign receipt.

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- (k) Determine if the grievance is an emergency grievance. If so, enter the grievance into the CRW Inmate Grievance Form Tracking Logbook and/or applicable database within one business day, unless an extension is granted by an Inmate Services supervisor.
- (l) Non-emergency grievances should be entered into the CRW Inmate Grievance Form Tracking Logbook and/or applicable database within two business days, unless an extension is granted by an Inmate Services supervisor.
- (m) In the event an inmate is filing a grievance regarding an issue or incident that he/she has previously grieved, a CRW should respond in writing on the Non-Compliant Grievance Response Form and indicate the reason for the non-compliant classification.
- (n) Place any grievance form requiring a remedy into a designated/secure repository for collection by an Inmate Services administrative support member.
- (o) If the subject of an inmate grievance is a CRW's conduct or performance, notify your supervisor as soon as practicable. That supervisor will process the grievance form.
- (p) Return a copy of the completed Inmate Grievance Response Form to the inmate after processing.
- (q) If an inmate wishes to appeal a grievance response, the inmate shall do so within 15 calendar days from receipt of the response.
  - 1. When the inmate completes the request for an appeal section of the form, the form will be forwarded to the CRW or the authorized designee for review and response.
  - 2. The responder shall have 15 calendar days to review the grievance appeal and reply to the inmate. Exceptions may apply in certain circumstances. The inmate will be verbally notified by the CRW if the response will not come within 15 calendar days.
  - 3. A reply to an appeal shall be in writing and the inmate shall sign and date the written decision, indicating he/she has received notification of the appeal decision and response.
- (r) Collect grievance appeals and place in designated repository for pick-up by an Inmate Services administrative support member.
- (s) Upon the completion of processing an appeal, deliver the appeal's response and provide the applicable copy to the inmate.
  - 1. When a grievance response is forwarded to a CRW for the purpose of obtaining an inmate signature of receipt, the CRW shall ensure that if attachments are affixed, the attachments are properly labeled, that the inmate only receives the attachments that are labeled "Inmate Copy" and the attachments do not contain any of the following:
    - (a) The Seal of Cook County;
    - (b) Cook County Sheriff's Office logo, star and/or letterhead markings;
    - (c) Another inmate's booking or identification numbers; and

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- (d) Email addresses and signature blocks (e.g., name, title, phone number).

**701.5.4 INMATE SERVICES SUPERVISORS**

An Inmate Services supervisor shall:

- (a) Accept grievance forms from inmates directly or any other acceptable method of delivery. If an inmate delivers a grievance form directly to an Inmate Services supervisor, the supervisor shall:
  - 1. Sign the form indicating receipt;
  - 2. Provide the inmate with a copy; and
  - 3. Ensure the grievance is processed, deliver the form to a CRW or deposit the form into a designated grievance repository for collection and processing the following business day.
- (b) If the grieved matter pertains to any Inmate Services member, the Inmate Services supervisor shall:
  - 1. Make an inquiry into the grieved matter by conducting interviews and gathering information from witnesses and/or relevant sources, which may include reviewing video footage that may support a response to the inmate's grievance.
  - 2. Take action to address the inmate's grievance if warranted.
  - 3. Respond in writing to the grievance using language that is clear, professional and thoroughly addresses the issue raised by the inmate.
- (c) Ensure the grievance response is returned to Inmate Services Central Office within five calendar days of receipt of the grievance.
- (d) Submit completed grievance forms to an Inmate Services administrative support member for database updates.
- (e) Notify the Inmate Services Director or Deputy Director if he/she deems a grievance response inappropriate or it doesn't address the issue raised by the inmate.
- (f) Regularly assess CRW grievance collection efforts and make suggestions for improvement. Upon approval, implement the changes.
- (g) Generate a monthly report from the grievance database identifying all open grievances from the assigned divisions. Communicate the report findings to the respective Superintendent via email.

**701.5.5 INMATE SERVICES ADMINISTRATIVE SUPPORT MEMBERS**

An Inmate Services administrative support member shall:

- (a) Retrieve grievance forms daily, with the exception of days off, from all divisional repositories and forward them to the Inmate Services central office.
- (b) Sort and package original grievance forms for distribution to the respective department/unit.

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- (c) Upon completion, retrieve any original grievance forms from the respective department/unit and forward the completed grievance forms to the appropriate CRW for return to the inmates.
- (d) Update the applicable database.
- (e) Mail a copy to the Illinois Department of Corrections, another facility or a residence for the inmate noted in the jail management system, if he/she has been discharged from the Department.
- (f) Enter all emergency grievance action forms into the tracking system and make applicable updates.

### **701.6 EMERGENCY GRIEVANCES**

#### **701.6.1 CORRECTIONAL REHABILITATION WORKERS**

A CRW shall confer with an Inmate Services supervisor whenever an inmate files an emergency grievance. The CRW shall promptly deliver the emergency grievance to the respective Superintendent or Watch Commander for his/her review and signature of receipt. The CRW shall provide a copy to the Superintendent or Watch Commander and to the inmate for his/her records.

#### **701.6.2 SWORN SUPERVISOR**

A sworn supervisor shall retain a copy and deliver it to the respective Superintendent or Watch Commander. The Superintendent or Watch Commander or designee shall make an immediate inquiry and take action to resolve the issue and alleviate the emergency, if warranted.

#### **701.6.3 SUPERINTENDENTS AND DEPARTMENT HEADS**

Superintendent or the authorized designee shall:

- (a) Thoroughly review the emergency grievance and note all details that require further inquiry.
- (b) Interview any member, as applicable.
- (c) Interview any inmate, including the inmate that filed the grievance, as applicable.
- (d) Review any relevant video recordings.
- (e) Review any relevant documents (e.g., logbooks).
- (f) Take any action deemed necessary to resolve the grievance (e.g., change inmate housing, change member assignment, submit a work order, send an inmate for medical or mental health care)
- (g) Respond to any emergency grievance within 72 hours.
- (h) Complete an emergency grievance action form, noting all steps within inquiry and actions taken, and submit it to his/her respective AED within five calendar days of receipt of the grievance

#### **701.6.4 ASSISTANT EXECUTIVE DIRECTOR**

An AED or the authorized designee shall:

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- (a) Follow-up with his/her respective Superintendents to ensure he/she submits the Grievance Action Form within one week of receipt of the emergency grievance.
- (b) Review the Grievance Action Form to ensure all necessary and appropriate steps were taken during the inquiry. If any steps or other actions were omitted, he/she should confer with the respective Superintendent or authorized designee to make sure the additional actions or steps are taken and the Grievance Action Form is revised and re-submitted.
- (c) Sign the Grievance Action Form and forward it to the Inmate Services Director and/or Deputy Director or the authorized designee for records retention.

### **701.6.5 INMATE SERVICES DIRECTOR OR DEPUTY DIRECTOR**

The Inmate Services Director, or the Deputy Director or the authorized designee shall:

- (a) Review all Emergency Grievance Action Forms and confer with the respective AED if any steps or actions are deemed missing.
- (b) Ensure appropriate records retention of the Emergency Grievance Action Form for future reference or utilization in investigation or litigation.

### **701.7 EARLY INTERVENTION COMPONENT**

- (a) Relevant members (e.g., Superintendents, department heads, Early Intervention Component Coordinator, authorized designees) will be alerted when inquiry, intervention, action plans and/or additional training is needed to resolve any potential serious issues and/or behaviors or actions by members as identified in patterns of grievances.
- (b) If a misconduct grievance is filed against a member, it will be entered into the Early Intervention Component Tracking System and remain active for one calendar year.
- (c) If three or more grievances are accumulated within the same calendar year, the Inmate Services Director or the authorized designee shall flag the member in the Early Intervention Grievance Tracking System and forwarded to the respective Superintendent or department head and AED for review and action.
- (d) The Superintendent or department head shall take any action necessary to bring resolution to the identified pattern grievances and complete the Inmate Grievance Early Intervention Action Review Form describing the action taken.
- (e) The AED should review an Early Intervention Grievance Action Review Form upon receipt to ensure all necessary and appropriate steps were taken by the Superintendent or department head in an effort to resolve and address any issue. If any steps were omitted or the AED believes other action is necessary, he/she should confer with the Superintendent as soon as practicable to revise and resubmit the Early Intervention Grievance Action Review Form. The AED should then forward the Early Intervention Action Review Form to the Inmate Services Director within 15 calendar days of receipt for updating and archiving.

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**701.8 CONTINUOUS QUALITY IMPROVEMENT AND ACCOUNTABILITY**

- (a) Bi-weekly interagency meetings will be facilitated by a Superintendent or an authorized designee within each division. Attendees should include sworn supervisors, CRWs, Inmate Services supervisors, Cermak members and any other necessary members.
  - 1. The meeting agenda may include, but is not limited to:
    - (a) Follow-up from last meeting.
    - (b) Grievance patterns, pending issues or areas that are trending within the Division.
    - (c) Significant increases or decreases in grievance categories.
    - (d) Serious incidents impacting medical or Inmate Services operations.
    - (e) Significant population changes.
    - (f) Medical and mental health concerns or issues.
    - (g) Exemplary or problematic members.
    - (h) Facility issues or concerns.
    - (i) Programs, including religion or education.
    - (j) Information about any lockdowns during applicable period.
- (b) Meeting minutes will be transcribed and will be submitted to the respective AED or the authorized designee.
- (c) Review of the meeting minutes will be conducted and additional information will be sought when clarification is needed regarding any identified grievance trends or anomalies or other information from the minutes.
- (d) Review any old business from the previous meeting.
- (e) A monthly Grievance Climate Report may be prepared by the Director of Inmate Services or the authorized designee. This report will summarize the areas noted above.
  - 1. The Grievance Climate Report shall be distributed to all Superintendents, Commanders, supervisors, applicable department heads and the Executive Staff.
- (f) Representatives from the Sheriff's Office Legal Department, in collaboration with the Research Department if necessary, shall conduct a monthly audit to include a minimum of 1.5 percent of the total grievances. The representation should accurately represent multiple locations and types of grievances generated in a month's time to ensure professionalism, quality and that a course of action has been or will be taken. Inmate Services will raise any concerns or issues with the grievance responder and/or his/her supervisor.
- (g) The Inmate Services Director or the authorized designee shall conduct an annual audit of the grievance system and collected grievance data by February 1 of every year. The findings of the audit and recommendations for improvement to the system shall be shared with the Executive Director.

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- (h) Ensure proper record keeping.
- (i) All original grievance forms and responses shall be forwarded to Inmate Services upon resolution of the grievance. The forms shall be kept on file for a period of at least five years and maintained in accordance with the Illinois Record Retention Act. A grievance shall not be kept in the inmate's division files.
- (j) Copies of the grievance documents shall only be released to those outside of the Department with proper authorization from the Executive Director or the authorized designee, the Inmate Services Director or the Sheriff's Office Legal Department.

## 701.8.1 QUALITY IMPROVEMENT AND GRIEVANCE DATA ANALYTICS ACTIVITIES

- (a) The responsibilities of the Inmate Services Director or the authorized designee may include but are not limited to the following:
  - 1. A bi-weekly review of grievance data from dashboards, database reports and weekly meeting minutes to identify grievance spikes or trends.
  - 2. An analysis of grievances and any anomalies or trends within the grievance data, with the goal of determining root causes of grievances.
  - 3. An analysis of data generated from an independent Quality Improvement Audit to determine specific divisions, units and responding agents who are submitting untimely or unacceptable grievance responses.
  - 4. Review of data from the Early Intervention Component and corresponding action forms to ensure compliance. Determine if any action is needed as it relates to patterns of alerts that emerge and implement corrective action if necessary.
  - 5. Review of data from the Emergency Grievance System and corresponding action forms to identify any trends or patterns to ensure compliance.
  - 6. Evaluate adherence to grievance timelines. Generate reports reflecting this evaluation.
- (b) The Inmate Services Deputy Director or the authorized designee, OPR and Cermak shall reconcile all grievance data facilitated by Inmate Services

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