

Inmate Grievances

808.1 PURPOSE AND SCOPE

The purpose of this policy is to establish a process by which inmates may file grievances and receive a formal review regarding the conditions of their confinement.

This policy does not apply to grievances related to sexual abuse and sexual harassment (see the Prison Rape Elimination Act Policy).

808.2 POLICY

It is the policy of the Cook County Department of Corrections that any inmate may make a request or file a grievance relating to conditions while in custody, which includes, but is not limited to, release date, housing, medical care, food service, hygiene and sanitation needs, recreation opportunities, classification actions, disciplinary actions, program participation, telephone, mail and visiting procedures without censorship as to substance (20 Ill. Adm. Code 701.160(c)) or any retaliatory action, or threat thereof.

Grievances will not be accepted if they are challenging state or local laws, court decisions and probation/parole actions.

Generally, correctional rehabilitation workers (CRWs) will be the designated member to assist inmates with grievances. If a CRW is not available, an inmate may submit a grievance to an Inmate Services supervisor or a sworn supervisor.

Retaliation for use of the grievance system is prohibited.

808.2.1 ACCESS TO THE GRIEVANCE SYSTEM

All inmates shall be provided with a grievance process for resolving complaints arising from department matters with one level of appeal.

Inmates will receive the inmate handbook which includes information concerning the grievance procedure during the intake process. Information will also be contained in the orientation video. Information regarding the grievance process will be provided to inmates in a language the inmate understands.

The information will include:

- Instructions for obtaining and submitting a grievance.
- Instructions for the resolution of the grievance at the lowest appropriate level.
- The appeal process.
- Written response addressing grieved matter.
- A provision of required timeframes for responses.
- Consequences for abusing the grievance system.

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808.3 INMATE GRIEVANCE PROCEDURES

An inmate may request a grievance form from any member. Members shall attempt to informally resolve all grievances at the lowest level.

The inmate should be advised to complete the form and return it to a designated member. A grievance should be filed by an inmate within 15 days of the complaint or issue, unless an exigent circumstance prohibits timely submission.

Inmates cannot file a grievance on behalf of another inmate but an inmate may assist another inmate in the preparation of a grievance. Inmate Services members should take reasonable steps to assist the inmate in the preparation of a grievance if requested.

Upon receiving a completed inmate grievance form, the Inmate Services member or sworn supervisor shall acknowledge receipt of the grievance by signing the form and providing a copy to the inmate.

808.3.1 EXCEPTION TO INITIAL GRIEVANCE FILING

Inmates may request to submit the grievance directly to a supervisor or forward it directly to the Superintendent (20 Ill. Adm. Code 701.160(c)).

Inmates may deposit their grievances in the locked grievance box within their housing unit, or provide their grievance to an Inmate Services member or sworn supervisor. An Inmate Services member will process the grievance as applicable.

808.3.2 TIMELY RESOLUTION OF GRIEVANCES

Upon receiving a completed inmate grievance form, the Inmate Services member shall forward the grievance for investigation and response in a timely manner. The Inmate Services member shall refer the grievance to the Superintendent or the authorized designee of the respective department responsible for what the inmate is grieving.

Grievances related to medical care should be investigated by the designated medical staff member.

Grievances relating to programs or other services shall be investigated by the respective department. In some circumstances the findings related to the investigation may be forwarded to other departments.

808.3.3 APPEALS TO GRIEVANCES

Inmates may appeal the response of a grievance within 15 days of receiving the response of the original grievance. All appeals are forwarded to the Director of Inmate Services or the authorized designee or the respective medical personnel (if appropriate) for review.

The Director of Inmate Services or other appropriate person will review the grievance and either accept or deny it. If the appeal is accepted, he/she will initiate corrective actions. In either case, the inmate shall receive a written response to the appeal.

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808.3.4 GRIEVANCE TO THE JAIL AND DETENTION STANDARDS UNIT

If the inmate's grievance is not resolved within the facility the inmate may submit a grievance, with the Superintendent's final decision included, to the Illinois Department of Corrections, Jail and Detention Standards Unit (20 Ill. Adm. Code 701.160(c)).

808.3.5 RECORDING GRIEVANCES

The Director of Inmate Services or the authorized designee should maintain a grievance database accessible to all members assigned to Inmate Services. The CRW who originally receives a grievance shall enter the grievance into the database and should also enter any other applicable information. Periodic reviews of the database should be made by the Director of Inmate Services or the authorized designee to ensure that grievances are being handled properly and in a timely manner.

The original grievance should be retained in a file maintained by the Director of Inmate Services or the authorized designee, and shall be retained in accordance with established records retention schedules.

808.3.6 FRIVOLOUS GRIEVANCES

Inmates shall use the grievance process only for legitimate problems or complaints. If there is concern that an inmate is abusing the grievance process, he/she shall be informed that continued behavior may result in disciplinary action.

808.4 GRIEVANCE AUDITS

The Director of Inmate Services or the authorized designee should perform an annual audit of all inmate grievances filed the previous calendar year. A memorandum detailing the findings, including recommendations regarding any changes to policy or procedures or any additional training that might be warranted to reduce future grievances should be documented by the Director of Inmate Services. Specific identifying information regarding dates, times or individuals named in the grievances is not part of this process and should not be included in the memorandum.

The Director of Inmate Services in collaboration with the Executive Staff should evaluate the recommendations and ensure appropriate action is taken.

Any training issues identified as a result of this audit should be forwarded to the Executive Director of the Training Academy, who will be responsible for ensuring all necessary and required training is scheduled and completed.

808.5 TRAINING

The Executive Director of the Training Academy shall ensure that all members receive initial and periodic training regarding all aspects of the Inmate Grievances Policy. All training delivered should include testing to document that the member understands the subject matter.

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808.6 ADDITIONAL PROVISIONS FOR GRIEVANCES RELATED TO SEXUAL ABUSE

The following apply to grievances that relate to sexual abuse allegations (28 CFR 115.52):

- (a) Inmates may submit a grievance regarding an allegation of sexual abuse at any time.
- (b) Third parties, including fellow inmates, staff members, family members, attorneys, and outside advocates, are permitted to assist inmates in filing such grievances and to file such grievances on behalf of inmates if the inmate agrees to have the grievance filed on his/her behalf. Staff members who receive a grievance filed by a third party on behalf of an inmate shall inquire whether the inmate wishes to have the grievance processed and shall document the inmate's decision.
- (c) Grievances may be submitted to any staff member and need not be submitted to the member who is the subject of the complaint.
- (d) Staff receiving a grievance shall forward the grievance to a supervisor. Grievances shall not be forwarded to any supervisor who is the subject of the complaint. The supervisor receiving the grievance shall refer the grievance to the Watch Commander for investigation. Inmates and staff are not required to attempt to informally resolve grievances related to sexual abuse.
- (e) The Watch Commander shall ensure that grievances related to sexual abuse are investigated and resolved within 90 days of the initial filing. The Watch Commander may grant an extension of up to 70 days if reasonable to make an appropriate decision. If an extension is granted, the inmate shall be notified and provided a date by which a decision will be made.
- (f) At any level of the process, including the appeal, if the inmate does not receive a response within the allotted time, including any properly noticed extension, the inmate may consider the absence of a response to be a denial at that level.
- (g) Inmates may be disciplined for filing a false grievance related to alleged sexual abuse only when it is determined that the inmate filed the grievance in bad faith.

808.6.1 EMERGENCY GRIEVANCES RELATED TO SEXUAL ABUSE

Any inmate who believes he/she or any other inmate is in substantial risk of imminent sexual abuse may file an emergency grievance with any supervisor. The supervisor shall determine whether immediate action is reasonably necessary to protect the inmate and shall provide an initial response within 48 hours.

The supervisor shall refer the grievance to the Watch Commander, who will investigate and issue a final decision within five calendar days.

The initial response and final decision shall be documented and shall include a determination whether the inmate is in substantial risk of imminent sexual abuse and identify actions taken in response to the emergency grievance (28 CFR 115.52).