

**SECTION: 607.07****SUBJECT: FORMAL GRIEVANCE SYSTEM****POLICY:**

A grievance procedure is available to all prisoners. This grievance procedure helps promote essential fairness by allowing prisoners an avenue for redress of complaints or grievances about rules, policies, or conditions in the Dane County Jail, and/or their treatment in the jail. This policy helps to ensure that prisoners, when dissatisfied, do not have to act out or otherwise resort to inappropriate ways to express their frustration. All prisoners are notified of the grievance procedure when they receive their orientation by jail staff at their respective living areas. Prisoners are not disciplined for using the grievance procedure unless they lie or make false statements. Lying is a jail rule violation and a prisoner may be disciplined accordingly.

DEFINITION:

Grievance - A written complaint filed by a prisoner concerning personal health and welfare, operations, conditions, or services of the jail.

PROCEDURE:**I. Procedure to File a Grievance****A. Step 1**

1. The prisoner must first attempt to make every effort to informally resolve their complaint (i.e. general request form, verbal communication, etc.) with the housing unit deputy prior to submitting a grievance form.
2. Issues which are not grievable include, but are not limited:
 - a. Issues involving major discipline (i.e. disciplinary hearing) because a separate appeal process is available.
 - b. Actions of persons outside the jurisdiction of the facility.

B. Step 2



1. If the issue cannot be informally resolved (i.e. through a general request slip, and/or verbal communication, etc.), the prisoner may submit a grievance form. The housing deputy will provide the prisoner with a form. All grievance statements and responses must be in writing. If a literacy or language problem exists, a deputy may help the prisoner or the prisoner may request assistance of a staff/volunteer advocate.
2. The prisoner is responsible for submitting his/her own grievance. Grievance forms must be received by the Security Services secretary within ten (10) days from the date the grievable issue occurred. A late grievance may be accepted on a case-by-case basis. If a group grievance is submitted, all members of the complaint must sign the form. A separate sheet of paper may be used for those signatures, but the sheet must be attached to the grievance form. Group grievances submitted on behalf of several prisoners will be reviewed on a case-by-case basis.
3. Prisoners will enclose the completed grievance form in an envelope addressed to the Security Services secretary. The grievance may be sent through inter-department or U.S. mail to the Security Services secretary. Prisoners cannot submit more than one grievance for the same incident. If more than one grievance is submitted for the same incident, it will be rejected. Prisoners may only address one issue in each grievance. If multiple issues are addressed in a grievance, it will be rejected.
4. Grievances containing profanity, threats or abusive and demeaning language will be rejected. Rejected grievances may be resubmitted following the proper procedure.
5. An inmate that submits multiple frivolous grievances that are determined by the facility Lieutenant to be abusive, harassing or deliberately false (demonstrating bad faith use of the system) may have restrictions placed on the inmate's use of the grievance system.

C. Step 3

1. The Security Services secretary will date when the grievance was received, record the prisoners name and booking number, assign it a grievance number, and forward the complaint to a lieutenant for assignment. Initial grievances will generally be assigned to sergeants for investigation. The sergeant may assign grievances relating to procedures within the facility, actions of other inmates or concerns dealing with personal needs or services to a deputy for investigation. If the grievance is an appeal to an initial grievance or an appeal to minor discipline,



the form is forwarded to the Jail Captain or designee. Completed grievance forms will be returned to the Security Services secretary.

2. The lieutenant reviews the complaint. If the form is not complete and accurate the lieutenant indicates that the form was rejected, and the reason for the rejection. If the grievance form is properly completed, the sergeant or their designee investigates and indicates on the form their decision and the reason for the decision. The grievance form is returned to the Security Services Secretary who enters the findings in the grievance database and sends the response to the inmate. If necessary, the written response may be to acknowledge receipt of the grievance and to advise the need for more time to investigate. Within seven (7) business days of receiving the grievance form, the prisoner will be notified of the response to the grievance in writing.
3. Finding determinations are as follows:
 - (a) Substantiated – evidence sufficient to prove the allegation(s).
 - (b) Not substantiated – insufficient evidence to either prove or disprove the allegation(s).
 - (c) Exonerated – incident occurred but was lawful and proper.
 - (d) Unfounded – allegation(s) is(are) false or not factual.
 - (e) Resolved with Complainant – the complaint has been resolved with the complainant, no further action is required.
 - (f) Policy and Procedure Complaint – the nature of the grievance dealt solely with a complainant's objection or criticism against a Sheriff's Office policy or procedure and not against an individual employee, vendor, contracted employee or others with facilities access.
 - (g) Rejected – The grievance does not meet the requirements of a properly filed grievance.
4. If a prisoner is dissatisfied with the response to the complaint, they have five (5) business days from the date of the response to resubmit the complaint to the Jail Captain using the same method as in Step 2.
5. The complaint, written response, and disposition are placed in a file maintained by the Security Services Secretary.

D. Step 4

1. The Jail Captain accepts the appeal grievance form or an appeal of minor discipline and may assign the complaint to a designee for follow-up.



2. The Jail Captain or designee reviews the complaint. If the form is not complete and accurate the Captain or designee indicates that the form was rejected, and the reason for the rejection. If the grievance form is properly completed, the Jail Captain or designee indicates on the form his/her decision and the reason for his/her decision. The Jail Captain or designee informs the Security Services secretary to send a written response to the prisoner. The response indicates the grievance decision by the Jail Captain or designee, and the reason for his/her decision. If necessary, the written response may be to acknowledge receipt of the grievance and to advise the need for more time to investigate. Within seven (7) business days of receiving the grievance form, the prisoner will be notified of the Jail Captain or designee's decision in writing.
 3. The complaint, written response, and disposition are placed in a file maintained by the Security Services secretary.
 4. A grievance against minor discipline is considered an appeal. The Jail Captain is the final level of appeal.
 5. Filing a grievance does not exclude the prisoner from pursuing other avenues of redress outside the Dane County Sheriff's Office.
- E. Step 5
1. If the prisoner has been released from Dane County Sheriff's Office custody, the response will be mailed via the U.S. Post Office to the last known address. If the mail comes back return to sender, the envelope and response will be stapled to the original grievance form and become part of the record.