

Inmate Grievances, the canary in the coalmine.



Josh Arnold, NCCE, CJE

Director of Operations
National Institute for Jail Operations

jarnold@jailtraining.org
Tel: 520-940-3047

Tate McCotter, MCJ, NCCE, CJE

Executive Director
National Institute for Jail Operations

tmccotter@jailtraining.org
Tel: 801-810-5245



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Inmate Grievances - Misconception

The grievance system benefits only the inmates in the facility and puts staff on the defensive for their good-faith actions.





Staff Tell the Truth



Inmates Lie



Prisoner wants special privileges

Editor's note: The following letter was received with a Post-It note request: "Please print this in the newspaper for us."

Dear Editor:

I have a form of lycanthropy, which causes me to think that I am a wolf. My thoughts, dreams and feelings are focused on me being a wolf.

The best time of the month is when there's a full moon. Since the federal officials from the P.R.E.A (Prison Rape Elimination Act) visited all [REDACTED] prisons, they ordered Department of Corrections officials to make special accommodation for all transgender inmates by giving them a single cell, a special shower curtain and other privileges such as medical care.

We inmates who are trans-species want recognition and special privileges, too. I want a medical profile that allows me to stay outside at night on a full moon. I have many half-brothers and sisters in the [REDACTED] who want me to have a three-day furlough to run in the woods with them.

Shots of wolf DNA may be an option to help in some further species transition.

Sincerely,

[REDACTED]



Litigation

TRUE or FALSE?

- Inmates can file law suits whenever they want.





Prison Litigation Reform Act

Enacted in 1996 due to the significant increase in prisoner litigation in Federal Courts. P.L.R.A was designed to decrease the number of litigation incidents within the court system.

Prior to PLRA, 1 out of every 5 lawsuits were filed by inmates.



Prison Litigation Reform Act

An inmate must first exhaust all administrative remedies prior to their challenge of conditions of confinement in federal court.



42 U.S.C 1997e(a)



Prison Litigation Reform Act

Many State Officials and members of Congress had complained about the amount of relief granted by Federal Judges that lead to expensive remedial actions.

P.L.R.A was designed to curb the discretion of the Federal Courts in granting such expensive actions.



EXHAUSTION REQUIREMENT

Congress tried to curb prison litigation by setting up an exhaustion requirement.

“No action shall be brought with respect to prison conditions under section 1983 of this title or any other Federal law by a prisoner contained in any Jail, Prison or other Correctional Facility **until such administrative remedies as are available are exhausted.**”

42 U.S.C 1997e

- Jones V. Bock 549 U.S. 199 (2007)



EXHAUSTION REQUIREMENT

Why have more than one level of exhaustion...

- Layers additional protective measures – ALL must be exhausted before a federal lawsuit!
- Produces more documentation from the inmate – (their words, not their attorney)
- Produces more documentation from the facility/administration (disproves deliberate indifference claims)



Benefits to your Agency

You have a chance to address issues before the inmate is allowed to litigate!

- Address issues that need addressing!
- Carefully document actions taken.
- Send an appropriate response to the grievance. CYA!



Benefits to your Agency

You have a chance to address issues before the inmate is allowed to litigate!

- An Inmate in Administration Segregation.
- Lack of outdoor rec time. Had been in Admin Seg for over a year. Claimed to have never been outdoors since.
- Conditions of confinement.



Keep Statistics on your Grievances

Incoming Grievances should be placed in categories.

- Medical
- Staff Treatment of Inmates
- Living Conditions
- Food Services
- Other- Commissary, phones, etc.



Keep Statistics on your Grievances

Watch for trends. Take a look at large increases or decreases in complaints in each category. Big increases can tell you that there may be issues!



Keep Statistics on your Grievances

Types of Issues that can be identified.

- Officers that may be problematic.
- Food Service Vendor- food quality
- Medical issues- lack of care or not getting prescription medication
- Conditions of Confinement- excessive lockdown, unsanitary conditions
- **TRACK SUSTAINED GRIEVANCES! IT PROVES TO THE COURTS THAT YOUR GRIEVANCE PROCESS WORKS**



Keep Statistics on your Grievances

Watch for Legitimate Issues and Repeated Grievances.

- Repeated grievances concerning certain issues should be carefully investigated.
- Not taking grievances seriously can open an agency to a deliberate indifference charge.
- Allow the grievance to give you information you might not be aware of, don't automatically discount them.



What role does the Inmate Handbook accomplish with Grievances?



***PINAL COUNTY
ADULT DETENTION
FACILITY***



HANDBOOK



Content of an Inmate Grievance Policy

- Purpose of the grievance system
- Procedures for filing grievances
- How information gained from the grievance process will be used to benefit jail operations
- The requirement that inmates exhaust their administrative remedies before alleging inmate rights violations



Content of an Inmate Grievance Policy

- Have a tiered system. In order to exhaust the process, the inmate must go through several steps of appeal.
- ALWAYS, permit only one issue per grievance.
- Set hard time-lines. Only make exceptions in extreme circumstances.
- Do not allow any cursing or abusive language.
- Do not permit inmates to grieve on behalf of other inmates.
- Design your grievance to always have the inmate document the outcome they are seeking. “What is your desired resolution.”
- Any violation of the rules should be an automatic rejection of the grievance. Rules should be laid out in the inmate handbook.



Great Example of a Tiered System Grievance Process and Timeframes

County Inmate Grievance Process and Timeframes

	County Inmate	Staff Response	
Informal	Has 5 calendar days from date of incident to request a informal resolution.	Cpl or Sgt has 24 hours to respond, if they can't resolve, the complaint then it is immediately given over to the Shift Lieutenant	6 total days from initial receipt of notification
Informal Resolution (2 nd level)	Automatically given to Shift Lt if prior informal complaint is still unresolved	Shift Lt has 5 working days to respond.	
Formal	Has 5 calendar days to file after receiving a unsatisfactory informal response	Grievance Officer has 5 working days to respond. (can ask for 20 working day extension)	
Appeal of Formal finding	Has 3 calendar days to file after receiving a unsatisfactory response of formal grievance	Command staff or designee has 10 working days to respond.	
2 nd Appeal of Formal finding	Has 3 calendar days to file after receiving a unsatisfactory response of formal grievance appeal	Deputy Chief or designee has 10 working days to provide a final response.	
Final Determination	Grievance process exhausted <i>PCSO Policy 4.3.6</i>	The final determination of the Deputy Chief will be considered final and exhaust the grievance process related to the issue.	



Grievance System Function

- Affords Inmates a formal process to address complaints and other concerns
- Can be used by Command personnel to identify operational dysfunction, inmate frustration, and other potential issues.

*NIJO Legal-Based Jail Guidelines D05.02.01



Corrections officers must be educated and trained on the purpose of an inmate grievance system and how it directly benefits jail operations.

If this is accomplished, statistics will demonstrate a more efficient operation.





Fulfilling the Inmate's Purpose

- A means through which inmates can complain and challenge the conditions of their confinement in a constructive matter.
- A safety valve for inmate's frustration and apprehension.
- A perception of greater fairness.
- A means of documenting the process.



Evaluating the Operational Climate of the Facility

- A record of good faith efforts taken by facility officials in attempting to address the legitimate concerns of inmates.
- Information to document unreasonable inmate complaints and demands.
- Information which can be used to defend the facility in the event of litigation.
- An additional measure of the interpersonal skills in which staff members interact with inmates.



Need for a Formal Grievance System

- Requires inmates to submit their grievances in written form. Who writes the grievance?
(Spencer v Moore 638 F. Supp. 315 316 (E.D. Mo. 1986))
- Provides comprehensive procedures for inmates to initiate and staff to process and resolve grievances. *Wolff v. McDonnell, 418 U.S. 539, 94 S. Ct. 2963 (1974)*
- Written responses within set timelines for due process. *(Spencer v Moore 638 F. Supp. 315 316 (E.D. Mo. 1986))*
- Administrative review. *Prison Litigation Reform Act (PLRA) 1983*



Benefits Administration and Line Level Staff

A grievance system can be used by the Facility Administration to identify operational dysfunction, inmate frustration, and other concerns/issues.



Facility Benefit from a Grievance System

- The information provides indicators of possible future litigation (show their cards!)
- May identify weaknesses in operations of the facility.
- Identifies staff who are doing their jobs properly and which ones are substandard “kick starters/pass the buck” officers.
- Too many may be an alert - Inmates are venting problems.
- Too few - the inmates lose faith in the system.



Resolution at the Lowest Level

The grievance system should encourage grievances to be resolved at the lowest staff level.

*NIJO Legal-Based Jail Guidelines D05.02.02



Attempting to resolve grievances at the lowest operational level—between officers and inmates--requires staff members to be a part of the solution, rather than having the Administration mediate staff-inmate conflicts.





Grievances are not:

- Inmate requests
- Medical requests
- Kites



Emergency Grievances

The grievance process should provide an expedited process for issues of an exigent nature requiring faster processing than would occur with routine processing of a grievance.

When would this be used?



Examples: Emergency Grievances

It may be necessary to give emergency status and expedited processing for issues involving:

- Medical treatment;
- Fire and life-safety complaints;
- Claims concerning missed release dates; and
- Other matters for which delay would significantly prejudice the inmate.

INMATE GRIEVANCE FORM

Name (print):

_____ Last _____ First _____ Middle

Number: _____ Housing Assignment: _____

Name of Staff Contacted: _____ Date _____ 02/21/2014 _____

State Grievance (include witnesses, date of incident and any other information pertaining to the grievance subject) Use additional sheets if necessary.

On 02/18/2014 right after the night lockdown Officer _____ walked into our housing unit E-300 to Drop off a sleep pap machine for a Detainee in room 323. When he was inside I was experiencing A seizure attack and I was trying to get his attention by knocking on the door of my cell. Officer _____ turned around to make eye contact with me and I made a gesture to come to me and I also Screamed to him, he then waved me off and turned around and left. My witness is _____

Requested Action:

I would like to have him re-trained to be able to assist Detainee's when in need of Medical. My cell mate was asleep and was only aware I was experiencing something wrong. When he awoke and saw me sitting in the floor and I told him what was going on. My health was at risk and I had no help from my Custodians.

Inmate Signature: _____ Date Submitted: _____

Grievance Officer's Report

Received 02/21/2014. I reviewed your claim. Video shows the Officer's enter your pod with an Ice Medical Nurse, who was assisting another Detainee. Video did not show anyone ignoring you while in "distress". Ice Medical would have assisted you immediately. The Officer's dealt with another issue not ignoring you. I was advised that not even Medical knew of any medical issue and the video I reviewed supports that.

Grievance Officer's Decision

Grievance denied, video does not support Detainee's claim of ignored medical distress. No Officer or Nurse ignored any call for help from said Detainee on 02/18/2014.

Does the Inmate want to Appeal? Yes _____ No _____

Grievance Officer's Signature: _____ Date: _____





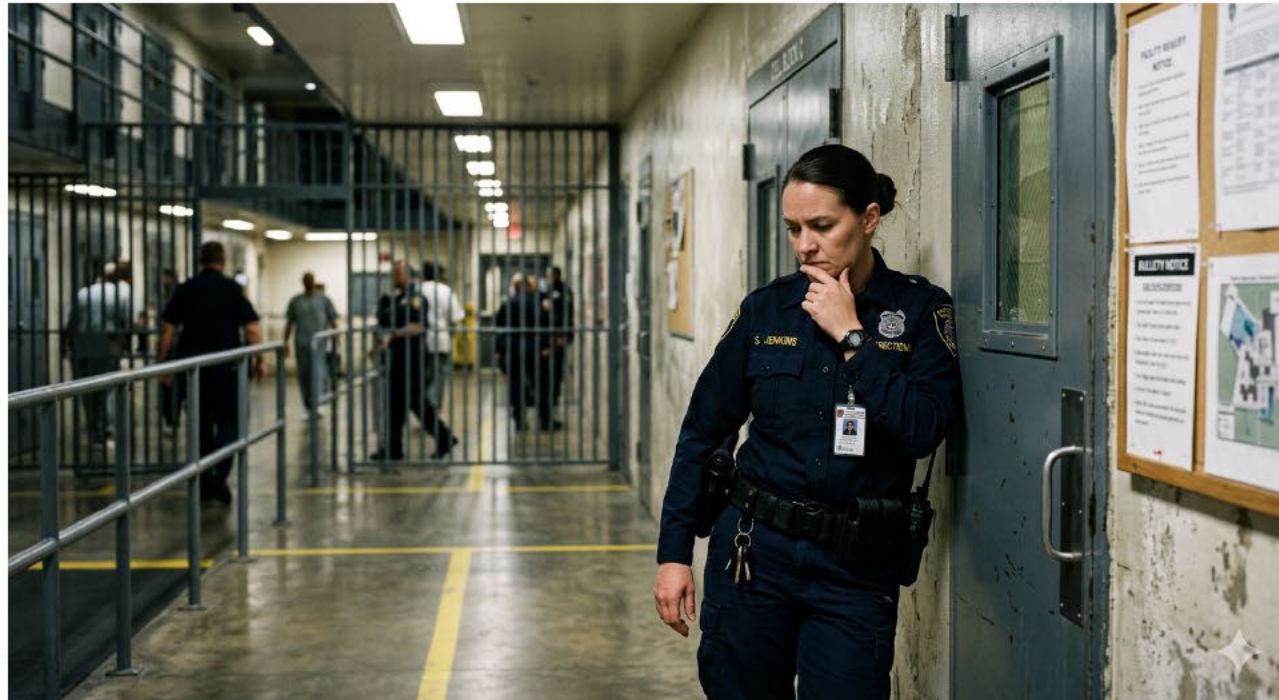
Grievances

Your grievance system should assist you in running a constitutional facility.

- Don't think of grievances as just a way for inmates to complain.
- They **MUST** expose their hand and show you their cards.
- Glean as much information from the inmate as possible concerning their complaint.
- Sometimes Grievances let you know about something going on in your facility that you may not be aware of!
- Act reasonably and document carefully. Protect your agency!



QUESTIONS???





Future Webinars!

- **Session 2: Duty to Intervene/Duty to Protect**
June 3, 2026 from 11:00 AM to 12:00 PM -
- **Session 3: Audits – Find the Landmines before You step on One**
July 1, 2026 from 11:00 AM to 12:00 PM -
- **Session 4: Know the Law – The Importance of Keeping Up with the Law Pertaining to Corrections**
August 5, 2026 from 11:00 AM to 12:00 PM -
- **Session 5: Staff Retention: How to Reduce Turnover**
September 2, 2026 from 11:00 AM to 12:00 PM -
- **Session 6: Beneficial Training to Reduce Liability**
October 7, 2026 from 11:00 AM to 12:00 PM -
- **Session 7: Inmate Death – How to Reduce Liability, Suicide Prevention Policy**
November 4, 2026 from 11:00 AM to 12:00 PM -
- **Session 8: Procedures for Suicide Prevention – Proactive Steps Your Agency can take to help Prevent Suicide in your Facility**
December 2, 2026 from 11:00 AM to 12:00 PM -



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- Legal Based Policy!

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