I. PURPOSE

The purpose of this General Order is to provide directives for inmates to resolve complaints, which can minimize the possibility of costly litigation. It can also provide a means for staff to assess potential problems in existing policies, practices and personnel and, if necessary, correct those areas in a timely manner.

II. POLICY

It shall be the policy of the Corrections/Court Services Division that a grievance procedure be available to all inmates regardless of race, color, sex, religion, age, disability, or national origin.

All inmates shall be apprised of the grievance procedure during their Classification Orientation process as stated in the inmate handbook.

Upon written request, an inmate shall be provided with a Loudoun County Adult Detention Center Grievance Form after exhausting all prerequisites of the grievance procedure. All prerequisites shall be documented. These prerequisites include any action by staff or a supervisor to resolve the complaint prior to providing the inmate with a grievance form. This in no way requires inmates to file grievances on the supplied form. All inmates may submit grievances without fear of reprisal. Any inmate unable to write his or her own grievance may be assisted by a staff member or an authorized program volunteer. A written receipt of inmate grievances shall be provided to the inmate in a timely fashion (not to exceed 48 hours) following receipt by the Assistant Division Commander of Confinement. A written response to the grievance shall be provided to the inmate within nine (9) working days of receipt of the grievance. This response will include the reasons for any decision made.

Any inmate who abuses or misuses the grievance procedure may be restricted, provided that sufficient documentation for the alleged abuse/misuse is documented.

All inmates may appeal any decision through the chain of command. The final decision shall rest with the Division Commander.

III. DEFINITIONS:

Grievance: A formal written complaint by an individual concerning:
A. An existing policy, procedure or condition in the Loudoun County Adult Detention Center or Work Release Facility that is perceived by the grievant to be harmful or injurious to his/her welfare or safety.

B. The attitude or behavior of an employee or another inmate toward the grievant which is perceived to be unjustified or unreasonable.

C. The absence of or inadequacy of policy and procedure which causes existing or routine conditions to be perceived as harmful or injurious to the welfare or safety of the grievant, or would cause a serious breach of security.

D. Any discriminatory treatment of a grievant based on race, color, religion, sex, age, disability or national origin.

E. Failure of the facility to afford the grievant equal opportunity and access to facilities, programs and activities.

III. **PROCEDURE**

A. Submission of Grievances

1. All grievances will be submitted to the Assistant Division Commander of Confinement. The grievance will be reviewed to make certain it is properly completed and the issues asserted therein are grievable. They will then assign a number to the grievance and a supervisor to investigate the complaint. Regardless if the issues are grievable or not, the inmate will be sent a copy of the Grievance Worksheet along with a copy of the original grievance. The original Grievance Worksheet will be stapled to the original grievance. The packet will then be forwarded to the shift supervisor who will enter the information into the grievance logbook, showing the date and supervisor the grievance was assigned. Once notation has been made, the grievance will be forwarded to the assigned supervisor to begin the investigation.

2. At the conclusion of the investigation and when the response has been written, the assigned supervisor will submit the original grievance packet, along with their findings to the shift supervisor at which time they will fill out the proper information in the Grievance Logbook. A copy of the grievance response will then be given to the inmate. Once the cover sheet on the grievance has been signed by the inmate acknowledging that they have received a copy of the answer, the grievance packet will be placed in the inmate’s record. It is the responsibility of the shift supervisor to make certain that a copy of the grievance response is provided to the Assistant Division Commander of Administration.

3. In the event that a grievance subject is not about a specific staff member, the Assistant Division Commander of Confinement will assign the grievance to a supervisor that deals with the matter grieved.
4. If a grievance is filed against an employee, the next higher-ranking supervisor above the level that is the subject of the grievance will always be assigned to address the grievance.

5. Any inmate that is transferred or released that has filed a grievance will have that grievance processed and dealt with in the same manner as if the inmate were in the Adult Detention Center. The answer to the grievance will then be forwarded to the inmate at his/her current location. If an inmate is housed at another location and files an appeal, the appeal will be accepted if it is filed within a reasonable amount of time. The appeal will be addressed and forwarded to the inmate at his/her current location.

6. Third parties, including fellow inmates, staff members, family members, attorneys, and outside advocates, will be permitted to assist inmates in filing grievances relating to allegations of sexual abuse, and shall also be permitted to file such requests on behalf of inmates.

7. If a third party files such a request on behalf of an inmate, the facility may require, as a condition of processing the request that the alleged victim agree to have the request filed on his or her behalf, and the alleged victim wants to personally pursue any subsequent steps in the grievance process.

8. If the inmate declines to have the request processed on his or her behalf, the deputy will document the inmate’s decision.

9. After receiving an emergency grievance alleging an inmate is subject to a substantial risk of imminent sexual abuse, staff will immediately forward the grievance (or any portion thereof that alleges the substantial risk of imminent sexual abuse) to the Shift Supervisor at which immediate corrective action may be taken, and provide an initial response within 48 hours, and issue a final decision within 5 calendar days. The initial response and final decision will be documented whether the inmate is in substantial risk of imminent sexual abuse and the action taken in response to the emergency grievance.

10. The inmate may be disciplined for filing a grievance related to alleged sexual abuse only when staff demonstrates that the inmate filed the grievance in bad faith.

B. Routine grievances are treated by the assigned supervisor in the following manner:

1. If a solution is readily available, the supervisor will meet with the grievant and inform them where and how to obtain relief.

2. When the grievance appears to be bona fide, the supervisor will investigate the circumstances.
3. Based upon the results of the investigation, the supervisor will arrive at a decision concerning the grievance.

4. The supervisor will provide the grievant with a written response within nine (9) working days after the Assistant Division Commander of Confinement receives the grievance. The response must include the reasons for the decision made.

5. If additional time is required to complete the investigation, the grievant will be notified in writing, by the answering supervisor by marking the appropriate section on the Grievance Worksheet to indicate the number of days needed for completion. A copy of this worksheet, together with the extension information, must be forwarded to the grievant.

6. The grievance response will include the name of the next-level supervisor to which an appeal may be directed. This next level supervisor will also review the grievance answer.

7. Once the grievance has been completed, the following steps will be taken:
   a. The entire grievance packet will be stapled together making sure a copy of the answer is attached to the top of the packet.
   b. The grievance packet will be forwarded to the housing unit where the inmate is located.
   c. Once the post deputy receives the packet, they will provide the inmate with the attached copy of the grievance answer.
   d. The inmate will sign the original grievance worksheet acknowledging receipt of the grievance answer.
   e. The post deputy will then sign the grievance worksheet as a witness affirming the inmate was provided with a copy of the grievance answer.
   f. The post deputy will then forward the grievance packet to the Records Section for inclusion into the inmate’s record.

C. An inmate may appeal the decision regarding the grievance as follows:

1. The appeal will be directed to the Assistant Division Commander of Confinement for assignment to the next higher-level supervisor above the supervisor who is providing the original response.

2. All appeals must be in writing. Any inmate unable to write his or her own appeal may be assisted by a staff member or authorized program volunteer.
3. An appeal must be filed within five (5) calendar days from receipt of the original decision.

4. The reviewing authority, as assigned by the Assistant Division Commander of Confinement, will cause the following actions to commence upon receipt of a grievance appeal:
   a. Review the grievance, investigation methods and decision for correct procedures.
   b. Conduct additional investigation into matters raised in the grievance if deemed appropriate.
   c. Arrive at a decision and so notify the grievant, in writing, within nine (9) working days after receipt of the appeal by the Assistant Division Commander of Confinement.
   d. Include in the response the reasons for the decision.
   e. Should additional time be required to complete the investigation or response, the grievant must be notified in writing and provided with a date when the response will be provided.

D. Emergency Review

1. Priority attention must be given to any grievance in which circumstances are determined to present a threat to the health, safety, or welfare of the grievant or others.

2. Emergency processing of a grievance may be justified if one or more of the following situations are present:
   a. Threats or actions toward the grievant or others which could jeopardize their health, safety, welfare, or the security of the Adult Detention Center.
   b. Complaints of inadequate medical or psychological treatment which could constitute an immediate threat to the health or welfare of the grievant.
   c. A grievant’s complaint concerns a major failure of policy or procedures that could result in an immediate breach of security or possible harm to the grievant or any other inmate.
   d. Whenever a grievant, slated for transfer or release, complains about deficiencies in policies or procedures, conditions of confinement or any other matters which might be categorized as civil rights violations.
3. Whenever emergency review of any grievance is warranted, the sequential steps set forth in this General Order will be suspended.
   a. The grievance will be referred directly to the Assistant Division Commander of Confinement.
   b. Responses to grievances of this nature will be expedited to the extent possible.

**DOC STANDARD #**

6VAC15-40-130: Written Grievance Procedure

A written grievance procedure shall be developed and made available to all inmates with the following:

1. Inmates shall be given a grievance form after exhausting all prerequisites of the grievance procedure. Prerequisites shall be documented.
2. Grievances shall be responded to within nine work days of receipt.
3. Written responses, including the reason for the decision, shall be made to all grievances.
4. A review shall be made by a staff member not directly involved in the grievance.
5. All inmates shall have access to the grievance procedure with guaranty against reprisal.
6. All inmates shall be afforded the opportunity to appeal the decision.

Compliance Documentation:

- Review written policy and procedure/handbook
- Elements 1-5 must be included in the written policy
- Review grievances
- Review appeals
- Interview staff/inmates

(队尾 must determine suitability of procedures to insure inmate access to grievance procedure.)

The inmate grievance procedure is a mechanism for inmates to resolve complaints, which can minimize the possibility of costly litigation. It can provide administrators a means to assess potential problems in existing policies, practices and personnel and, if necessary, correct those areas in a timely manner. Inmates who abuse or misuse the grievance procedure may be restricted in accordance with facility policy, provided sufficient documentation for the alleged abuse/misuse is documented.
§ 115.52 Exhaustion of administrative remedies.

(a) An agency shall be exempt from this standard if it does not have administrative procedures to address inmate grievances regarding sexual abuse.
(b)(1) The agency shall not impose a time limit on when an inmate may submit a grievance regarding an allegation of sexual abuse.
(2) The agency may apply otherwise-applicable time limits to any portion of a grievance that does not allege an incident of sexual abuse.
(3) The agency shall not require an inmate to use any informal grievance process, or to otherwise attempt to resolve with staff, an alleged incident of sexual abuse.
(4) Nothing in this section shall restrict the agency’s ability to defend against an inmate lawsuit on the ground that the applicable statute of limitations has expired.
(c) The agency shall ensure that—
(1) An inmate who alleges sexual abuse may submit a grievance without submitting it to a staff member who is the subject of the complaint, and
(2) Such grievance is not referred to a staff member who is the subject of the complaint.
(d)(1) The agency shall issue a final agency decision on the merits of any portion of a grievance alleging sexual abuse within 90 days of the initial filing of the grievance.
(2) Computation of the 90-day time period shall not include time consumed by inmates in preparing any administrative appeal.
(3) The agency may claim an extension of time to respond, of up to 70 days, if the normal time period for response is insufficient to make an appropriate decision. The agency shall notify the inmate in writing of any such extension and provide a date by which a decision will be made.
(4) At any level of the administrative process, including the final level, if the inmate does not receive a response within the time allotted for reply, including any properly noticed extension, the inmate may consider the absence of a response to be a denial at that level.
(e)(1) Third parties, including fellow inmates, staff members, family members, attorneys, and outside advocates, shall be permitted to assist inmates in filing requests for administrative remedies relating to allegations of sexual abuse, and shall also be permitted to file such requests on behalf of inmates.
(2) If a third party files such a request on behalf of an inmate, the facility may require as a condition of processing the request that the alleged victim agree to have the request filed on his or her behalf, and may also require the alleged victim to personally pursue any subsequent steps in the administrative remedy process.
(3) If the inmate declines to have the request processed on his or her behalf, the agency shall document the inmate’s decision.
(f)(1) The agency shall establish procedures for the filing of an emergency grievance alleging that an inmate is subject to a substantial risk of imminent sexual abuse.
(2) After receiving an emergency grievance alleging an inmate is subject to a substantial risk of imminent sexual abuse, the agency shall immediately forward the grievance (or any portion thereof that alleges the substantial risk of imminent sexual abuse) to a level of review at which immediate corrective action may be taken, shall provide an initial response within 48 hours, and shall issue a final agency decision within 5 calendar days. The initial response and final agency decision shall document the agency’s determination whether the inmate is in substantial risk of imminent sexual abuse and the action taken in response to the emergency grievance.
(g) The agency may discipline an inmate for filing a grievance related to alleged sexual abuse only where the agency demonstrates that the inmate filed the grievance in bad faith.

This General Order becomes effective July 1, 2013, and rescinds all previous rules and regulations pertaining to the subject.