

I. PURPOSE

To establish a systematic procedure for resolving inmate grievances.

II. POLICY

It is the policy of the Fairfax County Sheriff's Office that:

- A. Inmate grievances will be handled in an unbiased and expeditious manner.
- B. A written grievance procedure is made available to all inmates and includes at least one level of review.
- C. Grievances are responded to in writing within prescribed time limits and include the reason for the decision.
- D. Neutral and detached review of grievances are provided for.
- E. Inmates may submit grievances without fear of reprisal.
- F. Any issue that does not rise to the level of a grievance will be categorized as a complaint.
- G. Immigration and Customs Enforcement will be immediately notified and forwarded all grievances from any ICE Detainee that pertains to staff misconduct.

III. PROCEDURE

- A. Grievances are formal written complaints by inmates that meet one or more of the criteria established below:
 - 1. An alleged violation of civil, constitutional, or statutory rights.
 - 2. An alleged criminal act by any inmate or staff member.
 - 3. Any action, or inaction, that creates a situation within the facility that is harmful or injurious to the welfare or safety of the complainant.
 - 4. An alleged incident of sexual misconduct, sexual contact, sexual abuse, or sexual harassment.
- B. Requests for a Grievance Form written by an inmate on an Inmate Request Form (Att.1, Grievance Form English, Att. 2, Grievance Form Spanish) will be forwarded to the Policy and Planning Section Supervisor. The Policy and Planning Section Supervisor will conduct a preliminary review and determine if the issue meets the criteria established above for a grievance. If the complaint remains unresolved after the inmate has taken the necessary steps to seek relief as required in the inmate handbook (see Complaint Procedures1-2) and the complaint meets one or more of the established criteria, a Grievance Form with a tracking number generated by the Policy and Planning Section Supervisor will be issued to the inmate. The following guidelines will apply if the request does not provide enough information or requires further review:
 - 1. If the request is vague, or needs clarification, the Policy and Planning Section

**FAIRFAX COUNTY SHERIFF'S OFFICE
STANDARD OPERATING PROCEDURE**

**SOP NUMBER: 060
SUBJECT: INMATE GRIEVANCE PROCEDURE**

Supervisor will scan to file the original request form and return it to the inmate with comments.

2. If the complaint requires further review, the Policy and Planning Section Supervisor will forward a copy of the original request to a supervisor of the affected section for follow-up. Upon written receipt of the supervisor's findings, the Policy and Planning Section Supervisor will place the response in the appropriate file containing a copy of the original inmate request form.
 3. Copies of Grievance Forms not issued by the Policy and Planning Supervisor shall be filed under Inmate Complaints. Unauthorized copies of Grievance Forms received shall be returned with comments to the inmate notifying the inmate it will be filed as an Inmate Complaint. Please note, frivolous, repetitive, excessive, and nuisance complaints may diminish the legitimacy of the inmate's complaint.
- C. In the event an ICE Detainee requests a Grievance Form for an allegation of staff misconduct, the Policy and Planning Section Supervisor will immediately notify ICE. Additionally, once the Grievance Form is received from the detainee, the Policy and Planning Section Supervisor will forward the completed Grievance to ICE. The ICE Detainee's Grievance will continue to be processed within the guidelines of this SOP.
- D. If the complaint appears to justify immediate attention, the complaint will receive priority review (see Emergency Review, Section H of this SOP).
- E. Duties of the Policy and Planning Section Supervisor as recipient of all completed grievance forms:
1. Maintain and record to file all completed grievance forms.
 2. Complete the bottom of the Grievance Form within forty-eight (48) hours of receipt and forward a copy of the original grievance with any related information that pertains to the Grievance to the appropriate Branch Chief, or Division Commander.
 3. Maintain files of all inmate grievances and inmate grievance responses.
- F. Duties of the designated First Lieutenant, or Branch Chief, assigned a grievance case.
1. Ensure an impartial review of the complaint is conducted.
 2. Ensure a written response within nine (9) workdays of receipt of the grievance or notify the inmate in writing if additional time is needed. A workday is defined as Monday through Friday (Saturdays, Sundays, and holidays are exempt).
 3. Deliver the response to the inmate for signature and ensure that the inmate receives a copy. Forward a copy of the signed response to the Policy and Planning Section Supervisor who will place it in the appropriate file for record.
 4. Responses will include notification of the inmate's right to appeal the decision to the appropriate Branch Chief, or Division Commander. Inmates will be given eight (8) calendar days from the date they receive the response to appeal.
 5. The original grievance and the signed response will be forwarded to the classification section and retained in the inmate's classification file.

**FAIRFAX COUNTY SHERIFF'S OFFICE
STANDARD OPERATING PROCEDURE**

**SOP NUMBER: 060
SUBJECT: INMATE GRIEVANCE PROCEDURE**

G. Appeals.

1. All inmate appeals to grievances responses will be forwarded to the Policy and Planning Section Supervisor.
2. The Policy and Planning Section Supervisor will ensure the following is completed:
 - a. Maintain a record of all grievance appeals.
 - b. Document the date the appeal was received and forward all appeals to the appropriate Branch Chief, or Division Commander.
 - c. Maintain a record of all grievance appeal responses.
3. The Branch Chief's, or Division Commander's, decision is final and there will be no further appeal.

The Branch Chief, or Division Commander, will ensure the following is completed:

 - a. An impartial review of the grievance is conducted.
 - b. Deliver a written response to the inmate within seven (7) working days of receipt of the appeal or notify the inmate in writing if additional time is needed.
 - c. Forward an electronic copy of the appeal response to the Policy and Planning Section Supervisor.
4. In cases where the First Lieutenant is directly involved in the grievance, the appropriate Branch Chief will review the complaint and provide the inmate with a written response as outlined in Section F of this SOP. Appeals under these circumstances will be reviewed by the appropriate Division Commander as outlined in Section G, 3. of this SOP.

H. Emergency Review.

1. Priority attention will be given any grievance when normal review procedures might be detrimental to the safety or welfare of the complainant and/or others.
2. Emergency processing of a grievance would be justified in the following situations:
 - a. Threats against the complainant's life.
 - b. Threats of action toward the complainant which could jeopardize his/her welfare, the welfare of others, or the security of the Fairfax County Adult Detention Center.
 - c. Complaints of inadequate treatment in the case of an inmate who is afflicted with a serious medical or psychological condition; or physical

**FAIRFAX COUNTY SHERIFF'S OFFICE
STANDARD OPERATING PROCEDURE**
handicap.

**SOP NUMBER: 060
SUBJECT: INMATE GRIEVANCE PROCEDURE**

- d. When an inmate's complaint concerns a major inadequacy in the Fairfax County Adult Detention Center policies or procedures which, if uncorrected, would result in a breach of security, possible harm to the inmate or others.
 - e. Whenever an inmate complains about deficiencies in policies, procedures, conditions of confinement or other matters that might be categorized as Civil Rights violations.
3. Whenever an emergency review of a grievance is warranted, the sequential review steps set forth in this Standard Operating Procedure will be suspended. The grievance will be referred directly to that authority which is best capable of rendering a final decision in the matter. Responses to grievances of this nature will be expedited.
- I. Procedures for filing grievances will be included in the Inmate Handbook.

**05/11/98
DATE APPROVED**

**01/01/00
EFFECTIVE DATE**



**STACEY A. KINCAID
SHERIFF**

Revised: December 2005, July 2009, February 2012, October 2013, July 2015