A Guide to the Grievance Process

For inmates at King County Correctional Facility and the Regional Justice Center

This guide provides information about how inmates may use the grievance process at King County Correctional Facility (KCCF) and the Regional Justice Center Detention Facility (RJC). The AVID Jail Project of Disability Rights Washington provides information and assistance to inmates at these jails. The AVID Jail Project hopes this guide will help inmates and their advocates better understand and exercise their rights.

This is a publication by the AVID Jail Project: Amplifying Voices of Inmates with Disabilities

AVID is a project of Disability Rights Washington, an independent, private, non-profit organization designated as Washington’s protection and advocacy agency, and mandated to protect the rights of people with disabilities statewide. DRW’s mission is to advance the dignity, equality, and self-determination of people with disabilities.

www.disabilityrightswa.org

This guide is based on DAJD and JHS policies and guidelines.
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Who is this guide for?

- Inmates at King County Correctional Facility (KCCF) in downtown Seattle and the Regional Justice Center (RJC) in Kent
- Family, friends, and advocates of inmates at KCCF and RJC
- Community service providers with clients held at KCCF and RJC

Terms

**KCCF** serves King County and is located in downtown Seattle. **RJC** generally serves south King County and is located in Kent. Both facilities house pre-trial inmates and inmates serving sentences of up to one year. Inmates at both facilities have the right to access the grievance process. In this guide, KCCF and RJC are referred to jointly as “King County Jail.”

The **Department of Adult and Juvenile Detention (DAJD)** is the King County department that operates detention facilities (including King County Jail) and community corrections programs in the county. This guide refers to DAJD policies to mean the general or custody policies at King County Jail.

**Jail Health Services (JHS)** provides health care services at both jails. JHS is a division of Public Health Seattle-King County, the County’s public health department. This guide refers to “JHS” and a “JHS provider” to mean someone who works for JHS and is responsible for healthcare in the jail.

People incarcerated at King County Jail are referred to as “inmates” in this guide. JHS refers to inmates as “patients” or “inmate-patients.”

Issues Addressed

This guide addresses the rights of inmates with mental health issues to access the grievance process at King County Jail. Specifically, this guide seeks to provide information about how and why inmates may seek to communicate and resolve their complaints regarding jail conditions and health care.

This guide is based on the following jail policies:
- DAJD Policy 6.01.001 (“Inmate Kites”);
- DAJD Policy 6.04.002 (“Inmate Grievance Procedures”);
- DAJD Inmate Information Handbook
What is a grievance?

A grievance is a formal, written complaint.

Jail grievance procedures provide inmates with a method for seeking resolution to a specific complaint or concern about their conditions or treatment in jail.

There are two types of grievances, a general grievance and a medical grievance. A description of the process for filing general grievances is described on pg. 7, and for filing medical grievances on pg. 11.

Why submit a grievance?

Submitting a grievance will generally lead to an examination or investigation of an inmate’s complaint and may potentially resolve the complaint.

Submitting a grievance may also be useful for:

1. Creating a written record of the complaint
2. Obtaining a written response to the complaint
3. Meeting the Prison Litigation Reform Act (PLRA) requirement of exhaustion of administrative remedies

The PLRA is a federal law that governs inmate lawsuits in federal court. One requirement that the PLRA imposes on inmates in prisons and jails is the exhaustion of administrative remedies. This means that before an inmate may file a lawsuit related to prison or jail conditions under any federal law, such as Section 1983 of the Civil Rights Act of 1871 and the Americans with Disabilities Act, they must use the jail’s grievance and appeals procedure up to the highest level.

If an inmate fails to state a particular complaint in their original grievance, a court may later consider this complaint “unexhausted.” It is important to be as thorough as possible when drafting grievances.

Inmates may wish to talk to an attorney about exhaustion of remedies and any other requirements before filing a Section 1983 claim or any other claim in federal or state court. Inmates may also wish to talk to an attorney about specific timeframes or deadlines (also known as statutes of limitations) for filing complaints with government agencies or for filing lawsuits. Failure to comply with exhaustion requirements, statutes of limitations, or other requirements may result in losing the right to file an administrative complaint or lawsuit.
How is a grievance different than a kite?

Kites are used to make requests, while grievances are used to make complaints.

Kites are generally a faster method of resolving ongoing issues in jail and can be a good first step to take before filing a grievance. Two examples of using kites and grievances are given below:

**Example 1.**
If an inmate wants to be transferred from an administrative segregation unit to a general population unit, the inmate could submit a kite requesting a classification review and transfer to a general population unit. If classification staff deny the inmate’s request or do not respond to the inmate’s kite, the inmate may wish to submit a grievance about the denial or failure to respond.

**Example 2.**
If an inmate feels that they need mental health medication that the jail is not providing, the inmate could submit a medical kite making a specific request for the medication. If jail health staff deny the inmate’s request or do not respond to the inmate’s kite, the inmate may wish to submit a medical grievance about the denial or failure to respond.

Kites at King County Jail

There are four types of kites at King County Jail:

**Classification Kites (Green)**
Used to request assistance with classification issues, including special housing needs, requests for reclassification of housing assignments, disability-related accommodations, protective custody, keep-separate issues, and requests to be considered for the inmate worker program.

**Medical Kites (Beige)**
Used to request assistance with medical, dental, or mental health issues and with release planning.

Medical kites that do not pertain to mental health issues, sexually-transmitted diseases, HIV/AIDS, or a sexual assault may be considered health services, charging a $5 co-pay.
Submitting Kites

Inmates may submit kites by delivering them to the Deck Officers or placing them in the appropriate kite box. Inmates may also deliver medical kites to JHS staff during “sick call” at KCCF or place medical kites in the medical kite boxes at RJC.

Responses to Kites

DAJD and JHS policies do not require that all kites receive a response in writing.

Grievance requirements

In order for an inmate’s grievance to be accepted at King County Jail, the grievance must satisfy the following requirements:

1. The issue must be grievable

   Inmates in King County Jail may submit grievances on any of the following issues:

   - Jail facility conditions
   - Actions or behavior by staff members or other inmates
   - Jail procedures and practices that personally affect the inmate

   Examples of grievable issues:

   - An inmate is denied mental health care that they believe they need
   - An inmate is denied participation in an educational or inmate worker program
   - An inmate is denied outdoor recreation time
   - An inmate is assaulted by a staff member or other inmate
Inmates in King County Jail may not submit grievances on the following issues:

- **Disciplinary actions, a guilty finding in a disciplinary action, or penalties or sanctions imposed via the disciplinary process.**

  There is a separate appeals process for disciplinary matters. See pages 17-18 of the Inmate Handbook for more information about the disciplinary process.

- **Matters beyond the control of the jail**

  This includes matters occurring outside of the jail, such as complaints about police misconduct or about a public defender.

- **Planned events that have not yet occurred**

  There may not be a clear distinction between planned events and decisions that have already been made about planned events. If a decision has been made that will go into effect at a future date, an inmate may not have to wait until that future date to file a grievance. Instead, the inmate could possibly file a grievance regarding the decision itself. For instance, if staff inform an inmate that a decision was made to transfer them to more restrictive housing, the inmate could file a grievance about the jail’s decision rather than waiting for the upcoming transfer to happen first.

- **Issues affecting another inmate**

  Inmates may only grieve issues that affect them personally. For example, an inmate may not grieve JHS’s decision not to provide their cellmate with prescribed psychiatric medication. But, an inmate could grieve being housed with a cellmate whose actions may have become unpredictable because they are not receiving mental health care.

2. **Grievances must be submitted within 14 calendar days of when the incident the inmate is grieving occurred.**

   *Exception: This requirement does not apply to grievances alleging sexual misconduct, sexual abuse, and/or sexual harassment. In such cases, no time limit is imposed.*
Grievance procedures

1. Attempt to resolve

This means talking to jail staff about the issue or submitting a kite about the issue (see Kites at King County Jail section above). An attempt at informal resolution may resolve the issue more quickly and is generally required before an inmate submits a grievance.

*Exception:* There is no informal resolution requirement for complaints about a specific staff member or allegation of sexual misconduct, sexual abuse, and/or sexual harassment.

Inmates may wish to document attempts to resolve the issue with a staff member. Make a note of the date, time, staff member name, and result, so that this information may be included in a future grievance.

If the issue has not been resolved by the staff member, or the exception above applies, the inmate may file a grievance.

2. Obtain and complete a grievance form

Grievances should be available in housing units. If an inmate does not have access to a grievance form, they may request one from a staff member.

The DAJD inmate handbook recommends including the following information:

- The date the incident or problem occurred
- A detailed description of the inmate’s complaint
- A description of the remedy or resolution the inmate is seeking
- The name of the staff member with whom the inmate tried to resolve the issue and the date that this attempt was made
- The inmate’s full name (no initials)
- The inmate’s signature
- The date when the form was submitted

Only write about one complaint per grievance form. For instance, if an inmate has complaints about delays in receiving a psychiatric appointment and about a denial of their psychiatric medication, they may wish to submit two separate medical grievances. If an inmate has complaints about their placement in administrative segregation and about the jail’s failure to provide them with an accessible

*Note:* If the inmate needs help with writing a grievance due to a disability, including a mental health condition, they may wish to describe their request for help to staff as a request for accommodation under the Americans with Disabilities Act.
shower for their physical disability, they may wish to submit two separate general grievances. If an inmate needs help with writing or submitting a grievance, they may wish to request help from a staff member or other person whom the inmate trusts.

3. Submit the grievance form

Submit the grievance form in the grievance lock box within the unit. Inmates who do not have access to the lock box may submit grievances to a staff member. Please be aware that there is a separate process for submitting medical grievances. (See Medical grievances, pg.11.)

Submit the grievance form within **14 calendar days** of when the incident the inmate is grieving happened.

Note: If an inmate wishes to file a grievance after they are released from jail, they may submit the grievance in person, to jail staff or via U.S. Mail.

4. Grievances will be reviewed and responded to in writing by a supervisor within ten days from the date of submission.

The inmate should receive a copy of their original grievance form with a written response within ten days after submitting the grievance. If a grievance requires more time to investigate, the inmate will be notified of the need for an extension and the expected date of the response in writing.

As a part of the grievance investigation, jail staff may interview other staff members, inmates, or anyone else who is involved in the issue. Investigations may also involve reviewing logbooks, reports, or other documentation related to the incident.

While jail staff are investigating a grievance, filing any additional grievances on the same issue could result in disciplinary action. If the inmate would like an update on what the jail is doing with their grievance, or if they want to be sure the jail received the grievance, they may wish to submit a kite requesting this information.

Note: If an inmate is released before the grievance response is provided, or if the inmate submitted the grievance after release from jail, the inmate may request their grievance response in person at the jail or via U.S. mail.

Note: Grievances alleging excessive or unnecessary use of force, sexual misconduct, sexual abuse and/or sexual harassment are handled the same way as general grievances, but will receive additional review by the Major. Final DAJD decisions will be issued for these cases within 90 days of the initial filing of the grievance, with a possible time extension of up to 70 additional days.
5. The inmate may submit an appeal.

If an inmate disagrees or is dissatisfied with the grievance response they receive, they may wish to submit an appeal. If an inmate decides to submit an appeal, their grievance will be reviewed again and will be investigated and responded to by a different staff member than the one who investigated and responded to the initial grievance.

Inmates may appeal within 5 calendar days of receiving the grievance response.

Appeals will only be accepted if:

- There is new information now available that was not known about or considered at the time of the original response, or
- An error was made by the person who originally reviewed the grievance

Inmates may submit an appeal to the grievance response by writing their appeal in the space provided on the original grievance form.

6. Appeals will be reviewed and responded to, in writing, within 20 days of submission

After an appeal is accepted, the jail will review it and respond. If the jail needs more time to investigate an appeal, the jail will notify the inmate of the extension in writing. This notification will explain the reasons for the extension and provide an approximate date that the jail will finish investigating.

There is only one level of appeal. The jail's response to an appeal is the final stage of the grievance procedure. Submitting any additional grievance on the issue may result in disciplinary action.

Tips for writing grievances

Inmates may wish to briefly describe:

1. The nature of the complaint
   - Describe the complaint accurately and briefly
   - Explain how the inmate is personally affected by the issue
   - Use clear and simple language

2. The remedy that the inmate wants
• The inmate should be as specific as possible in describing the outcome they are seeking

3. Steps already taken to try to resolve the issue

This includes:

• With whom the inmate spoke
• What that person did in response

4. Names of individuals involved or witnesses

• If the inmate does not know the names of the involved individuals or witnesses, they should describe the person in as much detail as possible

5. Relevant dates and times

• The inmate should be as specific as possible about relevant dates and times

Remember:

1. Write about one complaint per grievance. If an inmate has more than one complaint, they should submit separate grievances.

2. Refrain from using disrespectful, vulgar (such as curse words), or threatening language, as this could result in disciplinary action or in the jail deciding not to consider or investigate the grievance.

Tips for writing an appeal:

• Only discuss the same single issue that was addressed in the original grievance.

• Explain the reasons for submitting the appeal (including whether the appeal is based on new information that was not known at the time of the original grievance investigation or on a mistake made by the person who originally reviewed the grievance).

Tips for using the grievance process:

• Submit grievances as soon as possible.

• Make a note of the date when the grievance or appeal was submitted.
• Follow up, via kite or verbal request for an update if no response is received within the established timeframe.

• Save copies of grievances, grievance responses, responses to appeals and any notices of extension, if possible. If the inmate is not given a copy, they may wish to consider making handwritten copies of both the grievances and responses.

• Avoid what King County Jail considers to be “abusing or misusing” the grievance procedure, as doing so may lead the jail to stop the grievance investigation or to use disciplinary action against the inmate.

King County Jail provides a list of what it considers abuse or misuse of the grievance procedure in the Inmate Handbook. This includes: giving false information, using the grievance process to harass others, using obscene or threatening words, and filing more grievances about the same complaint while an investigation is ongoing or after a final response has been received.

• Retaliation by jail staff or obstruction/hindrance of participation in the grievance process is not allowed, and is a grievable issue.

Example of retaliation
(“getting back” at someone):
A staff member restricts the amount of time an inmate may spend outside of their cell, as a result of their filing a grievance.

Example of obstruction or hindrance
(making it difficult or impossible for an inmate to file a grievance):
A staff member refuses to provide an inmate with a grievance form.

If an inmate feels they are being retaliated against for filing a grievance, the inmate may submit a grievance about the retaliation.

Medical grievances

There is a separate process for kites and grievances regarding medical and mental health care issues.

Medical kites are used to make health care requests (such as a request for medication or a request to be seen by a medical provider). Medical grievances are used to make formal written complaints related to health care services in the jail.

You may wish to submit a medical kite or discuss the issue during sick call. Submitting a medical kite or discussing the issue with JHS staff during the sick call process may resolve the issue more quickly.
If the inmate is not satisfied with the response to their medical kite, then they may wish to submit a medical grievance.

**Medical grievance procedures**

If the inmate is not satisfied with the response to their medical kite, then they may wish to submit a medical grievance.

1. **Request and complete a medical grievance form.**

   The inmate should list similar information as in a general grievance, including relevant dates, times, names, attempts to discuss the issue with JHS staff, a description of the issue, and what the inmate wants to happen.

2. **Submit a medical grievance form directly to JHS.**

   At KCCF, inmates may submit their medical grievance forms by handing them directly to the nurse during triage. At RJC, inmates may place their completed medical grievances in the medical kite/grievance box. In an administrative segregation unit at RJC, inmates may also hand their medical kites and grievances directly to the nurse conducting triage.

   Unlike the general grievance process (in which an inmate only has 14 days to submit the grievance), there is no time limit for submitting a medical grievance.

3. **The grievance will be reviewed and responded to by JHS staff within 10 days.**

   The inmate will be notified in writing if extra time is required to investigate the issue.

4. **The inmate may submit an appeal.**

   If an inmate disagrees or is dissatisfied with the medical grievance response they receive, they may wish to submit an appeal. Unlike the general grievance process (in which an inmate only has 5 days to submit the appeal), there is no time limit for submitting an appeal of a medical grievance response.

   The inmate may submit an appeal to the medical grievance response by filling out the appeal section of the original medical grievance form.

   The appeal will be reviewed and responded to by a Nursing Supervisor or a Health Information Management staff member within 10 days of submission. If JHS needs more time to investigate an appeal, JHS will notify the inmate of the extension in writing.
Other options for complaint resolution

If the grievance process does not resolve the inmates complaint, there are other options available for complaint resolution, including:

1. Contact the King County Ombudsman’s Office

Inmates may also wish to contact the King County Ombudsman’s Office. The King County Ombudsman’s Office is a resource for people who are having difficulty resolving complaints or concerns with a King County agency or employee - including King County Jail and its staff. The Ombudsman’s Office may help resolve the complaint by providing information and referrals or other assistance, or by conducting an investigation and making recommendations to the jail.

Prior to contacting the Ombudsman’s Office, the inmate should first try to resolve their complaint or concern directly with the jail through the kite or grievance process, unless they feel that doing so might put them in danger or it is a medical emergency.

How to Contact the Ombudsman’s Office

Call: (206) 477-1051
The Ombudsman’s Office accepts collect calls from inmates.

Write: King County Ombudsman’s Office
516 3rd Avenue, Room W-1039
Seattle, WA 98104
KCC-CC-1039
If an inmate decides to write to the Ombudsman’s Office, he or she should mark the envelope as: Ombudsman’s Office, “Legal Mail.”

Provide the Ombudsman’s Office with as many details about the complaint as possible, including the time, date, and location of the incident, and the names of any involved officers, health care providers, and/or inmates.

2. Contact the King County Office of Civil Rights (OCR)

Inmates may wish to file a complaint with the King County Office of Civil Rights (OCR). OCR has authority to accept and investigate discrimination complaints against King County agencies regarding disability access (referred to by OCR as a disability grievance) and regarding discrimination based on race, color, national origin, or sex (referred to by OCR as a Title VI complaint).

How to Contact OCR

Call: (206) 263-2446
OCR accepts collect calls from inmates. If OCR staff are not available to answer the call, inmates may leave a message on the free message line at (206) 205-5248. To place a call to the message line, inmates should enter their PIN number and, when asked for the number you want to dial, press 24#. In their message, inmates may wish to give their name, booking number, and a detailed message about their disability or Title VI complaint.

Write: King County Office of Civil Rights
CNK-ES-0215
401 Fifth Avenue, Suite 215
Seattle, WA 98104-1818

If an inmate decides to write to OCR, they should mark the envelope as “Legal Mail.”

Provide OCR with as many details about the complaint as possible, including the time, date, and location of the incident, and the names of any involved officers, health care providers, and/or inmates. Inmates may also wish to explain how the complaint relates to discrimination based on disability or on race, color, national origin, or sex.

3. File a complaint against Jail Health Services or an individual health care provider in the jail with the Department of Health

Contact DRW for a copy of its publication on “How to File a Complaint Against a Health Care Provider or Facility” and for a complaint form.

4. Foreign nationals (individuals who are not U.S. citizens) may wish to contact their consulate
Contact the AVID Jail Project

The AVID Jail Project provides information and assistance to inmates and their families to help inmates advocate for themselves on mental health-related issues at King County and SCORE Jails. The AVID Jail Project also investigates access to mental health care and conditions for inmates with mental illness at King County and SCORE Jails. Visit www.disabilityrightswa.org/avid-jail-project for more information.

Contact the AVID Jail Project confidentially to request assistance or to make a referral or report:

**BY MAIL**
Disability Rights Washington
AVID Jail Project
315 5th Avenue South,
Suite 850
Seattle, WA 98104

**BY PHONE**
We Accept Collect Calls from Jail
(206)324-1521
or
(800)562-2702

**IN PERSON**
AVID Staff will be visiting both SCORE and King County Jail at regular intervals.

This information is a service of Disability Rights Washington (DRW). It provides general information as a public service only, and is not legal advice. If you need legal advice, you should contact an attorney. You do not have an attorney-client relationship with DRW.

Always advocate in a timely manner. Please be aware that there are certain time limits or deadlines to file a complaint, a lawsuit, or take legal action.

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DRW was formerly known as Washington Protection and Advocacy System. DRW is a member of the National Disability Rights Network. A significant portion of the DRW budget is federally funded. To learn more about DRW visit www.DisabilityRightsWA.org.

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