

# A Guide to the Grievance Process

For inmates in Washington State jails

This guide provides general suggestions for how inmates may use the grievance process in Washington State jails. Please be aware that specific grievance policies and procedures differ from jail to jail and should always be consulted and followed when possible. This guide is not meant as a substitute for a specific jail's grievance policies.

The AVID Jail Project of Disability Rights Washington provides information and assistance to inmates with disabilities. 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*

Disability Rights Washington is the 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](http://www.disabilityrightswa.org)

## Table of Contents

What is a grievance? .....	2
Why submit a grievance? .....	2
How is a grievance different than a kite?.....	3
Common grievance procedures .....	4
Tips for writing grievances .....	7
Tips for writing an appeal .....	8
Tips for using the grievance process .....	9
Medical grievances .....	9
Contact the AVID Jail Project .....	11

## Who is this guide for?

- Inmates with disabilities incarcerated in Washington State jails. This could include municipal, tribal, county, or multijurisdictional jails.
- Family, friends, and advocates of jail inmates with disabilities in Washington State.
- Community service providers with clients incarcerated in Washington State jails.

## Issues Addressed

This guide addresses the rights of inmates with disabilities to access the grievance process in jails in Washington. Specifically, this guide seeks to provide information about how and why inmates may seek to communicate and resolve their complaints regarding jail conditions, disability-related accommodations, and health care.

## 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.

Often, jails have two types of grievances, a general grievance and a medical grievance. Suggestions for filing general grievances are described on page 4, and for filing medical grievances on page 9.

## 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:

- Creating a written record of the complaint;
- Obtaining a written response to the complaint; and,
- 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" and therefore the inmate may not be able to pursue certain legal claims. **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?

At many jails in Washington, 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 a segregated housing 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 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.

Some jails may have multiple types of kites. For example, a jail could have separate kite forms for disability-related requests, classification issues, medical needs, services or programs, or requests for special diets. Some jails do not require that all kites receive a response in writing.

Information about specific kite policies and procedures for a particular jail may appear in the jail's inmate handbook or the jail's kite forms. If an inmate has questions about their jail's specific kite forms, procedures, or policies, they may wish to ask jail staff.

## Common grievance procedures

Many jails have procedures that are similar to those listed below. However, specific grievance policies and procedures differ from jail to jail. Inmates should review the information contained in their jail's inmate handbook and grievance forms. Inmates may wish to ask jail staff any questions they have about their jail's specific policies and procedures.

### 1. Attempt to resolve.

This means talking to jail staff about the issue or submitting a kite about the issue. An attempt at informal resolution may resolve the issue more quickly and may be required before an inmate submits a grievance.

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.

### 2. Obtain and complete a grievance form.

If the issue has not been resolved by the staff member and the issue is "grievable" under the jail's grievance policy, the inmate may file a grievance.

Grievable issues may vary from jail to jail, but generally, they include complaints regarding:

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

Some jails do not permit inmates to submit grievances regarding:

- Actions for which there is a separate appeals procedure (for example, some jails have a separate appeals process for disciplinary actions)
- Matters beyond the control of the jail
  - This could include matters occurring outside of the jail, such as complaints about police misconduct or about a criminal defense attorney.
- Issues affecting another inmate
  - Inmates generally may only grieve issues that affect them personally. This usually means that an inmate may not submit a grievance regarding other inmates' conditions or treatment, unless those conditions or treatment also affect the inmate submitting the grievance.

If an inmate does not have access to a grievance form, they may wish to request one from a staff member.

It may be helpful to include the following information on the grievance form:

- 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
- The date when the form was submitted

It may be helpful (or required by the jail) to 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 shower for their physical disability, they may wish to submit two separate general grievances.

**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.

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.

Some jails may require inmates to submit grievances within a certain amount of time after the grievable incident happened.

Jails may also have specific procedures for how, where, or to whom inmates should submit their grievances. Some jails allow inmates to file grievances even after they are released from jail, or will continue an ongoing grievance investigation and response after the inmate is released.

#### **4. Grievances will be reviewed and answered.**

Many jails have specific policies on the timeframes for providing inmates with written responses to their grievances.

As a part of the grievance investigation, jail staff may interview other staff members, inmates, or other people 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 at some jails. 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.

#### **5. The inmate may submit an appeal.**

Many jails have policies and procedures for appeals to grievance responses. At those jails, 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, this generally means that the grievance will be reviewed and investigated again, possibly by a different staff member.

Some jails may require inmates to submit appeals within a certain amount of time after receiving the grievance response. Jails may also require that there be new information or proof that the jail made an error in the original grievance investigation before it will accept an appeal.

Jails may also have specific procedures for how, where, or to whom inmates should submit their appeals.

#### **6. Appeals will be reviewed and answered.**

Many jails have specific policies on the timeframes for providing inmates with written responses to their appeals.

Most jails have one or two levels of appeal. The jail's response to the last level of 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 could include:

- 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 when requesting disability-related accommodations in kites or grievances:

Inmates should describe the accommodation they are seeking in as much detail as possible, using clear and simple language.

A disability-related accommodation could include removing architectural or communication barriers, or providing devices and services to make sure that inmates with disabilities have equal access to jail services and programs.

### Example 1:

An inmate who uses a walker or cane for a mobility impairment may need access to a shower with grab bars and a shower seat so they can shower safely, without falling.

### Example 2:

An inmate who is deaf may need an American Sign Language interpreter to interpret a jail disciplinary hearing.

### Example 3:

An inmate who has an intellectual disability may need additional explanation or assistance writing in order to participate in a class provided at the jail.

The inmate may wish to describe how their safety or ability to participate in jail programs or services would be limited without the accommodation.

Inmates may wish to describe their request as a result for accommodation under the Americans with Disabilities Act.

Requests for accommodations may be considered by both jail and jail health staff, depending on the type of accommodation. If jail health staff deny the inmate's request for an accommodation, the inmate may wish to submit both a general and medical 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.

## 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.
- Retaliation by jail staff or obstruction/hindrane of participation in the grievance process is generally not allowed, and is often a separate 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.

## Medical grievances

Many jails have a separate process for kites and grievances regarding medical and mental health care issues.

Medical kites are generally 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 in person with jail health staff. Submitting a medical kite or discussing the issue with jail staff may resolve the issue more quickly.

## Common medical grievance procedures

Medical grievance procedures at many jails are similar to general grievance procedures described on page 4. Generally, an inmate should request, complete, and submit a medical grievance form. After staff review the grievance, they should respond to the inmate in writing. If an inmate disagrees or is dissatisfied with the medical grievance response, they may wish to submit an appeal.

Specific medical grievance policies and procedures differ from jail to jail. Inmates should review the information contained in their jail's inmate handbook and medical grievance forms. Inmates may wish to ask jail staff any questions they have about their jail's specific policies and procedures.

### **Tips when requesting mental health or medical treatment in a medical kite or grievance:**

- Inmates should describe their current symptoms in as much detail as possible, using clear and simple language.
- If the inmate has received an official diagnosis in the past, they should report the diagnosis, the provider who made the diagnosis, and when the diagnosis was made.
- Inmates should describe the treatment they have received in the past, including prescription medication, when it was received, and how it was or was not effective.

## 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 disability-related issues at jails in Washington State. If the grievance process does not resolve an inmate's complaint, the inmate may wish to contact the AVID Jail Project for information about other options for complaint resolution. Visit [www.avidjailproject.org](http://www.avidjailproject.org) for more information.

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

 <b>BY MAIL</b>	 <b>BY PHONE</b>
Disability Rights Washington AVID Jail Project 315 5 <sup>th</sup> Avenue S., Suite 850 Seattle, WA 98104	We accept collect calls from jail (206) 324-1521

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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