

**COUNTY OF MONROE
OFFICE OF THE SHERIFF
ROCHESTER, NEW YORK**

GENERAL ORDER JAIL BUREAU	DATE OF ISSUE MAY 14, 2025	EFFECTIVE DATE MAY 14, 2025	NO. 046-25
SUBJECT: GENERAL ORDER INCARCERATED INDIVIDUAL GRIEVANCE PROGRAM		DISTRIBUTION Jail Bureau Personnel	AMENDS
REFERENCE: NYSSA 143, 9NYCCR PART 7032.3(8)			RESCINDS 046-22

Purpose: To establish and maintain a standardized procedure for formal review of incarcerated individual complaints within the Monroe County Jail (MCJ) and Andrew P. Meloni Star Academy (MSA). All staff will receive training and orientation to the facility grievance program during the basic corrections academy, as well as periodic roll call and in service training sessions.

Policy: It is the policy of the Monroe County Sheriff's Office (MCSO) to provide incarcerated individuals with an effective and impartial procedure for the timely resolution of complaints within MCJ and MSA. Further, every effort shall be made by MCSO staff to resolve individual complaints in an informal manner. Incarcerated individual communication/grievance procedures shall be conducted in accordance with Part 7032 of Title 9 of the **Official Compilation of Codes, Rules and Regulations of the State of New York** (9NYCRR Part 7032).

Definitions: In accordance with 9NYCRR Part 7032 the following definitions shall apply:

Grievance: A written incarcerated individual complaint concerning either written or unwritten policies, procedures, practices, rules, programs or the action or inaction of any person within either MCJ or MSA. Dispositions and sanctions resulting from disciplinary hearings and administrative segregation housing decisions shall not be the subject of a grievance. In addition, issues that are outside the authority of the Superintendent to control, or complaints pertaining to an individual other than the incarcerated individual actually filing the grievance are not grievable.

Grievant: An incarcerated individual who has filed a grievance in accordance with this directive.

I. Incarcerated Individual Problem Resolution

- A. Housing area supervisors will attempt to solve individual problems and/or complaints within a reasonable amount of time. Should a housing area supervisor/floor corporal be confronted with a problem or complaint that he/she cannot resolve, they will obtain and deliver a **JB #235, Internal Communication Form**, to the incarcerated individual. Internal Communication Forms will be utilized to provide timely resolutions and immediate response from staff without the intervention of command staff. Housing area staff will conduct the following responsibilities accordingly:

1. Advise the incarcerated individual to write a detailed description of the problem or complaint to a duty sergeant or other appropriate authority i.e. commissary, jail records, jail chaplain etc. utilizing the Internal Communication Form.
 2. Ensure the incarcerated individual receives proper assistance in preparing the form, if requested.
 3. Forward the Internal Communication Form to the designated authority for review and response.
- B. Incarcerated individuals may also utilize Internal Communication Forms to communicate with other Jail/Correctional Facility staff to resolve complaints or problems or to request services from MCJ/MSA staff.
- C. Staff will provide the incarcerated individual with a written response within an appropriate time frame utilizing the space provided on the bottom portion of the Internal Communication Form.
- D. All completed communication forms will be forwarded to Jail Administration to be photocopied and then forwarded to the incarcerated individual.
- E. Incarcerated individuals will receive the completed copy of the written response in a reasonable time period.
- F. The completed original Internal Communication Form will be placed in the incarcerated individuals file in Jail Administration. A copy will be sent to the individual, and to any other involved staff members (i.e. Inmate Property, medical, etc.)

Note: Incarcerated individuals may request a Grievance Form at anytime in lieu of addressing their complaint through the informal process outlined in Section I of this order. An Incarcerated Individual Grievance Form Part I must be given to an incarcerated individual within 24 hours of this request.

II. Grievance Coordinator's Responsibilities

- A. The Superintendent will designate a staff member to act as a grievance coordinator for MCJ/MSA.
- B. The grievance coordinator shall act as a liaison between the grievant, the Superintendent and the Commission of Correction in all matters pertaining to the MCJ/MSA Incarcerated Individual Grievance Program.

III. Incarcerated Individual Grievances

- A. An incarcerated individual must file a grievance within five days of the date of the act or occurrence giving rise to the grievance.
- B. Incarcerated individuals remaining dissatisfied with the written response received as delineated in Section I of this order may request to file an Incarcerated Individual Grievance by requesting a **New York State Commission of Corrections Form Part I & Part II**, submitted to the grievance coordinator in Jail Administration.

- C. Upon notification of an incarcerated individual's request, staff will provide the individual with an Incarcerated Individual Grievance Form. If a grievant is non-english speaking, illiterate or if the complexities of the issue(s) make it unlikely that the individual will be able to adequately understand the substance of the grievance, upon the individual's request, the grievance coordinator will assist in the preparation of any stage of the grievance process. A grievant may seek the assistance of other incarcerated individuals with the approval of the Superintendent.
- D. MCJ/MSA Staff will not subject incarcerated individuals to harassment for filing a grievance.
- E. Incarcerated individuals who harass other individuals for filing a grievance may be subject to disciplinary action in accordance with the Jail/Correctional Facility Incarcerated Individual Handbook.
- F. The grievance coordinator will assign a supervisor trained in NYSCOC grievance procedures (not personally involved in the circumstances giving rise to the grievance), to investigate the grievance to the fullest extent possible. The investigation shall include, but not be limited to the following:
 - 1. A description of the facts and issues underlying the circumstances of the grievance.
 - 2. Summaries of all interviews held with the grievant and with all parties involved in the grievance.
 - 3. Copies of pertinent documents and relevant information.
- G. The grievance officer will provide the incarcerated individual with a written answer within five business days of receipt of the grievance form. If an answer cannot be provided within a reasonable amount of time, the grievance coordinator will advise the incarcerated individual as to when an answer will be provided. Notification will be documented and maintained in the appropriate grievance file maintained in Jail Administration.
- H. Upon completion of the grievance coordinator's investigation, the grievance officer will document their determination to include the facts and reasons underlying the decision in the space provided on the Incarcerated Individual Grievance Form. The grievance coordinator will sign, date and forward the response to the grievant.
- I. If the grievant indicates dissatisfaction with the grievance officer's decision, the grievant must, upon receipt of the grievance form, complete Section III of the form within two business days. The inmate will then sign the Incarcerated Individual Grievance Form in the space provided and forward it to the Superintendent. An incarcerated individual can appeal the decision to deny their grievance if the denial was based on the individuals failure to meet the timelines.
- J. The Superintendent will review the individuals appeal and findings of the grievance officer and indicate the reasons(s) for agreement or disagreement within five business days. The grievance form indicating the Superintendent's determination will then be returned to the grievant.

- K. Should the Superintendent find merit in a grievance, he/she will provide appropriate solutions in writing to the grievant and others similarly situated.
- L. If the grievant is dissatisfied with the Superintendent's determination, the grievant may appeal the determination to the State of Commission of Correction within three business days upon receipt of the written grievance.
- M. The grievance coordinator will submit the appeal, investigation report and any other relevant documents through E-Justice, and to the Commission's Citizens Policy and Complaint Review Council (CPCRC) within three business days after receipt of the inmate's notice of appeal.
- N. The grievance coordinator will provide the grievant with a receipt indicating the date the appeal was submitted to the CPCRC.
- * O. The CPCRC shall provide a written determination of the appeal within 45 business days of receipt in accordance with established standards of law. Copies of which shall be sent to the Superintendent, grievance coordinator and grievant. The grievance coordinator shall print and provide a paper copy of the written determination to the grievant, if still incarcerated in the facility, within one business day. If a determination is in favor of the grievant, the Superintendent, or their designee, will coordinate with the chairperson of the CPCRC to implement an appropriate agreed upon remedy.
- P. The Superintendent shall submit verification of compliance with the CPCRC's determination as directed by the Council. Verification will be filed with the grievance.
- Q. If a grievant is released or transferred from the MCJ/MSA prior to the resolution of a grievance, the Superintendent shall:
 - 1. Cause a determination to be made on such grievance.
 - 2. Submit the grievance to the CPCRC if the Superintendent should determine to deny the grievance.

IV. Record Keeping

A centralized record of all grievances submitted within the MCJ/MSA will be maintained in Jail Administration by the grievance coordinator. The record of information shall include, but not be limited to the following:

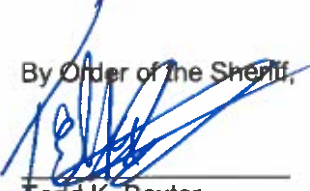
- A. Incarcerated individuals name and ID#.
- B. Date grievance received.
- C. Identification number of grievance.
- D. Nature of grievance.
- E. Name of staff conducting investigation.
- F. Date of grievance investigation.
- G. Summary of investigation report.

- H. Grievance coordinator determination and date.
- I. Date of appeal to the Superintendent and determination and date.
- J. Date of appeal to Citizen's Policy and Complaint Review Council.
- K. Citizen's Policy and Complaint Review Council's determination, date and copy of verification of compliance, if necessary.
- L. Specific action by Jail/Correctional Facility and date.
- M. Changes in facility policies, procedures, rules, practices or programs, if any, as a result of a grievance.

V. Annual Review

Standards and Compliance and the grievance coordinator, will conduct an annual review and revision of the incarcerated individual grievance program. The annual review shall ensure policies and procedures remain consistent with changes in the Jail/Correctional Facility operations pursuant to Part 7032 of Title 9 of the **Official Compilation of Codes, Rules and Regulations of the State of New York** (9NYCRR Part 7032).

By Order of the Sheriff,



Todd K. Baxter

* Indicates a change from a previous order.