

STANDARD 6.2

GRIEVANCE SYSTEM

I. POLICY

Every facility will develop and implement policy and procedures that address detainee grievances. Among other things, each facility must establish a process to review formal complaints and a reasonable time limit for processing, investigating, and responding to grievances and providing written responses to detainees who filed formal grievances, including the basis for the decision. The facility must also prescribe procedures applicable to emergency grievances. All grievances shall receive supervisory review. Facility policies must include guarantees against reprisal.

II. STANDARDS AND PROCEDURES

A. Grievance Procedure

1. Informal/Oral Grievance

The facility shall make every effort to resolve a detainee's complaint or grievance at the lowest level possible, in an orderly and timely manner. Each facility will institute procedures for informal resolution of oral grievances.

The detainee is always free to bypass or terminate the informal grievance process and proceed directly to the formal grievance stage.

Facilities shall ensure that detainees with disabilities have equal opportunity to access and participate in the grievance system, including by allowing for effective communication, which can include the provision of auxiliary aids and services, throughout the process.

Facilities shall ensure meaningful access to the oral grievance process for LEP detainees who are filing oral grievances, including through the provision of interpretation and translation services.

2. Formal/Written Grievance

The facility must allow the detainee to submit a formal, written grievance to the facility's grievance committee. The detainee may take this step because he or she is not satisfied with the outcome of the informal process, or because he or she decides to forgo the informal procedures. The detainee has the responsibility to use this process in good faith and in an honest and straightforward manner. The facility shall not impose a time

limit on when a detainee may submit a formal grievance regarding an allegation of sexual abuse.

The detainee shall be given the opportunity to obtain assistance from another detainee, the housing officer or facility staff, family members, or legal representatives in preparing a grievance. Staff shall take reasonable steps to expedite requests for assistance from these other parties.

- a. Barring extraordinary circumstances, grievances shall be addressed within five business days.
- b. Medical grievances shall be promptly referred to and answered by the medical department.
- c. The facility shall provide accommodations and/or assistance with filling out a grievance for detainees with a disability, who are illiterate, or who are limited English proficient.

No one against whom a grievance is made shall be responsible for adjudicating the grievance.

B. Emergency Grievances

Each facility shall implement procedures for identifying and handling an emergency grievance. An emergency grievance involves an immediate threat to a detainee's health, safety, or welfare. When a staff member determines that a detainee is raising an issue requiring urgent attention, the facility's emergency grievance procedures apply.

C. Appeal

If the detainee does not accept the grievance decision, he or she may appeal it. All facilities shall implement procedures for addressing detainee appeals.

Facilities must allow any detainee dissatisfied with the facility's response to his or her grievance to communicate directly with ICE/ERO.

D. Retaliation

Staff will not harass, discipline, punish, disclose sensitive information about, or otherwise retaliate against a detainee lodging a complaint. However, if an individual establishes a pattern of filing nuisance complaints or otherwise abusing the grievance system, staff may refuse to process subsequent complaints, but will notify ICE/ERO of any detainee determined to be filing nuisance grievances.

E. Recordkeeping and File Maintenance

Each facility will devise a method for documenting detainee grievances. At a minimum, the facility will maintain a Detainee Grievance Log.

A copy of the grievance will remain in the detainee's detention file, or in a retrievable electronic archive, where appropriate, for at least three years.

F. Allegations of Officer Misconduct

The facility must forward all detainee grievances containing allegations of staff misconduct to ICE/ERO.

G. Allegations of Sexual Abuse

If a detainee files a grievance related to a sexual abuse claim, the facility shall issue a decision on the grievance within five days of receipt and shall respond to an appeal of the grievance decision within 30 days. (A report of all such grievances must be sent directly to the ICE/ERO FOD.)

Facilities shall not impose a time limitation for detainees to file a sexual abuse and assault grievance.

H. Detainee Handbook

The grievance section of the facility handbook will provide notice of the following:

1. The opportunity to file a grievance, both informal and formal.
2. The procedures for filing a grievance and appeal, including the availability of assistance in preparing a grievance.
3. The procedures for resolving a grievance or appeal, including the right to have the grievance referred to higher levels if the detainee is not satisfied that the grievance has been adequately resolved.
4. Notice that staff may not harass, discipline, punish, or otherwise retaliate against any detainee for filing a grievance.