CHALLENGING PRISON or JAIL CONDITIONS IN OHIO
PRO SE LEGAL PACKET

What to do if you think you are experiencing unsafe conditions or unfair treatment in an Ohio prison or jail

Challenging Poor Prison Conditions

The Office of the Ohio Public Defender often receives letters and calls from both incarcerated people and their loved ones concerning prison and jail conditions. “Prison conditions” is a wide-ranging term, and includes things like: food, water, physical and mental health care, housing, physical safety, visitation, work assignments, disability accommodations, library access, mail and personal property, placements or transfers, actions of prison staff, among others. So, when we say “prison conditions” we are talking about the living conditions in prison. Are the living conditions safe and reasonable or unsafe and unreasonable? Are incarcerated people treated fairly and equitably by prison staff and leaders or unfairly and unequally?

What can incarcerated people in Ohio do to get problem prison conditions fixed?

Complaints about prison conditions in Ohio DRC institutions are generally handled “administratively” – through a grievance system (explained below) operated by prison staff and reviewed by officials who oversee them. An exception to this is a complaint about the warden or the inspector of institutional services. Those are called “direct grievances,” and a different process is used.¹ [See the footnote below for a brief explanation of that.]

If administrative remedies do not solve the conditions problem, a small number of incarcerated people may seek a civil legal remedy – meaning filing a civil lawsuit in state or federal court to try to fix the problem and/or for money to compensate them for their damages. Lawsuits against any state agency are rare, and, even when they are filed, are tough to win. There are few attorneys who handle these sorts of cases for free, so those incarcerated people who file such lawsuits generally do so “pro se” or on their own without a lawyer.

¹ Grievances against the warden or inspector of institutional services are called "direct grievances," and are filed with the Office of the Chief Inspector within 30 days of the action you are grieving. Direct grievances must show the warden or inspector was knowingly involved in a violation of law, rule, or policy, or knowingly approved or condoned the violation.
Does the Office of the Ohio Public Defender handle prison conditions cases?

State law does not permit our agency -- the state public defender -- to handle administrative or civil legal matters involving anyone, including our own clients or DRC. Our mission is limited to providing legal representation to low-income youth and adults facing serious criminal legal concerns, most often on appeal or in other post-conviction settings.

That means we cannot get involved in administrative procedures such as grievances or file civil lawsuits regarding “prison conditions.” We know that these are serious and important concerns and that our people – past and present clients and our own incarcerated family, friends, and neighbors – need assistance to navigate these difficult situations. But by law we are simply unable to directly assist with these kinds of cases.

However, we can provide information about the DRC grievance process to help you navigate seeking an administrative remedy from the prison or DRC management itself. We can also provide the contact information for several of our community partners – non-profit organizations that sometimes do pro bono (or free) legal work for low-income people, but who center their work on civil legal issues, including prison conditions. That is the central aim of this legal resources packet – getting you practical self-help information and referrals to folks who may be able to provide specific advice or, in some instances, legal assistance.

What about jail conditions?

At the end of this packet, we will briefly turn our focus to living conditions in county and regional jails and the state office that oversees them. We will also highlight an Ohio non-profit organization -- Disability Rights Ohio -- that can provide you or your loved ones with information on the rights of people held in Ohio’s county jails and ways to address conditions concerns in jail.

Using the DRC Grievance Process to Address Prison Conditions Concerns

When it comes to filing a grievance, getting the timing and procedure right is crucial, so attached at the back of this resource packet is a copy of web content created by the Ohio Justice & Policy Center (OJPC) in Cincinnati that describes the grievance process and deadlines. It explains how to describe your situation in the written complaint, and what to do at Level 1 (the Informal Complaint), Level 2 (Filing a Notification of Grievance), and Level 3 (filing an Appeal to the Chief Inspector).

The filing deadlines are very short, so be sure to read the OJPC piece and additional materials at the back of this packet and follow the instructions closely. DRC has its own handout regarding the grievance process that includes a flowchart that some people may find helpful for understanding how the process works. That is also at the end of this packet, as well as a guide to the grievance process from Disability Rights Ohio, and the state administrative code section – OAC 5320: 9-31 – that lays out the grievance process.
A few notes about your grievance-related rights and responsibilities:

- **All incarcerated people** may use the inmate grievance procedure no matter their security level or disciplinary status.
- Your institution is required to ensure that all incarcerated people have access to the grievance procedure (that means written instructions and forms) – including people who may not be fluent in English, people with disabilities (low vision or blindness, hearing impairment, etc.), and people who cannot read or write well.
- Your institution is required to put in place a **secure method** for you and others to send kites, informal complaints, grievances, and other correspondence to staff.
- **Grievance records** are considered confidential and should be kept securely.
- You are not required to tell other staff why you are filing a grievance.
- DRC staff or management are not allowed to retaliate against you for filing a grievance. If you are retaliated against or threatened with retaliation, that can be the basis for another grievance.
- You are not permitted to intentionally provide false information or make threatening or inappropriate comments in the course of filing your grievance (e.g., in your paperwork or in verbal statements, if interviewed). Disciplinary action can be taken against people who do so.
- People who “abuse or misuse” the grievance process may have limited restrictions placed on them, though these must be approved by the Chief Inspector to ensure that the parent institution is not acting in retaliation. The restrictions must be for 90 days or less, and can only be extended by the Chief Inspector, not the warden or institutional inspector. People under these restrictions are still allowed to file grievances regarding medical concerns or other risks of physical injuries.

**Summary of the DRC Grievance Process**

**Level 1 – Filing an Informal Complaint**

The first thing you should do (even if you have done so before) is talk to prison staff and request help or that they “remedy” the situation that is causing you concern. Depending on the type of problem, you may be alerting a regular corrections officer or medical staff, etc. ² [Check out the footnote below for another office outside DRC that you may wish to alert.]

If your verbal request to a staff member is ignored or you are dissatisfied with the response you get, you should start the process at Level 1 by submitting an informal complaint **in writing** on a

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²This is not part of the grievance procedure but, if you have prison condition concerns, you and your loved ones may want to consider contacting the state Correctional Institution Inspection Committee (CIIC). The CIIC is understaffed and does not get heavily involved in individual cases, but they sometimes call institutions to ask what’s going on. The committee reports directly to the Ohio General Assembly – the elected House and Senate members -- on conditions and operations of Ohio’s prisons. The committee needs to hear from incarcerated people and their loved ones about these issues so lawmakers know what’s going on in DRC. You can write to the committee at:

Correctional Institution Inspection Committee, 77 S. High Street, 15th Floor, Columbus, Ohio 43215

You may choose to reach back out to the CIIC again, after you have gone through the entire grievance procedure, to describe your experience and the outcome – good or bad.
special form to the supervisor of the staff member to whom you made your request or to a
supervisor in the appropriate unit.

**Level 2 – Filing a Formal Grievance**

If, after submitting your informal complaint form, you are still unsatisfied with your treatment,
then you can move on to Level 2, the formal grievance process, submitting your grievance in
writing on the specified form to the Inspector of Institutional Services at your institution. The
inspector’s job is to run the grievance process for incarcerated people and to ensure departmental
rules are being properly followed. The Inspector at your institution doesn’t just run the process,
they also decide on the merits of your grievance or whether or not your grievance is valid.

In addition to a decision on the validity of your grievance, you need a solution to the problem or
conditions at issue, correct? Well, the administrative code also requires that *an appropriate remedy
has to be provided for a valid grievance*. Depending on the conditions grieved, an appropriate
remedy could be: changes to institutional policies or procedures; creation of new policies or
procedures; and/or some sort of corrective action specific to the incarcerated person’s complaint.
Corrective action is a way to fix the damage – for example, a correction to your account or locating
or replacing your lost property, etc.

So, typically the Inspector of Institutional Services decides on both the merits of your grievance
and the remedy. But sometimes the resolution of a grievance – especially the remedy -- requires
the authorization of the warden who is, after all, the managing (or top) officer of the entire prison.
For example, if the inspector thinks the remedy for the conditions issue requires revising or
creating new policy, then the inspector must submit their findings and recommendations to the
warden for the warden's approval, modification, or disapproval. So, the final decision at the prison
level may be made by the institutional inspector or the warden.

**Level 3 – Filing an Appeal**

If you receive no response or an unsatisfactory decision from your Inspector of Institutional
Services or the Warden, you can move on to Level 3, the appeal. The appeal must be filed with the
DRC Chief Inspector’s Office in Columbus and must include copies of all of the papers and forms
filed in Levels 1 and 2. The Chief Inspector can be reached at:

Office of the Chief Inspector
Ohio Department of Rehabilitation and Correction
4545 Fisher Road, Suite D
Columbus, Ohio 43228
Preserving Your Rights Under the Prison Litigation Reform Act (PLRA)

Systematically completing all of the steps of the grievance process – meaning doing all of the named steps in the right order -- is important because if you ever wanted to sue DRC in federal court regarding this matter, you would have to prove that you “exhausted” the administrative remedies that were available to you. Also, be sure to keep copies of every email you send or piece of paper you file and every email and all paperwork you receive.

Advocacy Organizations That Do Prison Conditions Cases

Below are a couple of our non-profit community partners who can advise on and sometimes handle prison conditions cases - in federal or state court, depending on the issue and goals. Sometimes these groups are able only to advise you or your loved ones about your concern and/or provide information. Most of these groups limit their direct representation to cases that involve practices, procedures, or policies that affect large numbers of folks in DRC. That way they can use their scarce resources to help the most people. So, if you write to them asking for legal assistance, be prepared to explain how this affects not just you individually but also potentially many other incarcerated people.

Note: there are only a small number of reputable private attorneys and law firms who handle prison condition cases. These kinds of cases are very difficult to win, even if you are right and the institution was wrong. Not just any attorney will do, and you and your loved ones should not pay anyone who promises you a “sure thing” or a definite win. There is no such thing in any legal case. State law prohibits our office from recommending private attorneys, but we can recommend the below experts because they are non-profits who will not charge you a fee and who simply do their work for the good of the public. The below groups can make you a referral to a private attorney and will only do so if they think you have a good, winnable case that their group simply cannot take on themselves. The referrals should be only to attorneys who “work on contingency,” meaning they will not take a fee, unless you win.

Ohio Justice & Policy Center

The Ohio Justice & Policy Center’s stated mission is “to provide legal assistance to people who are typically discarded in the criminal justice system” and “to represent clients whose human rights were violated in prison.” The section that handles prison conditions – the Human Rights in Prison project -- can be reached at:

Ohio Justice & Policy Center
ATTN: Human Rights in Prison
215 East 9th Street, Suite 601
Cincinnati, Ohio 45202
Phone: (513) 421-1108
humanrights@ohiojpc.org
ACLU of Ohio

The Ohio branch of the American Civil Liberties Union (ACLU of Ohio) has filed prisoners’ rights cases here in Ohio in both state and federal court, and can be reached at:

ACLU of Ohio Foundation
4506 Chester Ave.
Cleveland, OH 44103-3621
Attn: Intake Department
Phone: (614) 586-1958 (recording only)

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Challenging Poor Jail Conditions

As explained above regarding prison conditions, “jail conditions” simply refers to the living conditions in a jail – things like food, water, physical and mental health care, cells, bedding, restrooms, physical safety, visitation, disability accommodations, mail, actions of the jail staff, among others. Are the living conditions safe and reasonable or unsafe and unreasonable? Are the people who are detained treated fairly and equitably by prison staff and leaders or unfairly and unequally?

Jail Grievances

Most jails, depending on their size, are required by state code to have some sort of grievance or complaint procedure which you can use to address conditions issues. The grievance procedure should also allow some sort of appeal. The state code also prohibits retaliation by jail staff for filing grievances. If you submit a complaint, do it in writing and keep a copy, if possible. If your concern is not addressed, you can ask your attorney for advice or reach out to the state Bureau of Adult Detention. If it is a physical or mental health issue or disability-related problem, contact Disability Rights Ohio. All three options are covered below.

Talk to Your Attorney

Most people held in jails have pending cases and are still represented by the attorney handling their criminal legal case. If you still have an attorney, let them know if you are having conditions problems in the jail. Criminal defense attorneys are not conditions attorneys and have no duty to file a civil case on your behalf, but they may be able to simply check in with the jail staff about your health concerns or give you advice to you or family about how to navigate the jail’s procedures. They may also relay to the judge that you are having problems getting your medicine or disability-related device, etc.

Bureau of Adult Detention Oversees the Jails

The Bureau of Adult Detention, a section of DRC’s Parole and Community Services division, supervises and inspects all municipal, county, and regional jails in Ohio. If you have a concern about living conditions in the jail in which you are being held, you or your loved one can file a complaint with the Bureau by simply calling or writing to their office. People who file a complaint
with the Bureau should get a written letter back confirming the complaint was received. If the complaint involves an emergency or serious medical condition, the Bureau will generally call or visit the jail to investigate. If the Bureau’s investigation confirms violations of state jail standards, the Bureau can enforce the standards to correct the jail problem. The Bureau’s contact information is below:

Bureau of Adult Detention  
4545 Fisher Road, Suite D  
Columbus, OH 43228  
614-387-0813

**Disability Rights Ohio**

Disability Rights Ohio (DRO) advocates for the legal rights of people with disabilities across Ohio. In addition, DRO also has special expertise in the right to access medical and mental health services and disability accommodations for people in Ohio’s jails and prisons.

DRO is very familiar with the DRC grievance procedures and can advise you or your loved ones on that. However, DRO focuses mainly on jail concerns, and has created a detailed brochure on the rights of people held in Ohio’s jails and what the jails are obligated to provide to people they are holding, e.g. how many sick calls per week, etc. A copy of that brochure is included at the back of this packet. You or your family can also write or call DRO for advice, and sometimes they will even call the jail to try to straighten out the problem. DRO can be reached at:

Disability Rights Ohio  
ATTN: Intake  
200 Civic Center Drive  
Suite 300  
Columbus, Ohio 43215  
1-800-282-9181  
Collect Calls: 614-644-6804

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**List of Attachments**

- Grievance Process Explainer – Ohio Justice & Policy Center  
- Ohio Admin Code, Rule 5120-9-31  
- DRC Grievance Explainer w/flow chart – ODRC  
- Guide to the Grievance Process in Ohio’s Prisons – Disability Rights Ohio  
- Access to Services in Jail – Disability Rights Ohio
Step 1: You must file an Informal Complaint Resolution through JPay. Immediately after filing, contact the Institutional Inspector to get a copy. Here is an example of what you should write on the form:

“I have been experiencing (be specific about the problem – this can be harassment and discrimination, noncompliance with …., etc.). My requests relating to this issue are not being met, which has resulted in (describe the issues you are facing because of the problem). If my needs continue to go unmet, (describe further harm that is likely to occur). I am asking for immediate resolution of my (list the issue) through (describe in as much detail as possible everything you want to happen). Failure to address constitutes cruel and unusual punishment.

I am, therefore, filing this Informal Complaint against the following individuals: (name any staff members, especially doctors and nurses who have failed to address your concerns). Any and all (Name of institution) medical personnel who are responsible for my wellbeing. I do not know all of their names and I am asking for (name of Institution) and ODRC to help me determine the identities of the appropriate individuals.

I respectfully request that this immediately be addressed in the manner specified above.”

You should receive a response to the informal complaint within 7 calendar days after filing (save the response). If you have not received a response to the informal complaint within 7 calendar days, immediately contact the institutional inspector who must take immediate action to obtain a response to the informal complaint within 4 additional calendar days. If no response is received by the end of the day 4, step 1 is automatically waived, and you can proceed to Step 2

Step 2: After you either receive a response denying your request OR the timeframe has run out, file a Notification of Grievance to the Institutional Inspector. You MUST file this within 14 days of denial or when the timeframe ran out. Please save a copy.

You can rewrite the complaint above but add in whatever happened with the response to the complaint. Name the person, their title, and the date that your complaint was denied OR: On (date), I contacted the institutional inspector because I did not receive a response to my informal complaint filed
on (date). On (date of filing this), I still have not received a response, so I am filing this Notification of Grievance.

The Institutional Inspector has 14 calendar days to respond to your grievance (unless an extension is requested in writing). Any extension exceeding 28 calendar days from the date the response was due must be approved by the chief inspector or designee.

**Step 3:** If there is no reply to your grievance or you are not satisfied with the reply you receive from the institutional inspector, you must file an Appeal to the Chief Inspector. Your appeal to the Chief Inspector must be filed within 14 calendar days of the date of the response to the grievance.

Include with your appeal copies of your informal complaint, grievance and the responses received or a statement that no timely response was received. You can rewrite what you wrote in Step 1 and include the results of the Grievance with date and name and title of the responder. This is then sent to Columbus.

The Chief Inspector has 30 calendar days to respond to your appeal, unless an extension is requested. This is the final step in the process.
Ohio Administrative Code
Rule 5120-9-31 The inmate grievance procedure.
Effective: March 21, 2021

(A) The department of rehabilitation and correction (DRC) shall provide inmates with access to an inmate grievance procedure. This procedure is designed to address inmate complaints related to any aspect of institutional life that directly and personally affects the grievant. This may include complaints regarding the application of policies, procedures, conditions of confinement, or the actions of institutional staff.

(B) The inmate grievance procedure will not serve as an additional or substitute appeal process for hearing officer decisions, rules infraction board decisions or those issues or actions which already include a separate appeal mechanism beyond the institution level or those issues or actions where a separate administrative rule specifically indicates there is no appeal or where a final decision has been rendered by operation support center staff or a managing officer. Other matters that are not grievable include complaints related to legislative actions, the Ohio Revised Code, Administrative Code, ODRC policies, and decisions of the adult parole authority, judicial proceedings and sentencing or complaints whose subject matter is exclusively within the jurisdiction of the courts or other agencies. Complaints which present allegations which fall, in part, within the scope of paragraph (A) of this rule and in part within this paragraph will be considered to the extent they are not excluded under this paragraph.

(C) A written explanation of and instructions for the use of the inmate grievance procedure shall be readily available to both staff and inmates. Newly hired staff, and newly incarcerated inmates at reception shall receive a written and oral description of the procedure. Inmates shall also receive information regarding the inmate grievance procedures during orientation at their parent institution. Appropriate provisions shall be made as necessary for inmates not fluent in English, persons with disabilities and those with low literacy levels. All materials used to provide information and training on the inmate grievance procedure to staff and inmates shall be prepared or approved by the office of the chief inspector.

(D) Inmates may utilize the inmate grievance procedure regardless of any disciplinary status, or
other administrative or legislative decision to which the inmate may be subject. Appropriate provisions shall be made to ensure access to the inmate grievance procedure by inmates not fluent in English, persons with disabilities, and those with low literacy levels. Each institution shall ensure a secure method exists for inmates to send kites, informal complaints, grievances, and other institutional correspondence to staff.

(E) Limited restrictions may be imposed, only with the approval of the chief inspector, based upon an inmate's abuse or misuse of the inmate grievance procedure. Such a restriction shall be for a stated period of time not to exceed ninety days and subject to extension by the chief inspector if the inmate has not substantially complied with the restriction requirements. Provisions shall be made to ensure that the inmate can pursue issues that could present a substantial risk of physical injury, such as medical concerns, through the inmate grievance procedure. Any inmate subject to a restriction shall be notified in writing. Such notice shall include a clear explanation of the nature of the restriction, and the length of time of the restriction, (conditional upon their compliance). The notice shall also include an explanation of how they may pursue issues that could present a substantial risk of harm while on restriction.

(F) An inmate may be subject to disciplinary action for intentionally providing false information, or disrespectful, threatening or otherwise inappropriate comments made in an informal complaint, grievance, grievance appeal or grievance against the warden or inspector of institutional services. Only the chief inspector or designee and/or inspector of institutional services, with the approval of the chief inspector or designee, may initiate disciplinary action based upon the contents of an informal complaint, grievance, grievance appeal or grievance against the warden or inspector of institutional services. Failure of the inmate to substantiate his or her grievance allegations shall not, by itself, be used as grounds to initiate disciplinary action.

(G) Retaliation or the threat of retaliation for the use of the inmate grievance procedure is strictly prohibited. Any alleged or threatened retaliation may be pursued through the inmate grievance procedure. Appropriate disciplinary action shall be taken against any employee found to be in violation of this rule.

(H) Grievance records are considered confidential and shall be maintained in a secure manner. No grievance records shall be placed in any inmate file which is available to the adult parole authority,
except when the record is the basis of disciplinary action initiated by the inspector and authorized by the chief inspector.

(I) Only the procedure designated by the chief inspector may be used to file informal complaints, grievances, grievance appeals, or grievances against the warden or inspector of institutional services. Such process shall be reasonably available to inmates regardless of their disciplinary status or classification. Inmates shall not be required to advise a staff member, other than the inspector of institutional services, of the reason the procedure is being initiated.

(J) The inmate grievance procedure shall be comprised of three consecutive steps fully described in this paragraph. This procedure is designed to address inmate complaints related to any aspect of institutional life that directly and personally affects the grievant, including complaints regarding the application of DRC policies, procedures, conditions of confinement or the actions of institutional staff. Whenever feasible, inmate complaints should be resolved at the lowest step possible. Informal complaints must contain specific information; dates, times, places, the event giving rise to the complaint and, if applicable, the name or names of personnel involved and the name or names of any witnesses. Specificity of the complaint provides institutional staff the opportunity to investigate the complaint and to take corrective action to address a valid complaint. In the event an inmate does not know the identity of the personnel involved, a "John/Jane Doe" complaint may be filed. However, the complaint shall be specific as to dates, times, places, physical descriptions of any unidentified personnel and the actions of said personnel giving rise to the complaint.

(1) The filing of an informal complaint - step one:

Within fourteen calendar days of the date of the event giving rise to the complaint, the inmate shall file an informal complaint to the direct supervisor of the staff member, or department most directly responsible for the particular subject matter of the complaint. Staff shall respond in writing within seven calendar days of receipt of the informal complaint. If the inmate has not received a written response from the staff member within seven calendar days, the inspector may grant an additional four calendar days for response. The inspector of institutional services shall take prompt action to ensure that a written response is provided to the informal complaint within required timelines and if a response is not provided within required timelines, the informal complaint step is automatically waived and the inmate may proceed to step two. Informal complaint responses shall reflect an
understanding of the inmate's complaint, be responsive to the issue, cite any relevant departmental or institutional rules or policies and specify the action taken, if any. The inspector of institutional services shall monitor staff compliance with the informal complaint process. Any pattern of non-compliance by staff shall be reported to the warden for appropriate action. The filing of an informal complaint may be waived if it is determined by the inspector of institutional services that there is a substantial risk of physical injury to the grievant, the complaint is filed pursuant to rule 5120-9-03 or 5120-9-04 of the Administrative Code, paragraph (H) of this rule, or for other good cause. In instances where the inmate has failed to meet the requirements of paragraph (J) of this rule, notification will be provided by the inspector stating the reason(s) why use of the grievance procedure is not appropriate.

(2) The filing of the notification of grievance - step two:

If the inmate is dissatisfied with the informal complaint response, or the informal complaint process has been waived, the inmate may file a notification of grievance with the inspector of institutional services. All inmate grievances must be filed by the inmate no later than fourteen calendar days from the date of the informal complaint response or waiver of the informal complaint step. The inspector of institutional services may also waive the timeframe for the filing of the notification of grievance, for good cause. The inspector of institutional services shall provide a written response to the grievance within fourteen calendar days of receipt. The written response shall summarize the inmate's complaint, describe what steps were taken to investigate the complaint and the inspector of institutional service's findings and decision. The inspector of institutional services may extend the time in which to respond by no more than fourteen days with notice to the inmate. If a disposition has not been rendered after a total of twenty-eight days from the receipt of the grievance, the complaint will be deemed unresolved and the inmate may proceed to step three of the process. Expedited responses shall be made to those grievances that, as determined by the inspector of institutional services, present a substantial risk of physical injury to the grievant or for other good cause.

(3) The filing of an appeal of the disposition of grievance - step three:

If the inmate is dissatisfied with the disposition of grievance, the inmate may file an appeal with the office of the chief inspector. Only issues presented in an informal complaint or grievance may be
raised in a grievance appeal. Grievance appeals shall contain a clear, concise statement explaining the basis for the appeal. The appeal must then be filed to the office of the chief inspector within fourteen calendar days of the date of the disposition of grievance. For good cause the chief inspector or designee(s) may waive such time limits. The chief inspector or designee(s) shall provide a written response within thirty calendar days of receipt of the appeal. The chief inspector or designee(s) may extend the time in which to respond for good cause, with notice to the inmate. The decision of the chief inspector or designee is final. Grievance appeals concerning medical diagnosis or a specific course of treatment shall be investigated and responded to by a health care professional.

(K) Appropriate remedies for valid grievances shall be provided. Potential remedies may include, but are not limited to: changes to institutional policies or procedures, the implementation of new policies or procedures, and/or corrective action specific to the inmate's complaint (for example, a correction to the inmate's account, locating lost property, etc.) If the resolution of a grievance or portion thereof, requires the authorization of the warden the inspector of institutional services shall submit the findings and recommendations concerning the grievance to the warden for the warden's approval, modification or disapproval. The warden shall respond in writing to the inspector of institutional services within fourteen calendar days. The inspector of institutional services shall provide to the office of the chief inspector the report to the warden, that includes the warden's decision.

(L) Grievances against the warden or inspector of institutional services ("direct grievances") must be filed directly to the office of the chief inspector within thirty calendar days of the event giving rise to the complaint. Direct grievances must show that the warden or inspector of institutional services was personally and knowingly involved in a violation of law, rule or policy, or personally and knowingly approved or condoned such a violation.

The chief inspector or designee(s) shall respond in writing within thirty calendar days of receipt of the direct grievance. The chief inspector or designee(s) may extend the time in which to respond for good cause, with notice to the inmate. The decision of the chief inspector or designee is final.
Step 1: Informal Complaint
Inmate files an Informal Complaint Form within **14 Days** to the Appropriate Supervisor.

You have a problem

YES

Inmate files an Informal Complaint

Response received in 7 days?

YES

Is the issue resolved?

STOP

YES

NO

Inmate contacts Inspector to help

Step 2: Notification Of Grievance
Inmate files a Notification of Grievance Form within **14 days** with the Inspector.

Inmate files a Notification of Grievance

Inspector responds

STOP

YES

Is the issue resolved?

NO

Step 3: Appeal
Inmate files an appeal to the Chief Inspector within **14 Days** of the disposition.

Inmate files an Appeal Form to the Chief Inspector

Appeal response received from Chief Inspector’s Office

REV. 03/08

The Inmate Grievance Procedure is explained in Administrative Rule 5120-9-31 of the Ohio Revised Code, which is available in the Library.
BEFORE USING THE INMATE GRIEVANCE PROCEDURE

When you have problems or questions about daily prison life there are employees who can help. You should contact an employee who works in the area where you are having a problem. You can either talk to the staff person or write to them. For example, if your property is stolen, your correction officer and unit staff are there and can help you. If you have talked to or sent a note to a staff member and your problem is not completely solved, you should immediately start STEP ONE of the grievance procedure. You must begin the grievance procedure within 14 days from the date the problem happened to stay within the time limits. The three steps of the inmate grievance procedure are described below.

INSPECTOR OF INSTITUTIONAL SERVICES

Each prison has an inspector of institutional services. The inspector watches prison operations to make sure that rules are being followed. The inspector also runs the inmate grievance procedure and investigates inmate grievances. The inspector takes action to correct problems, talks with both staff and inmates, and lets the warden know what changes are needed. Ask the inspector any questions you may have about the inmate grievance procedure.

NON-GRIEVABLE

Some things cannot be grieved. This is because they already have a separate appeal process. Information about these processes can be found in the Administrative Rules and policies, which are available in the library. Some examples are:

- Hearing officer and RIB decisions
- Local Control
- Security Classification
- Job Assignment

Some of the other things that cannot be grieved include:

- State Laws
- Court Matters/Judge’s Orders
- Adult Parole Authority Actions or Decisions

PURPOSE OF THE INMATE GRIEVANCE PROCEDURE

The grievance procedure is a way to voice concerns or problems that come up during your time in prison. This may include complaints about how you are treated, living conditions, staff, inmates, rules, policies and procedures. Using the grievance procedure can resolve many complaints and correct problems.

There are three steps in the procedure. It is hoped that you will be able to resolve your problem at the lowest possible step. At each step you will have the chance to voice your problem and explain what happened. If you have a problem, do not wait! Each step of the inmate grievance procedure has specific time limits.

STEP ONE: INFORMAL COMPLAINT

The filing of an informal complaint is the first step of the inmate grievance procedure.

These forms are available in your housing unit. If you have any problem getting this form you should file it with the inspector. You only have 14 days from when the problem happened to file your informal complaint. The form is easy to complete—fill in all the blanks, write neatly, and be brief. Explain who, what, when, and where. When you complete the form, send the white and canary-yellow copies, by kite, to the department or supervisor in charge of the area of your complaint. Your unit staff or inspector can tell you who to send it to. Send the pink copy to the inspector. The goldenrod copy is yours to keep.

When the staff member receives your complaint, they will investigate and respond within 7 days. You should receive their answer on the canary-yellow copy of the form. If you do not receive an answer within 7 to 10 days then you should contact the institutional inspector. If your concern is not taken care of, you should file a grievance.

Some types of complaints need quick action, such as if you may be physically harmed, or have experienced an unreported use of force, let a supervisor know and then tell the inspector. If you experience inappropriate supervision or retaliation, contact the inspector directly. The inspector may tell you to file a grievance instead of starting with an informal complaint.

STEP TWO: GRIEVANCE

A notification of grievance form is needed in order to file a grievance. You have 14 days from the date you received the answer to the informal complaint to file a grievance unless the inspector waives the time limit. Only the inspector can give you a grievance form so you must file the inspector and ask for one. If you need help with the form ask the inspector or your unit staff. The form is easy to complete—fill in all the blanks, write neatly, and be brief. Explain who, what, where, and when. Stick to the facts.

After you have completed your grievance form, attach the canary-yellow copy of the informal complaint, if it was answered, and send it to the inspector. The pink copy of the grievance form is yours to keep.

DISPOSITION OF GRIEVANCE

The inspector will read your grievance form. The inspector will then investigate the grievance. The inspector may need to talk to you or other people, look at rules or other records. Most of the time the inspector will finish the investigation in 14 days. If the inspector needs more time then they will let you know. When the investigation is complete the inspector will tell you what they found on a disposition of grievance form. The inspector will send you the canary-yellow copy of the grievance form you filed, the canary-yellow copy of any informal you sent and the completed disposition of grievance.

STEP THREE: APPEAL

Read the inspector’s disposition. If you are not satisfied with the finding or if you feel a mistake was made then you may appeal to the chief inspector. You have 14 days from the date of the disposition to appeal to the chief inspector. Ask the inspector for an appeal form. Read the instructions on the form. Be sure to fill in all the blanks, write neatly, and be brief. Explain why you do not agree with the inspector’s decision. Stick to the facts. Do not add new complaints.

Mail the appeal to the chief inspector. The chief inspector’s address is on the form.

OFFICE OF THE CHIEF INSPECTOR

The office of the chief inspector will read what you sent with your appeal. They may talk with the inspector, other people, or review rules. The office of the chief inspector will then make a decision on your appeal. They may find that the inspector correctly answered your complaint. This is called “affirmed”. They may find that more investigation is needed or tell the inspector what to do or change. This is called “modified”. They may feel that the inspector’s decision was wrong. This is called “reversed”. You will receive the decision of the chief inspector in about 30 days. If they need more time to investigate it they will let you know. Decisions made by the chief inspector’s office are final.

GRIEVANCES ABOUT THE INSPECTOR or WARDEN

If you believe that the inspector or warden broke a rule or let someone else break a rule, then you may file your grievance to the chief inspector. You have 30 days from the date of the incident to file your grievance. You do not need to file an informal complaint. Get a grievance form from the inspector. Fill it out like you would any other grievance. The pink copy is yours to keep. Mail the other two pages to the Chief Inspector.

The chief inspector will read your grievance and investigate. The chief inspector will make a decision in 30 days. You will be told if more time is needed to investigate. The chief inspector will send you a copy of the decision. The chief inspector’s decision is final.

USE, MISUSE, AND RESTRICTIONS

The grievance procedure is there for your use. Any inmate can use the grievance procedure. If used correctly it will help solve problems within the correctional system. Remember to follow the steps of the procedure. During the appeal, keep your grievances to yourself. Be sure to fill in the blanks, write neatly, and be brief. Explain the facts. Your complaint should be based on the facts and not on your emotions or reactions.

GUARANTEED AGAINST REPRISALS

Staff know that they cannot punish you just because you complained about them. If you believe that staff are treating you differently because you filed a grievance contact the inspector immediately. The inspector will investigate. Staff may be disciplined if they act against you in this way.

CONFIDENTIALITY

Records and other documents about your use of the grievance procedure are protected. The chief inspector and institutional inspector keeps all grievance records.

The inmate grievance procedure is explained in Administrative Rule 5120-9-31 of the Ohio Administrative Code. More information may be found in Administrative Rules 5120-9-29 and 5120-9-30. These rules are available in the library.
GUIDE TO THE GRIEVANCE PROCESS AT OHIO PRISONS

The grievance procedure is a way to voice concerns or problems that come up during your time in prison. This may include complaints about how you are treated, living conditions, staff, inmates, rules, policies and procedures. Using the grievance procedure can resolve many complaints and correct problems.

This guide will help you with the complaint/grievance process at Ohio state prisons. This process is important because you must use up the entire grievance procedure before you can file a lawsuit in courts. This means you MUST:

1. File an Informal Complaint (Level 1)
2. File a Notification of Grievance (Level 2)
3. File an Appeal to the Chief Inspector (Level 3)

This process may be long, and your requests may not even be answered. However, each appeal means a different person looks at your request, so they might overrule the previous decision. It is very important that you follow all the steps on this sheet in order to protect your legal rights.

NOTE: You must use up all administrative solutions if you want to file a lawsuit. This means you must finish ALL the steps on this sheet. If you don’t complete the entire process because you didn’t receive a response, or did not have the proper form, etc., the court may dismiss your lawsuit and say that you did not “exhaust” your administrative remedies.

You should also try to talk to prison staff first. However, if talking doesn’t resolve your problem, you should file an Informal Complaint (Level 1) within 14 days of when your problem happened. Then continue with all the appeals. If you are late in your request or appeal, turn it in anyway and explain why you are late.
TIPS FOR USING THE PRISON GRIEVANCE PROCESS

- There are strict time deadlines for making requests and appealing — 14 days for each step. Be sure to perform each step quickly!

1. You must file an Informal Complaint (Level 1) within 14 days of when your problem happened.

2. After you get a response from the Informal Complaint—or if you do not get any response within 7-10 days—immediately send a kite (written request) to the Inspector to ask for a Notification of Grievance Form (Level 2). You have 14 days to submit the Notification of Grievance.

3. After you get a response from the Notification of Grievance—or if you do not get any response within 14 days—immediately send a kite (written request) to the Inspector to ask for an Appeal to the Chief Inspector (Level 3). You have 14 days to submit the Appeal to the Chief Inspector.

- One Problem at a Time: You should use a separate informal complaint for each complaint or change you are requesting. If you put multiple requests on one form, the prison might only address one of the requests.

- The prison staff should not retaliate against you for making these requests. If you feel you are being retaliated against for making a request, you should notify the Inspector. Be sure to give details like the full name of the person(s) that retaliated against you, and the date and time that they did it. You could also try to notify the CIIC, who inspects and monitors prison grievance procedures:

  CORRECTIONAL INSTITUTION INSPECTION COMMITTEE
  RIFFE CENTER, 15TH FLOOR
  77 SOUTH HIGH STREET
  COLUMBUS, OHIO 43215

- Always keep a copy of the forms you file in each step. If you are concerned about your copies getting lost or stolen, mail an additional copy to a friend or family member on the outside as a backup.

- Stick to the facts. Keep your complaints short and to the point. Be sure to include important names, dates, and times. Also, tell the prison what you want them to do to fix your problem.

- The complete inmate grievance procedure is explained in Administrative Rule 5120-9-31 of the Ohio Administrative Code. More information may be found in Administrative Rules 5120-9-29 and 5120-9-30. These rules are available in the library.

This guide is for general information only. Disability Rights Ohio is not representing you in any legal action.
ACCESS TO SERVICES IN JAIL:
Medical, Mental Health, and Disability-Related Services for People in Ohio’s County and Regional Jails

Introduction

The information provided in this booklet is designed to help people in county and regional jails and their families, friends, and advocates obtain medical, mental health, and other disability-related services they need. This booklet focuses on Ohio county and regional jails — it does not address the rights of people in state or federal prisons. This booklet is not intended to provide legal advice. If you believe that your rights have been violated, you should seek legal counsel right away.

Each jail has a procedure for identifying people with medical, mental health, and disability-related needs. While each jail has its own set of rules, there are also some general laws and regulations which all jails must follow.

All people in jail showing signs of a serious medical condition or mental illness must be sent to the jail physician or other qualified health professional or agency for appropriate medical, psychiatric, or psychological services or other necessary treatment.

All medical and mental health treatment must be documented and communicated to appropriate staff. Jails also must have written policies and procedures to address suicide prevention, detection, intervention, response, and review of incidents. No one in jail can be denied medical attention for disciplinary reasons or on the basis of classification status.
SOURCES OF RIGHTS

The right to medical care in jail, which includes mental health services, is defined in several laws and standards:

1. The U.S. Constitution

The U.S. Constitution gives people in jail a right to medical care, safety, and basic necessities. The Eighth Amendment of the U.S. Constitution prohibits “cruel and unusual punishment” for people who have been convicted of a crime. This prohibits conduct by jail officials like torture and the use of excessive force. But the Eighth Amendment also means that people in jail must receive adequate medical care, plus life’s basic necessities such as adequate food and shelter. People in jail cannot be denied services if doing so will cause a serious risk of physical or mental harm. For people in jail who have not been convicted of a crime, the Fourth Amendment and Fourteenth Amendment of the U.S. Constitution provide at least as much protection as the Eighth Amendment.

Before jail officials are found to have violated constitutional rights, the jail must know about the problem. Therefore, it is important to make sure that jail officials know about a person’s medical or mental health needs and the risk of harm that will result if those needs are not met. See below for information about communicating a person’s medical or mental health needs to jail officials.

2. Ohio Statutes and Regulations

Ohio law also gives people in jail a right to medical and mental health care. Ohio Revised Code Chapter 341 and the rules in the Ohio Administrative Code Chapter 5120:1-8, 1-10, or 1-12 (depending on the type of jail) set the standards for treatment of people in jails.

Ohio law states that all county and municipal jails, workhouses, and lockups that house inmates must follow the health care rules. There are also some specific rules for mental health services in jails. In addition, jails must have policies that address health care services, including mental health services. The most stringent requirements apply to full service jails; less stringent requirements apply to 12 hour and 12 day lockups or minimum security jails.

More information and details on the Ohio laws that apply to jails can also be found in the Minimum Standards for Jails in Ohio. A current copy of the standards can be found by contacting the Department of Rehabilitation and Corrections or visiting their website (http://www.drc.ohio.gov/web/jail_oversight.htm).

3. The Americans with Disabilities Act (ADA)

The ADA was designed to prevent discrimination against people with disabilities. In general, if there are services, programs, or activities that are offered to people without disabilities, then they must also be accessible to people with disabilities. The ADA also includes rules that say the physical buildings of jails have to be accessible. For example, jails must have cells and doorways that are wide enough for wheelchairs.
PRELIMINARY HEALTH EVALUATION

When a person first enters the jail, and before being placed with the general inmate population, jail officials must complete a preliminary health evaluation. The purpose of this evaluation is to determine if the person has a disability, or if they are experiencing any physical or mental disorder. If such a condition is found, jail officials must provide treatment based on the medical and health care plan before the person is confined.

Based on how the evaluation questions are answered, jail officials will make a recommendation on housing. Sometimes, the jail’s initial health screen may not correctly identify a person’s medical, mental health, or disability needs. A case manager, family member, or the person in jail may need to tell jail officials about their needs, medical history, medications, etc.

Who completes the preliminary health evaluation?

The preliminary health evaluation may be completed by a medical staff member or the receiving officer. It will most often consist of a questionnaire filled out by the person in jail and a short interview/health screening.

What information must the health evaluation include?

The information required for the evaluation includes:

1. Current illnesses and health problems including those specific to women
2. Medications taken and special health requirements.
3. Behavioral observation, including state of consciousness and mental status.
4. Notation of personal physician and any medical needs.
5. Assessment of suicide risk.

When is a more complete evaluation required?

After a preliminary evaluation, the second step is a health appraisal. Within fourteen days after admission, a health appraisal must be completed for each person whose stay in jail exceeds ten days. This appraisal must include a review of the preliminary health evaluation and additional information to complete the medical, dental, psychiatric, and psychological history.
OTHER WAYS TO TELL THE JAIL ABOUT MEDICAL AND MENTAL HEALTH NEEDS

There are other ways to tell to jail officials about a person’s medical, mental health, or disability needs.

Sick call

Full service jails must hold Sick Call. This is a time where a physician or other health care worker is available to assist people with medical needs. Sick Call must happen at least:

- Once per week for jails whose average daily inmate population is less than fifty.
- Three times per week for jails whose average daily inmate population is between fifty to one hundred ninety-nine.
- Five times per week for jails whose average population is two hundred or more.

Medical Requests or Complaints / Kites

Each full service jail must have a way for people to report medical complaints to the facility physician, either directly or through other health care providers. These complaints are often called “kiting.” When you make a request for medical care, you should do it in writing so that there is a written record of when the jail became aware of your request.

All medical complaints must be reviewed daily by medical personnel with the facility physician, and appropriate treatment must be provided. Medical complaints from people in jail must be recorded and kept on file. The jail must also record how the complaint was addressed by jail officials.

Complaints to the Bureau of Adult Detention

Complaints may also be made to the Bureau of Adult Detention, a section of the Ohio Department of Rehabilitation and Corrections (DRC). The Bureau of Adult Detention can be reached at 770 West Broad Street, Columbus, Ohio 43222, or by calling 614-752-1834. Their website is: drc.ohio.gov/web/jail_oversight.htm.

Local Alcohol, Drug Addiction and Mental Health Services (ADAMH) Boards

The person in jail or family member can also contact the local Alcohol, Drug Addiction and Mental Health Services Board or the local Mental Health Board. Most county jails have contracts with these local mental health boards to provide mental health services to people in jail. If the person had a case manager prior to being jailed, he or she can contact his or her case manager for help. To speed the process of receiving mental health services, the person in jail or a family member can request a mental health evaluation upon entry to the jail.
YOUR RIGHTS TO DISABILITY-RELATED SERVICES AND ACCOMMODATIONS IN JAILS

The Americans with Disabilities Act (ADA) was designed to prevent discrimination against people with disabilities. Because jails are operated by the government, they must follow the ADA.

In general, the ADA says that if a service, program, or activity is offered to people without a disability, then it should be available to people with disabilities as well. “Services, programs, and activities” includes things like educational programs, inmate jobs, telephone calls and visitation, religious services, reading materials, televisions, etc. So, if a person in jail has a disability, they can make requests to the jail if they need accommodations to participate in these activities.

There are many kinds of disabilities and accommodations, but here are a few examples to illustrate:

<table>
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<tr>
<th>Common Disabilities</th>
<th>Common ADA Requests</th>
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| Wheelchair or other Mobility Disability | • Give access to a wheelchair, walker, cane or other equipment if a person needs one to get around.  
• More space in a jail cell so the person can use a wheelchair in their jail cell.  
• All areas of the jail should be accessible by wheelchair, including bathrooms, showers, recreation areas, infirmaries, etc. |
| Blind or Low-Vision           | • Ability to use a blind cane.  
• Written communications in braille or large print, and access to a brailler or accessible computer to write letters.  
• Assistance from staff or another inmate as a “blind aide.”  
• Access to audio books. |
| Deaf or Hearing-Impaired      | • Sign-language interpreters for classes, medical appointments, disciplinary hearings, and other important communications.  
• Videophones, TTY or captioned telephones for phone calls.  
• Closed captioning on televisions.  
• Repairing hearing aids or replacing hearing aid batteries. |
| Mental Illness                | • Access to mental health care or treatment.  
• Reduced or no time spent in solitary confinement for people with serious mental illnesses.  
• Reduced or no punishment/discipline for behaviors that are a symptom of their mental illness. |
Requesting Disability Services and Accommodations

Keep in mind that the jail probably won’t give disability accommodations unless the person in jail asks for them. Therefore, people should (1) make sure the jail knows that they have a disability and (2) request an accommodation in writing.

People in jail can make requests by sending a written request (sometimes called a “kite”) to the jail’s administration and medical department. Or, they can file a grievance or complaint asking for an accommodation.

There are some occasions where a jail may not be required to provide an accommodation—for example, if they can show that the accommodation would cause a “fundamental alteration” or “undue burden” (a change that is too expensive or too difficult). Jails may also try to deny accommodations because they could cause a security or safety concern. If a jail denies a request for a reasonable accommodation, contact Disability Rights Ohio if you think it was a mistake.

OTHER INFORMATION ABOUT MEDICAL, MENTAL HEALTH AND DISABILITY-RELATED SERVICES IN JAILS

Other Complaints and Requests in Jail

Every jail is required to have some way for people in jail to make written requests and file grievances or complaints. These written requests and complaints can be used to request medical, mental health, and disability-related services in jail. But, they can also be used for any other problems a person is experiencing while in jail. For example, if a person in jail is experiencing harassment from jail staff or other inmates; if something at the jail needs to be repaired; if there are problems with the living conditions or sanitation at the jail, etc. DRO recommends making requests and complaints in writing, and keeping a copy of the complaint for your own records so you can prove that the jail knows about the problem.

Emergency

Every jail must have emergency medical treatment available either through an in-house or outside medical service arrangement on a twenty-four hour basis for all inmates.

Physician in Charge

Full service jails must employ or contract with a licensed physician (doctor). The facility physician develops a written medical and mental health care plan that describes how medical care will be provided at the jail. Then, the physician must supervise and manage medical operations at the jail.
Can a person in jail use his or her own doctor?
People in jail may be treated by their personal doctors, but at their own expense. However, the jail’s doctor decides if the treatment is necessary.

What medical records must the jails keep?
The jail must keep accurate records of all reports of medical problems, examinations, diagnosis, and treatment. Medical records maintained at the jail must include documentation of all treatment provided by a personal doctor or outside mental health professionals during the person’s confinement. All medical records are confidential and should be read only by authorized persons. Jails have differing policies about whether a person in jail can see his/her own medical records. Sometimes if the jail won’t let a person see their own records, the person could instead sign a medical release form that would allow their family or someone they trust outside to see their medical records.

Who inspects conditions in jails?
The Department of Rehabilitation and Correction, Division of Parole and Community Services, Bureau of Adult Detention investigates and supervises county and municipal jails, workhouses, minimum security jails, and other correctional institutions and agencies. The Bureau of Adult Detention can receive complaints from people in jail, their families or friends or other interested groups, by telephone or mail. If complaints are about an emergency or lack of medical care for a serious medical condition, the Bureau may try to resolve the issue by calling or visiting the jail. People who file complaints should receive a letter from the Bureau, confirming receipt of the complaint. If violations of jail standards are found, the Bureau has the authority to enforce those standards.

To file complaints with the Bureau of Adult Detention, call or write to:

Department of Rehabilitation and Correction
Division of Parole and Community Services
Bureau of Adult Detention
770 West Broad St.
Columbus, Ohio 43222
Telephone: 614-752-1834

Finding an Attorney
Some people in jail already have an attorney assisting them with their criminal case. People in jail can talk to their criminal attorneys for advice if they are experiencing problems while in jail. Another good place to try to find a private attorney is to contact the nearest bar association. Bar associations usually offer an attorney referral service: if you tell the bar association what legal problem you are having, they may be able to give you the name of an attorney that can help with that problem. To find the bar association closest to you, you can call the Ohio State Bar Association at 1-800-282-6556, or see a list of bar associations at supremecourt.ohio.gov/RelatedOrgs/bar/.
Contact Disability Rights Ohio

If you or someone you know needs assistance in obtaining appropriate medical, mental health, or disability-related services in county or regional jails, call or write to Disability Rights Ohio Intake:

Disability Rights Ohio
Attention: Intake
200 Civic Center Dr., Suite 300
Columbus, Ohio 43215-4234
Telephone: 1-800-282-9181
Collect Call Telephone: 614-644-6804

Disability Rights Ohio can inform people about their rights in jail and how to file requests or complaints related to their concerns. Sometimes Disability Rights Ohio will advocate for people in jail by contacting jail staff to resolve the concerns.