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11 SUPERIOR COURT OF THE STATE OF CALIFORNIA
12 FOR THE COUNTY OF FRESNO

13
14 Natalie Chamberlain and
15 Stacy Williams,

16 Plaintiffs,

17 v.

18 Margaret Mims, Fresno County Sheriff,
County of Fresno,

19 Defendants.
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FILED

JUL - 1 2014

SUPERIOR COURT OF CALIFORNIA
COUNTY OF FRESNO
BY _____ DEPUTY

Civil Case No.: **14 CE CG 01851**

**Verified petition for writ of mandate
and complaint for declaratory and
injunctive relief under Cal. Const.
art. I § 4, U.S. Const. Amds. 1 and
14; 42 U.S.C. § 2000cc-1, 15 C.C.R. §
1073(a)**

INTRODUCTION

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2 1. Fresno County is a diverse religious community that includes persons of the Bahá'í,
3 Evangelical Christian, Jewish, Mormon, Muslim, Roman Catholic and Sikh faiths.¹ Many
4 individuals practicing these and other faiths adhere to dietary restrictions according to their
5 sincerely held religious beliefs.
- 6 2. Both state and federal law require jails to provide inmates with religious diets that
7 accommodate their sincerely held religious beliefs. Yet the Fresno County jail denies
8 religious diets to many of these individuals because it requires inmates to be practicing
9 members of what the jail deems to be a “major, legitimate, recognized religious community”
10 and to “provide information regarding their religious affiliation, clergy, and place of
11 worship” in order to receive religious dietary accommodations. This procedure for verifying
12 an inmate’s religious membership gives improper weight to the religious membership
13 criteria of jail-selected clergy persons and discriminates against inmates who sincerely
14 believe that adhering to certain dietary restrictions is an important part of their religious
15 exercise but who do not satisfy the jail’s chosen religious qualifications. It also discriminates
16 against inmates whose religious beliefs do not include membership in a church, synagogue
17 or other organized religious community.
- 18 3. As a result of this policy, the jail has denied religious diets to inmates for a variety of
19 improper reasons: for example, it denied a kosher diet to one Jewish inmate because his
20 mother was not Jewish, and to others because their religious conversions had not been
21 approved by a rabbinical court.
- 22 4. Because the jail’s policy, as written and as applied, violates the state and federal
23 constitutions, as well as the federal Religious Land Use and Institutionalized Persons Act,
24 plaintiffs bring this suit requesting injunctive, writ, and declaratory relief.

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27 ¹ “Fresno County,” University of Southern California Center for Religion and Civic Culture,
28 <http://crcc.usc.edu/resources/demographics/fresno.html>; “Fresno County, California, Religious Traditions 2010,” Ass’n of Religion Data Archives, http://www.thearda.com/rcms2010/r/c/06/rcms2010_06019_county_name_2010.asp.

1 5. Plaintiffs also challenge the jail's treatment of inmate grievances. As the jail's policy
2 recognizes, inmates have a right to submit written grievances to contest the denial of
3 religious meals and other conditions of confinement. But jail personnel have refused to sign
4 inmates' grievance forms, have refused to provide inmates with necessary appeals forms,
5 and have failed to respond to submitted appeals. As a result, Fresno County jail inmates are
6 living in inadequate conditions of confinement and are prevented from seeking redress.

7 **JURISDICTION AND VENUE**

- 8 6. This Court has jurisdiction under article VI, section 10, of the California Constitution and
9 California Code of Civil Procedure § 410.10.
- 10 7. Venue in this Court is proper because the action arose in this County and the defendants are
11 situated in this County. *See id.* §§ 393(b), 394(a).

12 **PARTIES**

- 13 8. Plaintiff Natalie Chamberlain sits on the Board of Directors of Faith in Community, a
14 coalition of faith institutions working toward a more just, compassionate, and equitable
15 Fresno. Ms. Chamberlain is a former Disciples of Christ pastor at the United Christian
16 Church of Fresno and a former co-chair of the Interfaith Alliance of Central California. Ms.
17 Chamberlain believes that it is important for individuals like her, who are Christian, to
18 advocate for the religious freedom of other faith communities.
- 19 9. Ms. Chamberlain owns real property in the County of Fresno and has been assessed and has
20 paid property taxes on the property within the last year. She brings this case as a citizen and
21 taxpayer of the County of Fresno.
- 22 10. Plaintiff Stacy Williams is a member of the Local Organizing Committee, an organizing
23 community in Fresno that advocates for jail reform, justice and equality for all people. Ms.
24 Williams volunteers with Faith in Community and People for Impacting Community
25 Organizing (P.I.C.O.). She is Christian and believes all individuals, including those who are
26 incarcerated, should be free to exercise the religion of their choice.
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1 11. Ms. Williams owns real property in the County of Fresno and has been assessed and has
2 paid property taxes on the property within the last year. She brings this case as a citizen and
3 taxpayer of the County of Fresno.

4 12. Defendant Margaret Mims is the Fresno County Sheriff. Sheriff Mims has ultimate authority
5 over the Fresno County jails, including the Fresno County Main Jail, the Fresno North
6 Annex Jail and the Fresno South Annex Jail. Sheriff Mims is responsible for protecting the
7 constitutional and statutory rights of inmates under her custody. She is responsible for
8 adopting, implementing, and enforcing the unlawful policies and customs referenced in this
9 complaint. Sheriff Mims is named in her official capacity only.

10 13. Defendant County of Fresno is a legal subdivision of the State of California.

11 **BACKGROUND AND FACTS**

12 **The Religious Diet Policy**

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14 14. Fresno County Sheriff's Department Policy No. E-185 (the Religious Diet Policy) governs
15 inmate religious dietary accommodations. A true copy of the Religious Diet Policy is
16 attached to this complaint as Exhibit A.

17 15. The Religious Diet Policy states that it is "the Sheriff Department's policy to allow inmates
18 who demonstrate a sincere religious belief within a major, legitimate, recognized religious
19 community, to receive an orthodox religious diet." Ex. A, p. 1. It also states it is the
20 Department's policy "to confirm an inmate's request for particular food items as decreed by
21 established religious practices." *Id.*

22 16. In order to receive a religious diet, "[t]he inmate must be a practicing member of a
23 recognized religious community and provide information regarding their religious
24 affiliation, clergy, and place of worship." *Id.*

25 17. After an inmate provides this information, the Volunteer Services Coordinator at the jail will
26 then "contact the religious clergy from the inmate's faith community to obtain verification
27 of the inmate's affiliation within the faith community" or "contact a local representative of
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1 the inmate's professed religious community to assist in determining the validity of the
2 request." *Id.* at 2.

3 18. Once an inmate requests to discontinue a religious diet, "any subsequent request to return to
4 a religious diet will not be considered." *Id.*

5 19. Although vegetarian diets are generally available to inmates, under the Religious Diet Policy
6 vegetarian meals are not available as a religious diet. "Vegetarian and vegan diets are
7 considered food preference diets and are honored only when based on medical need." *Id.*
8 The jail will not make provisions "for inmates who request special diets based strictly upon
9 personal food preferences." *Id.* at 1.

11 **The Inmate Grievance Policy**

12 20. Policy No. E-140 (the Inmate Grievance Policy) of the Fresno County Sheriff's Department
13 "establish[es] a means for an inmate to seek formal review of an issue relating to any aspect
14 of his/her own confinement that is subject to the Sheriff's authority." A true copy of the
15 Inmate Grievance Policy is attached to this complaint as Exhibit B.

16 21. The Inmate Grievance Policy applies to "grievances relating to any condition of
17 confinement," including food, legal services, mail, medical care, mental health, sanitation,
18 telephone and visiting procedures. *Id.* at 1-2.

19 22. The Inmate Grievance Policy provides several grounds for rejecting a grievance without
20 making a determination. *Id.* at 9-10. This includes if the inmate has already submitted a
21 grievance on the matter. *Id.* at 3, 4, 10. Also, a grievance may be rejected if it "[c]ontains
22 profanity, insults, or racial slurs (unless included as an alleged direct quote of another
23 party." *Id.* at 11. Grievances that are rejected on procedural grounds must still be recorded in
24 the grievance log. *Id.* at 10.

25 23. An inmate grievance form (J-105) must be submitted within 14 calendar days from the date
26 of the incident relating to the grievance, unless the condition or issue is ongoing. *Id.* at 5.
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1 “The officer who accepts the completed *Inmate Grievance Form*” must “[s]ign, date and
2 place their computer number on the form” and give the inmate a copy. *Id.*

3 24. According to the Inmate Grievance Policy, each grievance must be recorded in a log and
4 forwarded to the appropriate Lieutenant or Manger/Supervisor, who assigns it for
5 investigation to an employee not involved in the matter. *Id.* at 6. The Grievance Policy
6 requires grievances to “be investigated and processed for review within a reasonable amount
7 of time after submission, usually within fourteen (14) calendar days.” *Id.* “Based upon the
8 findings of the investigation, the investigating staff member shall make a recommendation to
9 either sustain or not sustain the inmate grievance.” *Id.* An explanation is required for a
10 grievance that is not sustained. *Id.* An action to remedy the grievance must be indicated if
11 the grievance is sustained. *Id.*

12 25. According to the Inmate Grievance Policy, “the Lieutenant or Manger/Supervisor (or their
13 designee)” reviews the grievance, any related documentation and the recommendation and
14 makes the final determination. *Id.* If the grievance is sustained, the affected Lieutenant or
15 Manager/Supervisor is responsible for taking action to remedy it. *Id.* at 6-7.

16 26. The Grievance Coordinator is responsible for: “scan[ning] and log[g]ing all grievance
17 responses, regardless of disposition,” and “return[ing] the original signed form to the inmate
18 to serve as notice of the action taken concerning the matter.” *Id.* at 7.

19 27. According to the Inmate Grievance Policy, “[a]n inmate who is dissatisfied with the
20 response to a grievance may appeal the grievance to the next level within five (5) calendar
21 days.” *Id.* at 7, 12.

22 28. The Inmate Grievance Policy requires the Bureau Commander or designee to issue a written
23 response reversing or affirming the grievance determination within 20 workdays. *Id.* at 12.
24 The Bureau Commander’s decision is “final and constitutes exhaustion of all remedies
25 within the agency.” *Id.*

1 **Factual Background**

- 2 29. The Fresno County jails are local detention facilities used for the detention of persons
3 pending arraignment, during trial, and upon a sentence of commitment. On information and
4 belief, the Fresno County jails receive federal financial assistance.
- 5 30. Approximately 2,133 inmates, or 69% of the Fresno County jail inmate population are
6 detained pending trial; the remaining 964 are serving a sentence for a crime for which they
7 have been convicted.²
- 8 31. All inmates, whether awaiting trial or serving a sentence, live in confinement and rely on the
9 jail for essentials such as food, medical care and clothing and for access to visitors and legal
10 counsel.
- 11 32. Inmates in the Fresno County jail are prevented from submitting grievance forms because
12 some jail personnel refuse to sign them.
- 13 33. Dimitrios Kastis is a pre-trial detainee and inmate at the Fresno County jail. He was baptized
14 as an infant and raised as a Greek Orthodox Christian.
- 15 34. In the fall of 2013, while incarcerated at the Fresno County jail, Mr. Kastis converted from
16 Christianity to Judaism. He believes in a monotheistic God and the stories in the first five
17 books of the Old Testament. He believes that as a practicing Jew, he should adhere to a
18 kosher diet because he must only eat clean foods.
- 19 35. On September 22, 2013, Mr. Kastis submitted an inmate request form asking for a visit from
20 a rabbi and kosher food in accordance with Jewish law. The jail denied his request on the
21 grounds that the rabbi who was to evaluate Mr. Kastis's request "will not come see converts
22 [and] your mother must be Jewish." A true copy of Mr. Kastis's September 22nd inmate
23 request form, with the jail's response, is attached to this complaint as Exhibit C.

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27 ² Facilities Standards and Operations, Cal. Bd. of State and Community Corr.,
28 <http://www.bscc.ca.gov/programs-and-services/fso/resources/jail-profile-survey> (hyperlink "Jail
 Profile – 2013 3rd Quarter Survey Results").

- 1 36. On October 25, 2013, Mr. Kastis submitted an inmate grievance form to contest the denial
2 of his request for kosher food. A true copy of Mr. Kastis's October 25th inmate grievance
3 form is attached to this complaint as Exhibit D.
- 4 37. On October 29, 2013, Mr. Kastis's grievance was denied. The inmate grievance review
5 report cited the Religious Diet Policy as a basis for the negative grievance determination,
6 noting that "Inmate Kastis is unable to provide the name of a Rabbi or synagogue where he
7 has been practicing his Jewish faith to verify his affiliation." Additionally, the report stated
8 that "Conversion must be accomplished with the approval and in the presence of a rabbinical
9 court, consisting of three rabbinical authorities." The report concluded, "Inmate[']s request
10 for a Kosher meal is denied based on his inability to provide the information necessary to
11 verify his affiliation with the Jewish faith." A true copy of the October 29th inmate grievance
12 review report is attached to this complaint as Exhibit E.
- 13 38. Under the Inmate Grievance Policy, Mr. Kastis had five days to submit an appeal. He asked
14 the day and night jail staff crews for an appeal form but they said they could not find a form.
15 After five days had passed and it was too late for Mr. Kastis to appeal, the form was located.
- 16 39. Because he has been denied access to a kosher diet, Mr. Kastis has a very limited diet. Mr.
17 Kastis believes he can eat the peanut butter and drink the milk provided by the jail because
18 both are individually wrapped and therefore not contaminated by unclean food or utensils.
19 When his family can afford it, they send Mr. Kastis soup packages. He believes the soup
20 packages comply with his religious diet restrictions.
- 21 40. Robert Sorensen is a pre-trial detainee and inmate at the Fresno County jail.
- 22 41. In the fall of 2013, while incarcerated at the Fresno County jail, Mr. Sorensen converted
23 from Christianity to Judaism. He learned about the Jewish faith by studying the Old
24 Testament of the Bible. After converting to Judaism, Mr. Sorensen decided that it was
25 important to fully devote himself to the Jewish faith. He decided he should only eat kosher
26 meals because the Bible prohibits eating unclean animals and directs him to be pure to
27 worship. Mr. Sorensen believes that eating kosher food symbolizes his covenant with God.
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- 1 42. On September 23, 2013, Mr. Sorensen submitted an inmate request form asking for a visit
2 from a rabbi and kosher food because he had converted to Judaism. According to the jail's
3 written response, his requests were denied because the rabbi "[d]oes not come down to see
4 converts" and "we do not issue kosher diets to converts here in Fresno." A true copy of Mr.
5 Sorensen's September 23rd inmate request form, with the jail's response, is attached to this
6 complaint as Exhibit F.
- 7 43. On October 25, 2013, Mr. Sorensen submitted an inmate grievance form to contest the
8 denial of his request for kosher food. A true copy of Mr. Sorensen's October 25th inmate
9 grievance form is attached to this complaint as Exhibit G.
- 10 44. On October 29, 2013, Mr. Sorensen's grievance was denied. The inmate grievance review
11 report cited the Religious Diet Policy as a basis for the negative grievance determination. It
12 noted, "Inmate Sorensen is unable to provide the name of a Rabbi or synagogue where he
13 has been practicing his Jewish faith to verify his affiliation." Additionally, the report noted,
14 "Conversion must be accomplished with the approval and in the presence of a rabbinical
15 court, consisting of three rabbinical authorities." The report concluded, "Inmate[']s request
16 for a Kosher meal is denied based on his inability to provide the information necessary to
17 verify his affiliation with the Jewish faith." A true copy of the October 29th inmate grievance
18 review report is attached to this complaint as Exhibit H.
- 19 45. Mr. Sorensen did not appeal the negative grievance determination. Corporal Gaad told him
20 that no appeal process existed when Mr. Sorensen filed his grievance.
- 21 46. The Inmate Grievance Policy has been effective since August 6, 1990. Ex. B, Inmate
22 Grievance Policy, at 1. It provides for an appeal process. *Id.* at 12-13.
- 23 47. Because he has been denied access to a kosher diet, Mr. Sorensen eats the vegetarian meals
24 provided by the jail. Mr. Sorensen does not have money to buy food at the commissary that
25 complies with his religious beliefs.
- 26 48. Buck Plumlee is a pre-trial detainee and inmate at the Fresno County jail.
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49. In the fall of 2013, while incarcerated at the Fresno County jail, Mr. Plumlee converted to Judaism after discussing Judaism with other inmates and reading the Bible. Mr. Plumlee called his sister to discuss his conversion. His sister spoke with a rabbi and then informed Mr. Plumlee that adhering to a kosher diet is an important part of Judaism. Mr. Plumlee believes that he should not eat unclean food or food that has had contact with unclean utensils.
50. On October 15, 2013, Mr. Plumlee submitted an inmate request form asking for the name and address of the rabbi that deals with inmates and kosher food because he had converted to Judaism. According to the jail's written response, his requests were denied because the rabbi "will not come visit converts" and "we do not issue kosher meals to converts – only certified Jewish ... that are certified by their Rabbi." A true copy of Mr. Plumlee's October 15th inmate request form with the jail's response is attached to this complaint as Exhibit I.
51. On November 17, 2013, Mr. Plumlee submitted an inmate grievance form to contest the denial of his request for kosher food. A true copy of Mr. Plumlee's November 17th inmate grievance form is attached to this complaint as Exhibit J.
52. On November 26, 2013, Mr. Plumlee's grievance was denied. The inmate grievance review report cited the Religious Diet Policy as a basis for the negative grievance determination. It noted, "Inmate Plumlee is unable to provide the name of a Rabbi or synagogue where he has been practicing his Jewish faith to verify his affiliation." Additionally, the report noted, "Conversion must be accomplished with the approval and in the presence of a rabbinical court, consisting of three rabbinical authorities." The report concluded, "Inmate[']s request for a Kosher meal is denied based on his inability to provide the information necessary to verify his affiliation with the Jewish faith." A true copy of the November 26th inmate grievance review report is attached to this complaint as Exhibit K.
53. On November 28, 2013, Mr. Plumlee submitted an appeal form. A true copy of the November 28th appeal form is attached to this complaint as Exhibit L

1 54. On December 22, 2013, Mr. Plumlee asked Corporal Duncan about the status of his appeal.
2 Corporal Duncan told him that he could not find the appeal. As of June 19, 2014, Mr.
3 Plumlee still had not received a response regarding his appeal.

4 55. Because he has been denied access to a kosher diet, Mr. Plumlee has a very limited diet. He
5 eats soup that he buys from the commissary or that his family sends him. Mr. Plumlee does
6 not eat anything on the food tray provided by the jail. Sometimes he is able to trade his tray
7 for soup packages.

8 56. The American Civil Liberties Union of Northern California has repeatedly notified the
9 Fresno County Sheriff's Department that its process for verifying an inmate's request for a
10 religious diet and implementation of the Inmate Grievance Policy violate federal and state
11 law. The Department has not indicated a willingness to come into compliance with the law.

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13 **FIRST CAUSE OF ACTION**

14 **Both Plaintiffs against Both Defendants**
15 **(Violation of California Constitution, Article I § 4)**

16 57. Plaintiffs incorporate by reference the allegations of the above paragraphs as though fully set
17 forth herein.

18 58. Under Article I § 4 of the California Constitution, "The free exercise and enjoyment of
19 religious profession and worship, without discrimination or preference, shall for ever be
20 allowed in this State."

21 59. California Penal Code § 4027 states, "It is the intention of the Legislature that all prisoners
22 confined in local detention facilities shall be afforded reasonable opportunities to exercise
23 religious freedom."

24 60. Defendants violate the Article I § 4 of the California Constitution by preventing Fresno
25 County jail inmates from adhering to the dietary tenets of their religions and by preferring
26 the religious exercise of inmates who can satisfy the requirements of the Religious Diet
27 Policy over those who cannot but nevertheless request a diet consistent with their sincerely
28 held religious beliefs.

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SECOND CAUSE OF ACTION

**Both Plaintiffs against Both Defendants
(Violation of the First and Fourteenth Amendments to the U.S Constitution)**

61. Plaintiffs incorporate by reference the allegations of the above paragraphs as though fully set forth herein.
62. The First Amendment, which applies to the states under the Fourteenth Amendment, prohibits the government from passing laws respecting the establishment of religion or prohibiting the free exercise thereof.
63. Defendants violate the First Amendment by preventing Fresno County jail inmates from adhering to the dietary restrictions of their religions.

THIRD CAUSE OF ACTION

**Both Plaintiffs against Both Defendants
(Violation of the Religious Land Use and Institutionalized Persons Act (RLUIPA),
42 U.S.C. § 2000cc-1)**

64. Plaintiffs incorporate by reference the allegations of the above paragraphs as though fully set forth herein.
65. RLUIPA prohibits jails and other government programs that receives federal financial assistance from imposing a substantial burden on prisoners' religious exercise unless the government can demonstrate that imposition of that burden furthers a compelling governmental interest and that it is the least restrictive means of furthering that interest.
66. The Religious Diet Policy substantially burdens the religious exercise of Fresno County jail inmates and is not the least restrictive means of advancing a compelling government interest. It therefore violates RLUIPA.

FOURTH CAUSE OF ACTION

**Both Plaintiffs against Both Defendants
(Violation of Cal. Code Regs. tit. 15, § 1073)**

67. Plaintiffs incorporate by reference the allegations of the above paragraphs as though fully set forth herein.
68. The Fresno County jails are Type II facilities as defined in § 1006 of Title 15 of the California Code of Regulations.

1 69. Section 1073(a) of Title 15 of the California Code of Regulations requires the administrator
2 of the Fresno County jails to “develop written policies and procedures whereby any inmate
3 may appeal and have resolved grievances relating to any conditions of confinement.”

4 Section 1073(a) establishes minimum requirements for such policies and procedures.

5 70. Defendants violate § 1073(a) by implementing the Inmate Grievance Policy in a manner that
6 does not satisfy the minimum standards for local detention facilities.

7 **FIFTH CAUSE OF ACTION**

8 **Both Plaintiffs against Both Defendants**
9 **(Taxpayer Action under Cal. Code of Civ. Proc. § 526a to**
10 **Prevent Illegal Expenditure of Funds)**

11 71. Plaintiffs incorporate by reference the allegations of the above paragraphs as though fully set
12 forth herein.

13 72. Defendants are illegally expending public funds by maintaining and implementing the
14 Religious Diet and Inmate Grievance Policies in a manner that does not comply with state
15 and federal law.

16 **PRAYER FOR RELIEF**

17 Wherefore, Plaintiffs respectfully request that the Court:


- 18 A. Issue a declaration that Defendants’ Religious Diet Policy, facially and as applied,
19 violates: (1) Article I § 4 of the California Constitution; (2) the First Amendment of the
20 U.S. Constitution; and (3) the Religious Land Use and Institutionalized Persons Act.
- 21 B. Grant mandamus and injunctive relief requiring Defendants to provide dietary
22 accommodations to inmates who request a religious diet to exercise their sincerely held
23 religious beliefs.
- 24 C. Grant mandamus and injunctive relief prohibiting Defendants from implementing the
25 Inmate Grievance Policy in a manner that violates Cal. Code Regs. tit. 15, § 1073.
- 26 D. Order Defendant to pay Plaintiffs’ attorneys’ fees and costs under Code Civ. Proc.
27 § 1021.5, 42 U.S.C. § 1988, and any other applicable statutes.
- 28 E. Grant Plaintiffs such further relief as the Court deems just and proper.

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Dated: July 1, 2014

Respectfully submitted,

Michael Temple Risher
Novella Y. Coleman
American Civil Liberties Union
Foundation of Northern California, Inc.

By: 
Novella Y. Coleman
Attorneys for Plaintiffs

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VERIFICATION

I, Natalie Chamberlain, have read this Verified Petition for Writ of Mandate and Complaint for Declaratory and Injunctive Relief in the matter of *Chamberlain v. Mims*. I am informed, and do believe, that the matters herein are true. On that ground I allege that the matters stated herein within paragraphs 1-7 and 10-56 are true. In addition, the facts within paragraphs 8 and 9 are within my own personal knowledge and I know them to be true.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

DATED: June 27, 2014

Natalie C Chamberlain

Exhibit A

POLICIES AND PROCEDURES

TITLE: RELIGIOUS DIETS
FILE: RELIGIOUS DIETS

NO: E-185

EFFECTIVE DATE: 01-01-01

REVISED:

APPROVED BY: Sheriff R. Pierce

AUTHORITY: Title 15, Sections 1072 and 1241; Oluwa v Gomez, 133 F.3d 1237 (9th Cir. 1998).

PURPOSE:

The purpose of this policy is to implement procedures which insure the rights of inmates to exercise freedom of religion and allow them to adhere to their religious food practices while incarcerated.

POLICY:

The Fresno County Sheriff's Department Detention Bureau recognizes that inmates have a First Amendment right to freedom of religion, and that an inmate's adherence to a religious food practice may constitute exertion of that right. It is therefore the Sheriff's Department's policy to allow inmates who demonstrate a sincere religious belief within a major, legitimate, recognized religious community, to receive an orthodox religious diet. It is the policy of the Fresno County Sheriff's Department Detention Bureau to confirm an inmate's request for particular food items as decreed by established religious practices. Provisions will not be made for inmates who request special diets based strictly upon personal food preferences.

PROCEDURES:

I. RELIGIOUS DIETS

- A. Inmates who desire a religious diet shall submit a Request Slip to the Inmate Programs Unit/Volunteer Services Coordinator.
- B. The inmate must be a practicing member of a recognized religious community and provide information regarding their religious affiliation, clergy, and place of worship.

POLICIES AND PROCEDURES

TITLE: RELIGIOUS DIETS
FILE: RELIGIOUS DIETS

NO: E-185

- C. The Volunteer Services Coordinator will contact the religious clergy from the inmate's faith community to obtain verification of the inmate's affiliation within the faith community.
- D. If the religious clergy from the faith community is unable to verify the inmate's affiliation, the Volunteer Services Coordinator will contact a local representative of the inmate's professed religious community to assist in determining the validity of the request.
- E. The determination to fulfill the request will be made, once the verification process has been completed.

II. VEGETARIAN DIETS

Vegetarian and vegan diets are considered food preference diets and are honored only when based on medical need. Vegetarians are provided a regular meal and informed to avoid the items that contain meat or meat products.

Comment [src1]:

Vegan: Very restrictive, no animal products at all. Excludes animal flesh (meat, poultry, fish and seafood), animal products (eggs and dairy), and usually excludes honey and the wearing and use of animal products (leather, silk, wool, lanolin, gelatin...).

III. DISCONTINUATION OF A RELIGIOUS DIET

- A. If an inmate is caught straying from their prescribed religious diet, the discovering staff member shall initiate an Incident Report and forward a copy to the Volunteer Services Coordinator for investigation. If substantiated, the inmate may be removed from the special diet list.
- B. If an inmate requests to discontinue a prescribed religious diet, their request will be honored. However, the inmate will not be allowed to vacillate between a religious diet and a regular meal. Once the inmate discontinues the religious diet, any subsequent request to return to a religious diet will not be considered.

IV. GLOSSARY OF TERMS

Religious food practices vary widely. Prohibitions and restrictions within a particular faith might vary between denominations or branches. Certainly, the observance of religious food practices is not restricted to the Muslim or Jewish faiths, however, they are the most frequently encountered. The

POLICIES AND PROCEDURES

TITLE: RELIGIOUS DIETS
FILE: RELIGIOUS DIETS

NO: E-185

following terms reflect some of the more pervasive beliefs and practices.

A. MUSLIM (MOSLEM)

Halal: Permitted, allowed, authorized, approved, sanctioned, lawful, legal, legitimate or licit. That which Allah and the Prophet Muhammad have allowed to be done in a lawful manner.

Haram: That which Allah and the Prophet have completely and specifically forbidden. Engaging in an act that is Haram (i.e., eating food like pork, drinking alcohol, etc.) would lead to punishment in the Next Life, and maybe even in this Life.

Qur'an (Koran): the book composed of sacred writings accepted by Muslims as revelations made to Muhammad by Allah through the angel Gabriel.

Ramadan: Ramadan is the ninth month of the Islamic calendar and is mentioned in the Qur'an once, in 2:185: "Ramadan is the month during which the Qur'an was revealed, providing guidance for the people, clear teachings, and the statute book. Those of you who witness this month shall fast therein....."

Sawm: The Arabic word used for "fasting". The word sawm (plural siyam) literally means "to refrain", but as an Islamic term, it means refraining from food, drinks and sexual activity from dawn to sunset.

B. JEWISH

Kashrut (Kashruth): Kashrut is the body of Jewish law dealing with what foods can and cannot be eaten, and how those foods must be prepared and eaten. "Kashrut" comes from the Hebrew root Kaf-Shin-Resh, meaning fit, proper or correct. It is the same root as the more commonly known word "kosher," which describes food that meets those standards.

Comment [src2]:
For a food or drink to be described as Halal, it must conform to the Islamic dietary laws as specified in the Qur'an (or other religious teachings). For a product to be Halal it must be as a whole and in part:

1. Free of, and not containing any substance or ingredient taken or extracted from a haram animal or ingredient.
2. Made processed, produced, manufactured and/or stored by using utensils, equipment and/or machinery that has been cleansed according to Islamic law.
3. Must never have come into contact with, touch or be close to a haram substance during preparation, making, production, manufacture, processing and/or storage.

Comment [src3]:
HARAM PRODUCTS:
A product is considered Haram if it comes into contact with, or contains as a whole or in part: "Carrion, blood, the flesh of swine"
a. Animals not slaughtered in a halal manner.
b. Pig, Dog, Donkey or Carnivor ... [1]

Comment [src4]:

Comment [src5]:

Comment [src6]:
Ramadan will begin on:
November 27, 2000 through
December 25, 2000.
November 16, 2001 through ... [2]

Comment [src7]:

Comment [src8]: Although the details of kashrut are extensive, the laws all derive from a few fairly simple, straightforward rules:
1. Certain animals may not be eaten at all. This restriction includes the ... [3]

Comment [src9]:
For birds, the criteria is less clear. The Torah lists forbidden birds, but does not specify why these particular birds are forbidden. All of the birds of ... [4]

Comment [src10]:

POLICIES AND PROCEDURES

TITLE: RELIGIOUS DIETS
FILE: RELIGIOUS DIETS

NO: E-185

Kosher: (see Kashrut). Sanctioned by Jewish law. Food that is not kosher is commonly referred to as treyf (torn, from the commandment not to eat animals that have been torn by other animals).

Torah: the body of wisdom and law contained in Jewish Scripture and other sacred literature and oral tradition.

Yom Kippur: Day of Atonement. Holiday occurring in September or the first half of October, observed with fasting and prayer on the 10th day of Tishri, in accordance with the rites described in Leviticus 16.

Comment [src11]:
October 9, 2000; September 27,
2001; September 16, 2002

HARAM PRODUCTS:

A product is considered Haram if it comes into contact with, or contains as a whole or in part: "Carrion, blood, the flesh of swine"

- a. Animals not slaughtered in a halal manner.
- b. Pig, Dog, Donkey or Carnivores.
- c. Dead animals due to strangulation. A blow to the head (as in clubbing), a headlong fall, natural causes (carrion), being gored or attacked by another animal.
- d. Animals having protruding canine teeth such as monkeys, cats, and lions.
- e. Amphibious animals such as frogs, crocodiles, and turtles.
- f. Undesirable insects such as worms, flies, and cockroaches.
- g. Birds of prey with talons such as owls, and eagles.
- h. Alcohol, harmful substances, poisonous and intoxicating plants or drinks.
- i. Blood

Ramadan will begin on:
November 27, 2000 through December 25, 2000.
November 16, 2001 through December 14, 2001.

Although the details of kashrut are extensive, the laws all derive from a few fairly simple, straightforward rules:

1. Certain animals may not be eaten at all. This restriction includes the flesh, organs, eggs and milk of the forbidden animals.
2. Of the animals that may be eaten, the birds and mammals must be killed in accordance with Jewish law.
3. All blood must be drained from the meat or broiled out of it before it is eaten.
4. Certain parts of permitted animals may not be eaten.
5. Meat (the flesh of birds and mammals) cannot be eaten with dairy. Fish, eggs, fruits, vegetables and grains can be eaten with

either meat or dairy. (According to some views, fish may not be eaten with meat).

6. Utensils that have come into contact with meat may not be used with dairy, and vice versa. Utensils that have come into contact with non-kosher food may not be used with kosher food. This applies only where the contact occurred while the food was hot.
7. Grape products made by non-Jews may not be eaten.

Animals that may not be eaten:

Of the "beasts of the earth" (which basically refers to land mammals with the exception of swarming rodents), any animal that has cloven hooves and chews its cud may be eaten. Any land mammal that does not have both of these qualities is forbidden. The Torah specifies that the camel, the rock badger, the hare and the pig are not kosher because each lacks one of these two qualifications. Sheep, cattle, goats and deer are kosher.

Of the things that are in the waters, anything that has fins and scales may be eaten. Thus, shellfish such as lobsters, oysters, shrimp, clams and crabs are all forbidden. Fish like tuna, carp, salmon and herring are all permitted.

For birds,continued

For birds, the criteria is less clear. The Torah lists forbidden birds, but does not specify why these particular birds are forbidden. All of the birds on the list are birds of prey or scavengers, thus the rabbis inferred that this was the basis for the distinction. Other birds are permitted, such as chicken, geese, ducks and turkeys. Of the "winged swarming things" (winged insects), a few are specifically permitted (Lev. 11:22), but the Sages are no longer certain which ones they are, so all have been forbidden.

Rodents, reptiles, amphibians, and insects (except as mentioned above) are all forbidden.

Exhibit B

FRESNO COUNTY SHERIFF'S OFFICE
JAIL DIVISION POLICIES AND PROCEDURES

TITLE: INMATE GRIEVANCE PROCEDURE
FILE: GRIEVANCE

NO: E-140

EFFECTIVE DATE: 08-06-90

REVISED: 12-25-94, 08-03-95, 10-01-97, 07-01-98,
01-01-00, 01-01-01, 07-01-01, 06-01-06,
10-01-13, 12-16-13

APPROVED BY: Sheriff M. Mims

BY: Assistant Sheriff T. Gattie

REFERENCES: California Code of Regulations, Title 15, Section 1073; Prison Litigation Reform Act of 1995 (PLRA); 28 CFR 40 (Standards for Inmate Grievance Procedures); 42 USC 1997 (Civil Rights of Institutionalized Persons Act); and 45 USC 15601 - 15609 (Prison Rape Elimination Act of 2003).

PURPOSE:

The purpose of this policy is to establish a means for an inmate to seek formal review of an issue relating to any aspect of his/her own confinement that is subject to the Sheriff's authority. The Inmate Grievance Procedure enables the Jail Division to identify individual and systemic problems and to resolve legitimate complaints in a timely manner.

POLICY:

It is the policy of the Fresno County Sheriff's Office Jail Division that the inmate grievance procedure shall be utilized in order to provide the best and most expedient resolution to the complaint at the lowest appropriate staff level, and also allow for appeal to the next level of review.

It is the policy of the Fresno County Sheriff's Office Jail Division that an inmate may appeal and have resolved grievances relating to any condition of confinement that affects the inmate personally.

PROCEDURES:

I. GENERAL INFORMATION

- A. Inmates may appeal and have resolved grievances relating to any condition of confinement, including but not limited to:

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1. Classification
 2. Clothing and Bedding
 3. Commissary
 4. Disciplinary actions (refer to Section V)
 5. Food
 6. Legal Services
 7. Mail
 8. Maintenance
 9. Medical Care (refer to Section VII)
 10. Mental Health
 11. Miscellaneous
 12. Money
 13. Officer Conduct
 14. Program Participation
 15. Property (lost property grievances must also be given a *Lost Property Claim* form)
 16. Sanitation
 17. Sexual abuse, sexual misconduct, or sexual harassment (refer to Section VI)
 18. Telephone
 19. Visiting procedures
- B. Inmates may utilize the inmate grievance procedure regardless of their disciplinary status, housing location, or classification. Appropriate provisions shall be made to ensure inmates who are not fluent in English, persons with disabilities, inmates with low literacy level, the elderly, and the mentally ill have access to the inmate grievance procedure.

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- C. Pursuant to the Prison Litigation Reform Act of 1996 (PLRA), inmates must completely exhaust the Jail's internal grievance and appeals processes prior to filing any complaint (i.e., writ) with the court.
- D. Inmates are not required to use the formal inmate grievance procedure to submit a verbal or written emergency complaint.
 - 1. An emergency is a condition which, if processed through the normal grievance timeframes, would subject the inmate to substantial risk of personal injury, or cause other serious and irreparable harm.
 - 2. Any emergency complaint (as defined in section I(D)(1) of this section) received by staff shall be forwarded immediately, without substantive review, to the level at which corrective action can be taken.
- E. Staff receiving a grievance that describes activity which may be in violation of the Prison Rape Elimination Act of 2003 (PREA) shall immediately notify the on-duty Watch Commander. (Refer to Section VI.)
- F. Inmates may file grievances and appeals directly to the Bureau Commander when the content of the grievance is of a nature which would pose a threat to the safety of the inmate, staff, or other inmates if the grievance were filed through established procedures. (Refer to Section VIII.)
- G. A grievance may be denied on procedural grounds, without addressing the substantive issues. Whenever a submission is rejected, the inmate shall be provided a written notice explaining the reason for the rejection. (Refer to Section IX.)
- H. Inmates may not grieve the decision on a previous grievance regarding the same matter (i.e., the results of a grievance may not be grieved).
- I. The Sheriff's Office does not accept or process grievances against arresting agencies, judges, courts or other institutional facilities or agencies outside the jurisdiction of the Fresno County Sheriff's Office.

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II. FILING A GRIEVANCE

- A. Inmates are expected to make reasonable attempts to resolve a complaint prior to submitting a grievance. Staff is to take an active role in resolving complaints or problems. Problems that are unable to be solved informally by staff through dialogue and discussion may be addressed by following the procedures in this policy.
- B. All grievances must be filed on an individual basis by the respective inmate identifying the specific nature of the grievance. Inmates may only pursue a grievance concerning a problem that affects the inmate personally, with the following exceptions:
1. The inmate is so physically or emotionally handicapped as to be incapable of filing a grievance.
 2. The grievance involves the sexual abuse, sexual misconduct, or sexual harassment of another inmate.
 3. The grievance involves staff misconduct.
- C. If an inmate cannot complete the grievance form due to language, physical, or competency and capacity barriers, another person (Jail staff or another inmate) may assist in completing the form. However, the inmate submitting the grievance must sign the grievance form. Translation services or other assistance for submission of a grievance form for non-English speaking inmates or inmates who have difficulty with reading and writing will be made available upon request.
- D. Inmates may only file one issue on each grievance. Problems that arise from the same incident, or involve a reasonable number of closely related issues, may be submitted on one form. Any grievance that is submitted with multiple unrelated issues shall be rejected and the inmate shall be advised to use a separate form for each unrelated issue.
- E. The grievance must be individual in nature, even though others may be similarly affected. Each inmate is responsible to retain the duplicate copy of their original grievance as receipt of submission. Multiple grievances that concern the same subject matter may be addressed in one general published response by the Bureau Commander, or designee. The response shall be signed and posted in each affected dayroom area. The published response shall be referenced on the grievance response.

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III. REQUEST AND ROUTING OF INMATE GRIEVANCE FORM

- A. Inmates who wish to grieve a condition of confinement may submit an *Inmate Grievance Form* (J-105) within fourteen (14) calendar days from the date of the incident relating to the grievance, unless the condition or issue is ongoing. Failure to submit a grievance within 14 days will be considered abandonment. The grievance response will note that the inmate exceeded the timeframe and no action will be taken. Exceptions shall be made for discipline grievances (refer to Section V) and grievances regarding sexual abuse (refer to Section VI).
- B. *Inmate Grievance Forms* are available from the housing floor officers.
- C. The officer who provides the *Inmate Grievance Form* to the inmate shall determine if the inmate's grievance can be resolved at that time by taking the appropriate action. If the grievance cannot be resolved at line staff level, the inmate shall be provided with an *Inmate Grievance Form*. The officer shall provide the necessary information or instructions for the proper completion of the form.
- D. The officer who accepts the completed *Inmate Grievance Form* shall be responsible to:
 - 1. Ensure the inmate's portion is properly completed.
 - 2. Determine if the grievance can be resolved at their level.
 - a. If the grievance can be rectified, it shall be. An explanation as to how the grievance was resolved shall be written in the appropriate portion of the *Inmate Grievance Form*. The inmate may withdraw the grievance by checking the appropriate box and signing their name. However, the *Inmate Grievance Form* must still be routed to the Distribution Room for statistical purposes.
 - b. If the grievance cannot be rectified, the appropriate box shall be checked on the *Inmate Grievance Form*.
 - 3. Sign, date and place their computer number on the form in a legible manner.
 - 4. Give the inmate their copy of the *Inmate Grievance Form*.

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5. The form shall be placed in the Grievance bin in the Distribution Room prior to the end of the shift. However, if the inmate is currently serving discipline time and the grievance is specific to the rule violation for which the inmate is doing their time, or involves an emergency grievance, the grievance shall be given to the on-duty Watch Commander for immediate investigation and review.
- E. The designated Grievance Coordinator or their relief (or the on-duty Watch Commander, if the circumstances as delineated in Section I(D)(1) apply) will be responsible to log the grievance in Offendertrak and forward the grievance to the appropriate Lieutenant or Manager/Supervisor for investigation. [Refer to Addendum A for the procedures necessary to complete the Offendertrak entries.]
- F. The Lieutenant or Manager/Supervisor to whom the grievance is forwarded shall assign the grievance for investigation and be responsible to revise the grievance log with the name of the investigator to whom it was assigned. An employee who appears to be involved in the matter shall not participate in any capacity in the resolution of the grievance.

IV. GRIEVANCE PROCESS

- A. Grievances shall be investigated and processed for review within a reasonable amount of time after submission, usually within fourteen (14) calendar days.
- B. Based upon the findings of the investigation, the investigating staff member shall make a recommendation to either sustain or not sustain the inmate grievance.
 1. If the grievance is found to be not sustained, an explanation for not sustaining the grievance shall be indicated.
 2. If the grievance is sustained, any action taken to remedy the grievance shall be indicated.
- C. The grievance and any documentation concerning the grievance, along with a recommendation from the investigating staff member, shall be reviewed by the Lieutenant or Manager/Supervisor (or their designee), who will make a determination to either sustain or not sustain the grievance. If a grievance is sustained, the affected Lieutenant or

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Manager/Supervisor shall be responsible to ensure the rectification of the problem.

- D. The completed grievance form shall be returned to the Grievance Coordinator who will be responsible to:
 - 1. Scan and log all grievance responses, regardless of disposition (e.g., sustained, not sustained, rejected).
 - 2. Return the original signed form to the inmate to serve as notice of the action taken concerning the matter.
- E. An inmate who is dissatisfied with the response to a grievance may appeal the grievance to the next level within five (5) calendar days.

V. DISCIPLINARY GRIEVANCES

- A. Discipline grievances are limited to issues concerning the discipline procedure or violations of due process rights, not the outcome of the discipline. For example, an inmate may file a disciplinary grievance if their hearing was given by an officer who witnessed or was directly involved in the violation, or the hearing was not offered within the established time parameters. Inmates may not grieve the results of the hearing.
- B. In an effort to thwart attempts to impede the disciplinary process, grievances submitted concerning discipline issues must be submitted within forty-eight (48) hours from the time the rule violation hearing process is completed and the inmate is notified of the outcome.
- C. If the inmate is currently serving discipline time and the grievance is specific to the rule violation for which the inmate is doing their time, the grievance shall be given to the on-duty Watch Commander for immediate investigation and review.
- D. If a discipline grievance is sustained and the inmate is currently serving discipline time (and the grievance is specific to the rule violation for which the inmate is doing their time), the inmate shall be removed from discipline and copies of the grievance shall be forwarded to the Population Management Unit. The Watch Commander shall ensure that the designated Information Technology personnel are notified to expunge the associated Offendertrak records.

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- E. Population Management shall be responsible to make any appropriate transfers, and cancel all corresponding discipline events.

VI. SEXUAL ABUSE GRIEVANCES

- A. There shall be no time limit on when an inmate may submit a grievance regarding an allegation of sexual abuse.
- B. Third parties, including fellow inmates, staff members, family members, attorneys, and outside advocates, shall be permitted to assist inmates in filing requests for administrative remedies relating to allegations of sexual abuse, and shall also be permitted to file such requests on behalf of inmates.
1. If a third party files such a request on behalf of an inmate, the Watch Commander may require as a condition of processing the request that the alleged victim agree to have the request filed on their behalf, and may also require the alleged victim to personally pursue any subsequent steps in the administrative remedy process.
 2. If the inmate declines to have the request processed on their behalf, that decision shall be documented.
- C. An inmate may file an emergency grievance if they believe they are subject to a substantial risk of imminent sexual abuse.
1. After receiving an emergency grievance alleging an inmate is subject to a substantial risk of imminent sexual abuse, the grievance shall be immediately forwarded to the on-duty Watch Commander, who shall log and assign the grievance for investigation.
 2. The initial response and final decision shall document the determination of whether the inmate is in substantial risk of imminent sexual abuse and the action taken in response to the emergency grievance.
- D. An inmate may be disciplined for filing a grievance related to alleged sexual abuse only where it can be demonstrated that the inmate filed the grievance in bad faith.

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VII. MEDICAL GRIEVANCES

- A. Medical grievances are limited to issues concerning timely and adequate care, not medications or the type of care.
- B. Due to the health and safety issues associated with medical grievances, inmates who file repetitive medical grievances claiming "absent medical concern" shall continue to be considered, despite their repetitious nature. They can, however, be limited to one grievance per week.

VIII. SENSITIVE ISSUES

- A. If the inmate reasonably believes the issue is sensitive and the inmate's safety or well-being would be placed in danger if the information became known, the inmate may submit the information directly to the appropriate Bureau Commander in a sealed envelope marked "Confidential". The inmate shall explain, in writing, the reason for not submitting a grievance to custody staff. If the Bureau Commander agrees that the information is sensitive, the Bureau Commander shall direct an investigation as appropriate.
 - 1. Sensitive issues shall be handled in a confidential manner.
 - 2. The grievance form shall not be returned to the inmate.
- B. If the Bureau Commander determines that the matter is appropriate for handling through the grievance procedure, the letter may be returned to the inmate with instructions to the inmate to make use of and follow the proper grievance procedure.

IX. REJECTION

- A. Any grievance or appeal that does not meet any requirement may be rejected and returned to the inmate without investigation.
- B. A grievance may be denied on procedural grounds, without addressing the substantive issues for any of the following reasons. The grievance:
 - 1. Was not submitted within the established time parameters.
 - 2. Is not legible.

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3. Is not properly completed or is lacking specific details.
 4. Is incomprehensible.
 5. Was already grieved by the inmate or by another inmate and resolved.
 6. Is grieving an action not yet taken.
 7. Contains unrelated issues that should be presented in separate grievances.
 8. Does not concern a problem that affects the inmate personally.
 9. Fails to request relief or requests relief that is unclear or not available.
 10. Concerns a matter that is not within the jurisdiction of the Jail Division or the Fresno County Sheriff's Office.
 11. Or in any other way fails to comply with the provisions of the inmate grievance procedure.
- C. When a submission is rejected on procedural grounds, the grievance shall be logged as usual, however, the applicable reason for not processing the grievance shall be indicated by the reviewing Lieutenant/Manager and the grievance returned to the inmate. If the defect on which the rejection is based is correctable, the inmate shall be provided a reasonable time extension within which to correct the defect and resubmit the grievance or appeal, if necessary. Ordinarily, five (5) calendar days from the date of return to the inmate is reasonable for resubmission.
- D. When deciding whether to reject a submission, the reviewing Lieutenant/Manager should be flexible, keeping in mind that the primary purpose of the grievance system is to solve problems and be responsive to issues inmates raise. Thus, for example, consideration should be given to accepting a grievance or appeal that raises a sensitive or problematic issue, even though that submission may be somewhat untimely.

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X. ABUSE OF THE GRIEVANCE PROCEDURE

- A. Inmates who abuse the grievance system may be subjected to criminal, civil, disciplinary, and/or administrative action, depending on the nature of the abuse. A grievance may be denied without addressing the substantive issues for any of the following reasons. The grievance:
1. Contains profanity, insults, or racial slurs (unless included as an alleged direct quote of another party).
 2. Contains a threat of serious bodily injury to a specific individual.
 3. Is considered to be frivolous, malicious or harassing.
 4. Demonstrates a pattern of abuse of the grievance system.
- B. A demonstrated pattern of abuse of the grievance procedure may be established if the inmate files:
1. Cumulative and/or repetitious grievances.
 2. Knowingly false statements.
 3. Factually incredible grievances, or those clearly devoid of merit.
 4. An excessive number of unfounded, frivolous, or otherwise abusive grievances.
 5. Two (2) or more emergency grievances per month which are deemed not to be emergencies.
- C. If an inmate files a grievance as listed in (A) or (B) above, the grievance shall be logged as usual, however, the applicable reason for not processing the grievance shall be indicated, and the grievance returned to the inmate. The inmate will not be given additional time to resubmit the grievance in the proper form.
- D. Inmates are limited to four (4) unfounded or frivolous grievances in a week, eight (8) in a calendar month, or twenty (20) in any 180 consecutive days, if the current grievance is not substantial. A week is defined as Sunday through Saturday. The reason why a grievance has been considered frivolous shall be documented.

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- E. If a life, health or safety situation arises whereby there is a valid reason to submit more than four (4) grievances in one week, eight (8) in a calendar month, or twenty (20) in any 180 consecutive days, the inmate must clearly state in writing the reason for submission of the grievance above the number restricted. If the on-duty Watch Commander determines that these reasons are not clear, concise, or valid for submission of an additional grievance, the grievance will be returned to the inmate denied.

XI. APPEAL

- A. An inmate who is not satisfied with the response received may submit an *Inmate Grievance Appeal* form within five (5) calendar days from the date of receipt.
- B. The scope of the original grievance cannot be expanded. No additional information may be submitted unless the information was unavailable to the inmate at the time the original grievance was filed and the information is directly related to the alleged issue being grieved.
- C. The Bureau Commander shall review the grievance, the investigation, and the response signed by the reviewing Lieutenant/Manager. The Bureau Commander may return the grievance to the appropriate Lieutenant or Manager for additional investigation.
- D. Within twenty (20) workdays, the Bureau Commander or designee shall issue a written response to the inmate which either affirms or reverses the decision of the Lieutenant or Manager. Should the Bureau Commander reverse the decision of the Lieutenant or Manager, the Bureau Commander shall provide the inmate with written notification of the corrective action to be taken.
- E. The decision of the Bureau Commander shall be final and constitutes exhaustion of all remedies within the agency.
- F. Medical grievances may be appealed to the Medical Director. The Director may delegate signature authority for any and all grievance appeal responses. The decision of the Director is final and constitutes exhaustion of all remedies within the agency.

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XII. PROTECTION AGAINST REPRISAL

- A. Retaliation or threat of retaliation for use of the inmate grievance procedure is strictly prohibited. The inmate may pursue any alleged or threatened retaliation through the inmate grievance procedure.
- B. Adverse action shall not be taken against any inmate for use of the grievance procedure unless the inmate uses the grievance for the following purposes:
 - 1. To communicate a threat to a specific individual or to the security of the facility.
 - 2. To make a complaint knowing that it is false, malicious, or made in bad faith. (Failure of an inmate to substantiate his/her grievance allegations shall not, by itself, be used as grounds to initiate disciplinary action against the inmate.)

Exhibit C

DF

INMATE REQUEST FORM

NAME DIMITRIOS KASTIS DATE OF BIRTH 3-31-55

BOOKING #: 0526875 JID #: 7001169 DATE 9-22-13

HOUSING LOCATION: FACILITY NJ FLOOR 4 POD/CELL D-21

REQUEST (Use the GREEN request form for medical issues.) **Check only ONE per request:**

FLOOR/SECURITY OFFICERS

- When is my next COURT DATE?
- I would like a GRIEVANCE FORM
- I would like a HAIRCUT (once per month)
- I would like to be an INMATE WORKER
- I would like a LEGAL ENVELOPE
- I would like a MANILA LEGAL ENVELOPE (must have legal materials ready to mail)
- I would like to use the NAIL CLIPPERS
- I would like to modify my VISITING LIST
- I would like a 1381 FORM (sentenced with out-of-county warrant)
- Other

LAUNDRY SUPERVISOR

- I would like to request a CLOTHING EXCHANGE (provide reason for request and size needed or request will not be processed)
- I would like to exchange my BLANKET (and it's been more than 90 days)

LEGAL RESEARCH

- I would like a WRIT OF HABEAS CORPUS
- VC 41500 FORM (to dismiss non-felony traffic citations) - must be sent to CDC/CYA
- LETTER OF MODIFICATION
- PROOF OF SERVICE
- OTHER

CLASSIFICATION/POPULATION MANAGEMENT

- I would like to request a CLASSIFICATION REVIEW (refer to the Inmate Handbook for review guideline)
- Other

Request I HAVE DENOUNCED CHRISTIANITY. A VISIT FROM A RABBI IS REQUESTED. THE CHRISTIAN CHAPLAIN HAS NOT HELP. PLEASE ADJUST/CHANGE FOOD TO A KOSHER FOOD IN ACCORDANCE WITH JEWISH LAW. MY CONVERSION IS SUPPORTED BY THE 1ST AMENDMENT TO THE UNITED STATES CONSTITUTION AND FREEDOM OF RELIGION.

Response you can write Rabbi Zirkind
Chabad of Fresno
1227 E Sheperd Ave

Request Answered By: Fresno CA 93720 Date: 9/23/13

He will not come see converts, you + mother must be Jewish, he is too busy otherwise, just so you know.

RECORDS

- I would like to talk to my PAROLE AGENT
Agent's Name _____ CDC# _____
- I would like to talk to my PROBATION OFFICER
Probation Officer's Name _____
- Other

DETENTION PROGRAMS

- I would like to find out what classes I can sign up for
- I would like to receive a copy of the "What's Available?" brochure
- I would like a list of local drug and batterer's treatment programs
- I would like to attend AA/NA
- I would like to attend EDUCATION classes
- I would like to be visited by a Chaplain
- Other

SERVICES UNIT

- I would like to request a PRIVILEGED COMMUNICATIONS form. Used for blocking telephone calls to your physician, religious advisor or out-of-town attorney. Submitting false or misleading information will be subject to discipline and having your phone-blocking privileges revoked.

OTHER

Use the space provided below.

THANK YOU!

Exhibit D

FRESNO COUNTY SHERIFF'S OFFICE
INMATE GRIEVANCE FORM

KASTIS DIMITRIOS 7001169 0836875 NJ-4-D-21 STATE & FEDERAL
Inmate's name as booked (last, first, middle) JID Number Booking Number Facility/Floor/Cell Federal Y/N

Name of Employee(s) (if involved in grievance): _____ Title/Rank _____

Name of Witness(es): _____ Housing Location - Facility/Floor/Cell _____

Date, Time and Location of Incident Relating to Grievance:
REPLY TO INMATE REQUEST FOR KOSHER MEALS: A DENIAL

Type of Grievance. Limit one grievable issue per Grievance Form. Check one of the following:

- | | | | | | |
|---|---|--------------------------------------|---|--|---------------------------------------|
| <input type="checkbox"/> Classification | <input type="checkbox"/> Disciplinary | <input type="checkbox"/> Mail | <input type="checkbox"/> Mental Health | <input type="checkbox"/> Officer Conduct | <input type="checkbox"/> Sexual Abuse |
| <input type="checkbox"/> Clothing/Bedding | <input type="checkbox"/> Food | <input type="checkbox"/> Maintenance | <input checked="" type="checkbox"/> Miscellaneous | <input type="checkbox"/> Property | <input type="checkbox"/> Telephone |
| <input type="checkbox"/> Commissary | <input type="checkbox"/> Legal Services | <input type="checkbox"/> Medical | <input type="checkbox"/> Money | <input type="checkbox"/> Sanitation | <input type="checkbox"/> Visiting |

You have fourteen (14) calendar days from the date the incident occurred to submit a grievance. Exceptions shall be made for discipline grievances (limited to 48-hours from the time of notification of the hearing outcome) and grievances regarding sexual abuse (no time limitation). Discipline grievances are limited to issues concerning the discipline procedure or violations of due process rights, not the outcome of the discipline. Medical grievances are limited to issues concerning timely and adequate care, not medications or the type of care. Filing repetitive, cumulative and/or frivolous grievances may result in the restriction of your right to file further grievances. You may not grieve the decision on a previous grievance regarding the same matter.

Describe the important details about the problem in a clear and understandable manner. Indicate the events, reasons, and relevant information that led you to file this grievance. State all relief that you are seeking (i.e., what action or outcome do you want?). Use and attach additional paper, if necessary. Include any report numbers, as applicable.

RECENTLY I MADE A DECISION TO PRACTICE THE RELIGION OF MY CHOICE: JEWISM. OBSERVING A PARTICULAR DIETARY REQUIREMENT IS A RATHER IMPORTANT PART OF IT. I INFORMED JAIL STAFF OF MY DECISION AND REQUESTED A CHANGE TO KOSHER MEALS. THE RESPONSE WAS A RATHER "PATHETIC" EXCUSE PROVIDED BY THE CHRISTIAN JAIL CHAPLAIN, REPRESENTING THE JAIL'S POSITION. (SEE EXHIBIT A).
THIS COUNTRY WAS CREATED BY PEOPLE ESCAPING TYRANNY, WISHING TO PRACTICE THE RELIGION OF THEIR CHOICE. I EXPECT THIS JAIL TO SHOW RESPECT FOR OUR CONSTITUTION AND MY DECISION TO PRACTICE THE RELIGION OF MY CHOICE, AND PROVIDE ME WITH KOSHER MEALS, INSTEAD OF PROHIBITING ME OF THE FREE EXERCISE OF MY RELIGION IN VIOLATION OF MY FIRST AMENDMENT RIGHTS

I CERTIFY THESE STATEMENTS TO BE TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF, UNDER PENALTY OF PERJURY.

Signature of Inmate: [Signature] Date: 10-25-13 Time Submitted: 1:40pm
NOTE: If this form has not been properly completed, it will be returned to you for completion prior to the initiation of an investigation.

TO BE COMPLETED BY ACCEPTING STAFF MEMBER ONLY

I was able to rectify the inmate's grievance and took the following action: _____

Signature of Receiving Officer _____ Computer Number _____ Date _____ Time/Shift Received _____

The above action is acceptable to me and I would like to withdraw my grievance:

Signature of inmate: _____

I am unable to resolve the grievance at my level

[Signature] 6529 10-25-13 1341/W2
Signature of Receiving Officer Computer Number Date Time/Shift Received

Exhibit E

INMATE GRIEVANCE REVIEW REPORT

Investigating Staff Member's Investigation and Recommendation: Inmate Kastis admits that he recently decided to pursue Judaism. Per Detention Policy E-185 "Religious Diets": The inmate must be a practicing member of a recognized religious community and be able to provide information regarding their religious affiliation, clergy and place of worship for the purpose of verification. Inmate Kastis is unable to provide the name of a Rabbi or synagogue where he has been practicing his Jewish Faith to verify his affiliation. Furthermore, the US Department of Justice, Federal Bureau of Prisons "Religious Beliefs and Practice Technical Reference Manual" provides the following guidelines with regards to conversion to Judaism: "Conversion must be accomplished with the approval and in the presence of a rabbinical court, consisting of three rabbinical authorities. The ritual of conversion must be preceded by the study of Judaism, an affirmation of its basic principles of faith, and a sincere resolution to observe its precepts and practices each day. The conversion must take place with the individual's voluntary clear consent and intention to observe Judaism's precepts. There can be nothing which could call into question the convert's sincerity. Accordingly, it is customary not to perform conversions in Correctional Facilities. Providing study and resource material is acceptable. Upon release from custody, the inmate may choose to continue his/her studies and subsequently arrange for a conversion with appropriate Rabbinical direction and supervision."

Inmates request for a Kosher Meal is denied based on his inability to provide the information necessary to verify his affiliation with the Jewish faith. Inmate has also been informed that based on the information above, the local Rabbi will not support the inmates request for a Kosher Diet based on his desire to convert to Judaism, but will provide study materials if requested. The current meals served in the Detention Facilities contain no Pork, and therefore are adequate to meet the dietary needs of an individual pursuing the teachings of the Jewish Faith.

Not Sustained

10/29/13 Date	Michelle LeFors Name of Investigating Staff Member	Offender Programs Manager Title/Rank of Investigating Staff Member	0269 Computer #
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Lieutenant or Manager/Supervisor's Review and Findings:

- Agrees with decision.
 Disagrees with decision. If disagrees, reason(s) for disagreement and action taken:

10/29/13 Date	 D. Kurtze	Lt Title/Rank	0622 Computer #
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IF YOU ARE NOT SATISFIED WITH THE RESPONSE, you may submit an Appeal within five (5) calendar days from the date of receipt. Appeal forms are available from the housing officers upon request.

Exhibit F

INMATE REQUEST FORM

NAME ROBERT L SOREUSEN DATE OF BIRTH 08-11-79
BOOKING #: 1244451 JID #: 1393218 DATE 9-23-13
HOUSING LOCATION: FACILITY NJ FLOOR 4 POD/CELL D04

REQUEST (Use the GREEN request form for medical issues.) **Check only ONE per request:**

FLOOR/SECURITY OFFICERS

- When is my next COURT DATE?
- I would like a GRIEVANCE FORM
- I would like a HAIRCUT (once per month)
- I would like to be an INMATE WORKER
- I would like a LEGAL ENVELOPE
- I would like a MANILA LEGAL ENVELOPE (must have legal materials ready to mail)
- I would like to use the NAIL CLIPPERS
- I would like to modify my VISITING LIST
- I would like a 1381 FORM (sentenced with out-of-county warrant)
- Other

LAUNDRY SUPERVISOR

- I would like to request a CLOTHING EXCHANGE (provide reason for request and size needed or request will not be processed)
- I would like to exchange my BLANKET (and it's been more than 90 days)

LEGAL RESEARCH

- I would like a WRIT OF HABEAS CORPUS
- VC 41500 FORM (to dismiss non-felony traffic citations) - must be sent to CDC/CYA
- LETTER OF MODIFICATION
- PROOF OF SERVICE
- OTHER

CLASSIFICATION/POPULATION MANAGEMENT

- I would like to request a CLASSIFICATION REVIEW (refer to the Inmate Handbook for review guideline)
- Other

Request I WOULD LIKE TO SEE A RABBI, I HAVE DECIDED TO JOIN THE JEWISH RELIGION. I WOULD ALSO REQUEST TO START RECEIVING KOSHER DIET PLEASE! THANK YOU

Response Rabbi Zirkind - Does not come Down to see Converts he is too busy. But you can write him at following address Chabad of Fresno (I was told it takes 2 year process to convert in Prison also - long process) 1227 E Shepherd Ave Fresno CA 93720 Tomy Date: 9/23/13

Request Answered By: Fresno CA 93720 Tomy Name/Computer Number Date: 9/23/13
We do not issue Kosher Diets to converts here in Fresno edbe.

RECORDS

- I would like to talk to my PAROLE AGENT
Agent's Name _____ CDC# _____
- I would like to talk to my PROBATION OFFICER
Probation Officer's Name _____
- Other

DETENTION PROGRAMS

- I would like to find out what classes I can sign up for
- I would like to receive a copy of the "What's Available?" brochure
- I would like a list of local drug and batterer's treatment programs
- I would like to attend AA/NA
- I would like to attend EDUCATION classes
- I would like to be visited by a Chaplain
- Other

SERVICES UNIT

- I would like to request a PRIVILEGED COMMUNICATIONS form. Used for blocking telephone calls to your physician, religious advisor or out-of-town attorney. Submitting false or misleading information will be subject to discipline and having your phone-blocking privileges revoked.

OTHER

- Use the space provided below.

Exhibit G

FRESNO COUNTY SHERIFF'S OFFICE INMATE GRIEVANCE FORM

SORENSEN, ROBERT L 1393218 1244451 NJ-4-004 N
 Inmate's name as booked (last, first, middle) JID Number Booking Number Facility/Floor/Cell Federal Y/N

Name of Employee(s) (if involved in grievance): _____ Title/Rank _____

Name of Witness(es): _____ Housing Location - Facility/Floor/Cell _____

Date, Time and Location of Incident Relating to Grievance:
REPLY TO INMATE REQUEST FOR KOSHER MEALS: DENIAL

- Type of Grievance - Limit one grievable issue per Grievance Form. Check one of the following:
- | | | | | | |
|---|---|--------------------------------------|---|--|---------------------------------------|
| <input type="checkbox"/> Classification | <input type="checkbox"/> Disciplinary | <input type="checkbox"/> Mail | <input type="checkbox"/> Mental Health | <input type="checkbox"/> Officer Conduct | <input type="checkbox"/> Sexual Abuse |
| <input type="checkbox"/> Clothing/Bedding | <input type="checkbox"/> Food | <input type="checkbox"/> Maintenance | <input checked="" type="checkbox"/> Miscellaneous | <input type="checkbox"/> Property | <input type="checkbox"/> Telephone |
| <input type="checkbox"/> Commissary | <input type="checkbox"/> Legal Services | <input type="checkbox"/> Medical | <input type="checkbox"/> Money | <input type="checkbox"/> Sanitation | <input type="checkbox"/> Visiting |

You have fourteen (14) calendar days from the date the incident occurred to submit a grievance. Exceptions shall be made for discipline grievances (limited to 48 hours from the time of notification of the hearing outcome) and grievances regarding sexual abuse (no time limitation). Discipline grievances are limited to issues concerning the discipline procedure or violations of due process rights, not the outcome of the discipline. Medical grievances are limited to issues concerning timely and adequate care, not medications or the type of care. Filing repetitive, cumulative and/or frivolous grievances may result in the restriction of your right to file further grievances. You may not grieve the decision on a previous grievance regarding the same matter.

Describe the important details about the problem in a clear and understandable manner. Indicate the events, reasons, and relevant information that led you to file this grievance. State all relief that you are seeking (i.e., what action or outcome do you want?). Use and attach additional paper, if necessary. Include any report numbers, as applicable:

I RECENTLY DECIDED TO PRACTICE JEWIDISM AS MY RELIGION. I INFORMED JAIL STAFF OF MY DECISION AND REQUESTED A CHANGE IN DIET TO KOSHER MEALS, OBSERVING THE PARTICULAR DIET REQUIREMENTS OF JEWIDISM RELIGION. THE RESPONSE FROM THE CHAPLAIN WAS DISTURBING TO ME, ITS AS IF HE IS TRYING TO DISCOURAGE ME FROM PRACTICE THE RELIGION OF MY CHOICE, WHICH WOULD BE A CONSTITUTIONAL VIOLATION TO PRACTICE THE RELIGION OF MY CHOICE, AND PROVIDE KOSHER MEALS THAT GO ALONG WITH MY RELIGIOUS PRACTICES. PLEASE DO NOT DEPRIVE ME OF MY FIRST AMENDMENT RIGHTS, AND DO NOT DEPRIVE ME OF MY RELIGIOUS RIGHTS AND PRACTICES. THANK YOU

I CERTIFY THESE STATEMENTS TO BE TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF, UNDER PENALTY OF PERJURY.

Signature of Inmate: [Signature] Date: 10-25-13 Time Submitted: 1345
 NOTE: If this form has not been properly completed, it will be returned to you for completion prior to the initiation of an investigation.

TO BE COMPLETED BY ACCEPTING STAFF MEMBER ONLY			
I was able to rectify the inmate's grievance and took the following action: _____			
Signature of Receiving Officer	Computer Number	Date	Time/Shift Received
The above action is acceptable to me and I would like to withdraw my grievance: _____			
Signature of inmate: _____			
<input checked="" type="checkbox"/> I am unable to resolve the grievance at my level			
<u>[Signature]</u> Signature of Receiving Officer	<u>6529</u> Computer Number	<u>10-25-13</u> Date	<u>1344/WJ</u> Time/Shift Received

Exhibit H

INMATE GRIEVANCE REVIEW REPORT

Investigating Staff Member's Investigation and Recommendation: Inmate Sorensen admits that he recently decided to pursue Judaism. Per Detention Policy E-185 "Religious Diets": The inmate must be a practicing member of a recognized religious community and be able to provide information regarding their religious affiliation, clergy and place of worship for the purpose of verification. Inmate Sorensen is unable to provide the name of a Rabbi or synagogue where he has been practicing his Jewish Faith to verify his affiliation. Furthermore, the US Department of Justice, Federal Bureau of Prisons "Religious Beliefs and Practice Technical Reference Manual" provides the following guidelines with regards to conversion to Judaism: "Conversion must be accomplished with the approval and in the presence of a rabbinical court, consisting of three rabbinical authorities. The ritual of conversion must be preceded by the study of Judaism, an affirmation of its basic principles of faith, and a sincere resolution to observe its precepts and practices each day. The conversion must take place with the individual's voluntary clear consent and intention to observe Judaism's precepts. There can be nothing which could call into question the convert's sincerity. Accordingly, it is customary not to perform conversions in Correctional Facilities. Providing study and resource material is acceptable. Upon release from custody, the inmate may choose to continue his/her studies and subsequently arrange for a conversion with appropriate Rabbinical direction and supervision."

Inmates request for a Kosher Meal is denied based on his inability to provide the information necessary to verify his affiliation with the Jewish faith. Inmate has also been informed that based on the information above, the local Rabbi will not support the inmates request for a Kosher Diet based on his desire to convert to Judaism, but will provide study materials if requested. The current meals served in the Detention Facilities contain no Pork, and therefore are adequate to meet the dietary needs of an individual pursuing the teachings of the Jewish Faith.

Not Sustained

10/29/13 Date	Michelle LeFors Name of Investigating Staff Member	Offender Programs Manager Title/Rank of Investigating Staff Member	0269 Computer #
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Lieutenant or Manager/Supervisor's Review and Findings:

- Agrees with decision.
 Disagrees with decision. If disagrees, reason(s) for disagreement and action taken:

10-29-13 Date	 D. Kurtze	Lt Title/Rank	0622 Computer #
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IF YOU ARE NOT SATISFIED WITH THE RESPONSE, you may submit an Appeal within five (5) calendar days from the date of receipt. Appeal forms are available from the housing officers upon request.

Exhibit I

INMATE REQUEST FORM

11

NAME Buck E Plumlee DATE OF BIRTH 2-20-1977

BOOKING #: 1229094 JID #: 0890827 DATE 10-15-13

HOUSING LOCATION: FACILITY NJ FLOOR 4 POD/CELL D-35

REQUEST (Use the GREEN request form for medical issues.) **Check only ONE per request:**

FLOOR/SECURITY OFFICERS

- When is my next **COURT DATE?**
- I would like a **GRIEVANCE FORM**
- I would like a **HAIRCUT** (once per month)
- I would like to be an **INMATE WORKER**
- I would like a **LEGAL ENVELOPE**
- I would like a **MANILA LEGAL ENVELOPE** (must have legal materials ready to mail)
- I would like to use the **NAIL CLIPPERS**
- I would like to modify my **VISITING LIST**
- I would like a **1381 FORM** (sentenced with out-of-county warrant)
- Other

LAUNDRY SUPERVISOR

- I would like to request a **CLOTHING EXCHANGE** (provide reason for request and size needed or request will not be processed)
- I would like to exchange my **BLANKET** (and it's been more than 90 days)

LEGAL RESEARCH

- I would like a **WRIT OF HABEAS CORPUS**
- VC 41500 FORM** (to dismiss non-felony traffic citations) - must be sent to CDC/CYA
- LETTER OF MODIFICATION**
- PROOF OF SERVICE**
- OTHER**

CLASSIFICATION/POPULATION MANAGEMENT

- I would like to request a **CLASSIFICATION REVIEW** (refer to the Inmate Handbook for review guideline)
- Other

RECORDS

- I would like to talk to my **PAROLE AGENT**
Agent's Name _____ CDC# _____
- I would like to talk to my **PROBATION OFFICER**
Probation Officer's Name _____
- Other

DETENTION PROGRAMS

- I would like to find out what classes I can sign up for
- I would like to receive a copy of the "What's Available?" brochure
- I would like a list of local drug and batterer's treatment programs
- I would like to attend AA/NA
- I would like to attend EDUCATION classes
- I would like to be visited by a Chaplain
- Other

SERVICES UNIT

- I would like to request a **PRIVILEGED COMMUNICATIONS** form. Used for blocking telephone calls to your physician, religious advisor or out-of-town attorney. Submitting false or misleading information will be subject to discipline and having your phone-blocking privileges revoked.

OTHER

- Use the space provided below.

ATTENTION: CHAPLAIN

You can write him.

Request I AM A NEW CONVERT TO THE JEWISH RELIGION. PLEASE ADJUST MY DIETARY NEED TO KOSHER FOOD, AND PROVIDE ME WITH THE NAME AND ADDRESS OF THE RABBI THAT HANDLES INMATES. ALSO PROVIDE ME WITH ANY HEBREW MATERIAL YOU MIGHT HAVE. THANK YOU

Response Rabbi Zirking He will not come visit converts - say Chabad of Fresno too busy on gup materials. He says you 1227 E Sheperd Ave can read the first 5 Books of old test- Fresno CA 93720 of Moses.

Request Answered By: _____ Name/Computer Number _____ Date: 10/17/13
We Do not issue kosher meals to converts - only certified Jewish that are certified by their Rabbi - also many Jews are not observant kosher anymore

Exhibit J

Grievance # _____

Logged by _____

FRESNO COUNTY SHERIFF'S OFFICE INMATE GRIEVANCE FORM

PLUMLEE Buck EUGENE 0890827 1229099 NJ-4 035 N
Inmate's name as booked (last, first, middle) JID Number Booking Number Facility/Floor/Cell Federal Y/N

Name of Employee(s) (if involved in grievance): _____ Title/Rank _____

Name of Witness(es): _____ Housing Location - Facility/Floor/Cell _____

Date, Time and Location of Incident Relating to Grievance:
RELAT TO INMATE REQUEST FOR KOSHER MEALS DENTAL

- Type of Grievance. Limit one grievable issue per Grievance Form. Check one of the following:
- | | | | | | |
|---|---|--------------------------------------|---|--|---------------------------------------|
| <input type="checkbox"/> Classification | <input type="checkbox"/> Disciplinary | <input type="checkbox"/> Mail | <input type="checkbox"/> Mental Health | <input type="checkbox"/> Officer Conduct | <input type="checkbox"/> Sexual Abuse |
| <input type="checkbox"/> Clothing/Bedding | <input type="checkbox"/> Food | <input type="checkbox"/> Maintenance | <input checked="" type="checkbox"/> Miscellaneous | <input type="checkbox"/> Property | <input type="checkbox"/> Telephone |
| <input type="checkbox"/> Commissary | <input type="checkbox"/> Legal Services | <input type="checkbox"/> Medical | <input type="checkbox"/> Money | <input type="checkbox"/> Sanitation | <input type="checkbox"/> Visiting |

You have fourteen (14) calendar days from the date the incident occurred to submit a grievance. Exceptions shall be made for discipline grievances (limited to 48-hours from the time of notification of the hearing outcome) and grievances regarding sexual abuse (no time limitation). Discipline grievances are limited to issues concerning the discipline procedure or violations of due process rights, *not* the outcome of the discipline. Medical grievances are limited to issues concerning timely and adequate care, not medications or the type of care. Filing repetitive, cumulative and/or frivolous grievances may result in the restriction of your right to file further grievances. You may not grieve the decision on a previous grievance regarding the same matter.

Describe the important details about the problem in a clear and understandable manner. Indicate the events, reasons, and relevant information that led you to file this grievance. State all relief that you are seeking (i.e., what action or outcome do you want?). Use and attach additional paper, if necessary. Include any report numbers, as applicable:

I HAVE CONVERTED TO JUDAIISM. ON 11-13-13 I REQUESTED KOSHER MEALS. MY REQUEST TO PRACTICE THE RELIGION OF MY CHOICE THE WAY I BELIEVE I SHOULD PRACTICE IT, WAS DENIED EXCEPT FOR A RANGE FROM CERTIFICATION NEEDED TO JEWS. NOW DAYS DONT EAT KOSHER MEAL ANYMORE. THIS IS COURAGING ATTEMPT BY THE JAIL STAFF DENIES ME MY RIGHTS UNDER THE 1ST AMENDMENT TO THE U.S. CONSTITUTION. PLEASE, PROVIDE ME WITH KOSHER MEALS. IT IS THE WAY I WANT TO PRACTICE MY RELIGION AND NO DISCOURAGEMENT FROM THE JAIL STAFF SHOULD DEPRIVE ME OF MY CONSTITUTIONAL RIGHT TO EXERCISE AND PRACTICE THE RELIGION OF MY CHOICE.

I CERTIFY THESE STATEMENTS TO BE TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF, UNDER PENALTY OF PERJURY.

Signature of Inmate: [Signature] Date: 11-17-13 Time Submitted: 10:17

NOTE: If this form has not been properly completed, it will be returned to you for completion prior to the initiation of an investigation.

TO BE COMPLETED BY ACCEPTING STAFF MEMBER ONLY

I was able to rectify the inmate's grievance and took the following action: _____

Signature of Receiving Officer _____ Computer Number _____ Date _____ Time/Shift Received _____

The above action is acceptable to me and I would like to withdraw my grievance:

Signature of inmate: _____

I am unable to resolve the grievance at my level

D. GAAD 6529 11-17-13 10:17/W2
Signature of Receiving Officer Computer Number Date Time/Shift Received

Exhibit K

INMATE GRIEVANCE REVIEW REPORT

Investigating Staff Member's Investigation and Recommendation: Inmate Plumlee admits that he recently decided to pursue Judaism. Per Detention Policy E-185 "Religious Diets": The inmate must be a practicing member of a recognized religious community and be able to provide information regarding their religious affiliation, clergy and place of worship for the purpose of verification. Inmate Plumlee is unable to provide the name of a Rabbi or synagogue where he has been practicing his Jewish Faith to verify his affiliation. Furthermore, the US Department of Justice, Federal Bureau of Prisons "Religious Beliefs and Practice Technical Reference Manual" provides the following guidelines with regards to conversion to Judaism: "Conversion must be accomplished with the approval and in the presence of a rabbinical court, consisting of three rabbinical authorities. The ritual of conversion must be preceded by the study of Judaism, an affirmation of its basic principles of faith, and a sincere resolution to observe its precepts and practices each day. The conversion must take place with the individual's voluntary clear consent and intention to observe Judaism's precepts. There can be nothing which could call into question the convert's sincerity. Accordingly, it is customary not to perform conversions in Correctional Facilities. Providing study and resource material is acceptable. Upon release from custody, the inmate may choose to continue his/her studies and subsequently arrange for a conversion with appropriate Rabbinical direction and supervision."

Inmates request for a Kosher Meal is denied based on his inability to provide the information necessary to verify his affiliation with the Jewish faith. The local Rabbi will not support the inmates request for a Kosher Diet based solely on his desire to convert to Judaism.

Not Sustained

11/20/13 Date	Michelle LeFors Name of Investigating Staff Member	Offender Programs Manager Title/Rank of Investigating Staff Member	0269 Computer #
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Lieutenant or Manager/Supervisor's Review and Findings:

- Agrees with decision.
 Disagrees with decision. If disagrees, reason(s) for disagreement and action taken:

11-20-13 Date	John Colton (Type Name of Person Reviewing)	Lieutenant Title/Rank	[Signature] Computer #
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IF YOU ARE NOT SATISFIED WITH THE RESPONSE, you may submit an Appeal within five (5) calendar days from the date of receipt. Appeal forms are available from the housing officers upon request.

Exhibit L

**FRESNO COUNTY SHERIFF'S OFFICE
INMATE GRIEVANCE APPEAL FORM**

Plumlee Buck Eugene 0890827 1229094 NJ-4-D-35
 Inmate's name as booked (last, first, middle) JID Number Booking Number Facility/Floor/Cell

Inmate Grievance Form # 2013110143

The number is found in the upper right hand corner of the form which you appeal. It is not necessary to submit your grievance with the appeal.

The appeal must be submitted within five (5) days from the date that the grievance response was returned to you.

The scope of the original grievance cannot be expanded. No additional information may be submitted unless the information was unavailable at the time the original grievance was filed and the information is directly related to the issue being grieved.

The Bureau Commander will review the grievance appeal. The decision of the Bureau Commander is final, and constitutes exhaustion of all remedies available within the Fresno County Sheriff's Office.

Reason for Appeal. List the reason(s) why the prior grievance decision is unacceptable:

- ① IT IS UNCONSTITUTIONAL FOR JAIL STAFF TO REQUIRE A "TEST" SO I CAN PRACTICE THE RELIGION OF MY CHOICE, OR TRY TO DISCOURAGE ME FOR EXERCISING MY 1ST AMEND RIGHT.
- ② AS A PRETRIAL DETAINEES WE CONSTITUTE A SPECIAL CATEGORY OF PRISONERS. WE ARE ENTITLED THE SAME RIGHTS AS OTHER CITIZENS EXCEPT TO THE EXTENT OF ASSURING OUR APPEARANCE AT TRIAL AND THE SECURITY OF THE JAIL. AS CITIZEN THAT HAVE NOT BEEN CONVICTED OF ANYTHING, NOONE WOULD HAVE STOP US OUTSIDE FROM GETTING KOSHER MEALS AND PRACTICE OUR NEW FOUND RELIGION THE WAY WE CHOOSE CHOSE.
- ③ THE JAIL DOES NOT PROVIDE ANY DISCOURAGEMENT FOR VEGETERIAN MEALS, VEGAN MEALS OR KOSHER MEALS FOR MUSLIMS. COURTS TO JUDAISM SHOULD NOT BE SUBJECTED TO DIFFERENT (HARSHER) STANDARDS.

I CERTIFY THESE STATEMENTS TO BE TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF, UNDER PENALTY OF PERJURY.

Signature of Inmate: Buck Plumlee Date: 11-28-13 Time Submitted: 1:00 AM

Bureau Commander's Final Decision:

- Agrees with decision.
- Disagrees with decision.
 If disagrees, reason(s) for disagreement and action taken:

Date _____ Signature of Bureau Commander _____ Comp. # _____

Inmate advised of final decision and action. Scanned and forwarded.
 Date _____ Name _____ Comp. # _____

The Grievance process has been exhausted and is not subject to further review.