

The Vermin Grievance File

Eight questions plaintiff's counsel asks about a pest grievance, and the record that answers each one. When a person held in a jail or prison claims that cockroaches, mice, bed bugs, or lice violated the Constitution, the claim turns on deliberate indifference. A prison official is liable under the Eighth Amendment only if the official "knows of and disregards an excessive risk to inmate health or safety" (Farmer v. Brennan, 511 U.S. 825, 837 (1994)). And officials who knew "may be found free from liability if they responded reasonably to the risk, even if the harm ultimately was not averted" (Farmer v. Brennan, 511 U.S. 825, 844 (1994)).

Both halves are proved with paper. Knowledge is usually proved with the facility's own grievance, kite, or sick-call record. A reasonable response has to be proved with records too: the work order, the service record, the follow-up, and the answer to the grievance. The eight questions below walk one grievance from the first half to the second.

Spraying is not the same as responding

In [Antonelli v. Sheahan](#), the plaintiff alleged cockroaches and mice "while an inmate at the Cook County Jail." The district court dismissed the claim, concluding that his allegation that the jail was "sprayed twice by a pest control service was inconsistent with deliberate indifference." The Seventh Circuit reversed: "Two pest-control sprayings in sixteen months, however, may have been seriously insufficient to deal with the condition that Mr. Antonelli alleges." The claim, the court wrote, "whether considered under the Due Process Clause or the Eighth Amendment, should not have been dismissed at this stage." The defendants included the Sheriff, who, the court said, "can be expected to know of or participate in creating systemic, as opposed to localized, situations."

In November 2024 the U.S. Department of Justice announced findings that "people incarcerated in the Fulton County Jail suffered harms from pest infestation" ([U.S. Department of Justice, press release, November 14, 2024](#)).

This is a records worksheet. It is not legal advice and not a finding about any facility. The questions describe what a file would need to show; which records a facility keeps, and who is responsible for them, is set by its own policies, contracts, and jurisdiction. A facility reviewing a grievance tied to a pending or expected claim should do it through counsel.

Facility	Grievance or kite no.	Date received	Reviewed by / date	
#	QUESTION	RECORD THAT ANSWERS IT	ON FILE?	WHERE IT IS FILED
1	KNOWLEDGE When did the jail first learn of the complaint, and where is that recorded (grievance, kite, sick call, officer log)?	The grievance, kite, sick-call slip, or officer log entry, showing the date and time it was received.	☐ Yes ☐ No ☐ Partial	
2	KNOWLEDGE Who received it, and what did they do with it, on what date?	The routing on the grievance (received by, sent to, date), and the log entry or message that shows it reached facilities staff or the pest control provider.	☐ Yes ☐ No ☐ Partial	
3	RESPONSE What did the jail do in response, and when? Is there a work order?	A work order or service request with its own number and date, tied to the grievance number and the location.	☐ Yes ☐ No ☐ Partial	
4	RESPONSE Who performed the response, staff or vendor, and what were they licensed and contracted to do?	The staff assignment or the vendor service record; the applicator's license number; the pest control contract and scope in force on that date.	☐ Yes ☐ No ☐ Partial	
5	RESPONSE What did they find, and what did they apply or install: product, EPA registration number, location, quantity?	The service record for that visit: findings, the areas treated, each product with its EPA registration number and amount, and any traps, monitors, or exclusion work installed. In Utah, a commercial applicator's application record has nine required elements and must be made within 24 hours. Utah R68-7-11(11)	☐ Yes ☐ No ☐ Partial	
6	EXPOSURE Was the affected person moved, and is that documented?	The housing or movement log, classification note, or medical note that shows the move, or the note that says why there was none.	☐ Yes ☐ No ☐ Partial	
7	RESPONSE When did the jail check whether the response worked, and what did it find?	A dated follow-up inspection or return-visit record with a result: resolved, still active, or re-treated.	☐ Yes ☐ No ☐ Partial	
8	ANSWER What did the jail tell the grievant, when, and does the grievance response match the work record?	The written grievance response with its date, and the work order and service record it relies on. The dates should run in order: complaint, work order, response, follow-up, answer.	☐ Yes ☐ No ☐ Partial	

Each question maps to a record. When every answer has a record behind it, the file shows what the facility did, when, and whether it worked.