

RESIDENT'S GRIEVANCE PROCEDURE

- AUTHORITY:** Administrative Directive
California Code of Regulations, Title 15 – Minimum Standards for Juvenile Facilities, Section 1361
- RESCINDS:** Procedure Manual Item 3-1-012, dated 01/28/21 (RENUMBERED/MAJOR REVISION)
- FORMS:** Detainee Grievance Form (F0502-6005)
Special Incident Report (F0502-7018)
Tracking Log Form (Attachment A)
- PURPOSE:** To set forth a standard procedure to handle youth grievances.

I. GENERAL INFORMATION

- A. Youth may file a grievance relating to any condition of confinement, including but not limited to health care services, classification decisions, program participation, telephone, mail, visiting procedures, food, clothing, bedding, mistreatment, harassment, or violations of the non-discrimination policy.
- B. Youth shall have multiple internal and external methods to report sexual abuse and sexual harassment (See PMI 1-4-123).
- C. Youth will be allowed free access to a grievance form and the instructions for filing the grievance. There shall be no time limit on filing grievances.
- D. Youth will be able to confidentially file their grievance by placing it in the designated confidential locked grievance box in each housing unit, or the youth may hand deliver their grievance directly to a youth supervision staff member working in the facility.
- E. The grievance will be resolved at the lowest appropriate staff level.
- F. All grievances will be reviewed by a supervisor promptly, and the youth will be provided with an initial response within three (3) business days. Grievances related to health and safety issues shall be addressed immediately.
- G. Youth may elect to be present to explain their version of the grievance to a person not directly involved in the circumstances that led to it.
- H. A staff representative, who has been approved by the Supervisor, will be made available to assist the youth if the youth requests.
- I. All responses to grievances will be in writing and will include the reasons for the decisions. Those responses will be hand delivered to the youth by the staff member at each level of the grievance process.

- J. If a youth is not satisfied with the supervisor's resolution, they shall have the right to appeal the outcome of a grievance. If a grievance is appealed, a Supervisor shall conduct the hearing within one (1) business day. If the grievance is related to a Supervisor, the Superintendent will conduct the appeal hearing.
- K. A resolution of the grievance must occur within ten (10) business days unless circumstances dictate a longer time frame. The youth shall be notified of any delay.
- L. All grievance forms are numbered and will be retained in designated facility records for a period of two years.
- M. Any parent, guardian, persons standing in loco parentis, staff, or other interested party may call the facility to express concerns on behalf of a youth. Those concerns shall be documented and addressed.

II. PROCEDURE

- A. Upon Admission to the facility and during the orientation process, staff will advise the youth of the grievance process and go over the grievance process in the orientation handbook. The staff will advise the youth of the location of the confidential grievance box and advise them that they can hand deliver their grievance to any facility staff member.
- B. All non-confidential grievance forms will be numbered, and each form must be accounted for after being issued. After being processed, the forms will be maintained in an administrative file at each facility. Confidential grievance forms will not be numbered and will be readily available in self-serve boxes.
- C. Each unit will maintain a Grievance Folder to include original pre-numbered grievance forms, tracking log, grievance PMI, and instructions for filling out the grievance form. Every folder will be located at the staff desk.
- D. No youth will suffer reprisals from staff or other youths as a result of their grievance. Staff will assist any youth in preparing a grievance if requested or necessary.
- E. Once the grievance process has been initiated, the staff member involved in each step, i.e., counseling staff at Step I, Supervising Juvenile Correctional Officer (SJCO) at Step II, and Director/Designee at Step III, may, if appropriate, suspend imposition of the action or discipline pending resolution of the matter.
- F. If the youth still believes they have a legitimate complaint that has not been resolved through the Grievance Process, they will be advised to consult their attorney or the Ombudsman regarding other alternatives. Contact information for the Ombudsman will be provided at the youth's request.
- G. Confidential Grievance Process
 - 1. During the orientation process, staff will advise each youth of the confidential grievance procedure outlined in Title 15 and provide them with two blank confidential grievance forms along with their signed rules of conduct and youth's rights information. In the event a youth feels the need to file a confidential grievance, they may use the form given to them at orientation. They must complete the form and drop it in the locked,

confidential grievance box located in the day room area of the unit or dormitory.

2. the Unit's assigned Supervising Juvenile Correctional Officer (SJCO) or the 8-4 Duty Officer (DO) will be responsible for checking the grievance boxes daily. Grievances will be promptly reviewed and responded to. If any youth misplaces a confidential grievance form, unit staff may request another one.
3. A youth may use the confidential grievance procedure to report sexual harassment or abuse. The agency shall not require youth to use any informal grievance process, or to otherwise attempt to resolve with staff, an alleged incident of sexual abuse. Such grievance is not to be referred to a staff member who is the subject of the complaint.

H. When a youth requests to grieve an action or discipline, the correctional officer on duty will:

1. Upon request, provide the youth with a grievance form. Log in ICMS the reason for the grievance and form number issued. Staff issuing grievances must account for the form prior to the end of the shift and make a note in ICMS indicating the status of the complaint. Every shift will account for the grievance form until the matter is resolved.
2. Either prior to having the youth complete the form or after it's completed, discuss the complaint with the youth. The youth can discuss the issue with a staff not directly involved in the circumstances which led to the grievance and have a staff member approved by the facility administrator or designee to assist the youth.
3. To the extent practicable, explain the rationale behind the action taken to the youth. Objectively consider input from the youth in determining whether the action taken should be reversed, enforced, or modified.
4. If after discussion with the youth, agreement is reached in terms of reversing, enforcing, or modifying the action/discipline, write the resolution to the complaint on Step I of the "Detainee Grievance Form" and allow the youth to sign the form and check the appropriate box indicating they are in agreement with the decision and does not want to pursue the matter to Step II. See the instructions below in Figure 1.

Step I Instructions

ORANGE COUNTY PROBATION DEPARTMENT						
DETAINEE GRIEVANCE FORM						
NAME OF INSTITUTION: 1						
STEP 1						
NAME	UNIT	EVENT OCCURRED		RECEIVED BY (DJCO)	DATE	TIME (AM/PM)
		DATE	TIME (AM/PM)			
2	3	4		5	6	
STATEMENT - COMPLETED BY MINOR		7				
RESOLUTION: 8						
9 → I HAVE READ AND: AGREE <input type="checkbox"/> DISAGREE <input type="checkbox"/> 10 → RESOLVED AT STEP 1 YES <input type="checkbox"/> NO <input type="checkbox"/>						
SIGNATURE OF STAFF	DATE	TIME (AM/PM)	SIGNATURE OF MINOR	DATE	TIME (AM/PM)	
←			→			
11						

Figure 1

- 1) Insert the name of the facility the youth is currently housed.
- 2) Insert the youth's name (First and last are sufficient).
- 3) Unit where the event occurred.
- 4) Date and time the event occurred (either circle AM/PM or print).
- 5) Any DJCO I/II may be the receiving staff. Grievance does not have to be received by the staff for which the grievance is against.
- 6) Date and time the youth turned the grievance form in. Again, specify am or pm.
- 7) Youth statement. To be completed by the youth
- 8) This must be completed even when the youth no longer wishes to grieve.
- 9) Example: Youth counseled and agrees their rights were not violated.
- 10) Resolved at step 1.
- 11) Youth must check the appropriate box. Youth is agreeing/disagreeing with the resolution. A disagree will require the matter to be taken to Step 2.
- 12) Check "No" if unresolved at step 1. A SIR must be completed and then given to Unit SJCO along with the grievance.
- 13) After the resolution is discussed with the youth, Staff, and youth must sign, date, and indicate the time.

5. Forward the completed grievance form to the unit supervisor. SJCO will review, and initial the form, then forward the grievance to the administrator. See Figure 2 for a completed Step I form example.

ORANGE COUNTY PROBATION DEPARTMENT							E 1	
DETAINEE GRIEVANCE FORM								
NAME OF INSTITUTION:		Juvenile Hall						
STEP 1								
NAME	UNIT	EVENT OCCURRED			RECEIVED BY (DJCO)	DATE	TIME (AM/PM)	
		DATE	TIME (AM/PM)	DATE			TIME (AM/PM)	
Minor Smith	E	1/1/07	12 PM	Staff Jones	1/1/07	2:00 PM		
STATEMENT - COMPLETED BY MINOR								
I wasn't allowed to use the bathroom.								
RESOLUTION:								
Minor counseled with and now understands he was allowed to use the restroom when time permitted. Minor was unable to go because unit was at one staff due to a Code 2 in another unit.								
					I HAVE READ AND: AGREE <input checked="" type="checkbox"/> DISAGREE <input type="checkbox"/>			
					RESOLVED AT STEP 1 YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>			
SIGNATURE OF STAFF		DATE	TIME (AM/PM)	SIGNATURE OF MINOR		DATE	TIME (AM/PM)	
Staff Jones		1/1/07	6:00 PM	Minor Smith		1/1/07	6:00 PM	

Figure 2

6. If after discussion with the youth, agreement cannot be reached as to a resolution, complete Step I of the Detainee Grievance Form and explain the rationale or the action taken. Allow the youth to sign the form indicating they want to pursue the matter to Step II.
 7. If the matter is being referred to Step II, complete a Special Incident Report (SIR) describing the circumstance around the grievance and attempts to resolve the matter at Step I. Forward the grievance form and SIR to the unit/dorm supervisor.
 8. Complete a log entry to include the number of the grievance form and the status of a complaint.
- I. For grievances that are not resolved at Step I, the Supervising Juvenile Correctional Officer will:
1. Review the grievance form and attached SIR to identify the issues raised in the grievance.
 2. Complete an investigation into the grievance. The investigation may include an interview with the youth, involved staff member, and others as necessary to determine the validity of the complaint.
 3. Based upon the information collected in the investigation, deny the grievance, uphold the grievance, or negotiate a resolution with the youth.

4. If the grievance is denied or the youth is not satisfied with the proposed resolution, complete the grievance form, documenting the investigation and proposed resolution findings. Allow the youth to sign the form and decide whether they want to pursue the matter to Step III. See Figure 3.

Step 2- SJCO directions

STEP 2 - COMPLETED BY SJCO		RECEIVED - DATE	1	TIME (AM/PM)	
FINDINGS:	2				
RESOLUTION:	3				
	4 →	I HAVE READ AND: AGREE <input type="checkbox"/> DISAGREE <input type="checkbox"/>			
	5 →	RESOLVED AT STEP 2 YES <input type="checkbox"/> NO <input type="checkbox"/>			
SIGNATURE OF SJCO	DATE	TIME (AM/PM)	SIGNATURE OF MINOR	DATE	TIME (AM/PM)
		6			

Figure 3

- 1) SJCO to insert the date and time the grievance form was received.
- 2) SJCO to summarize the findings of the investigation.
- 3) SJCO to summarize the resolution.
- 4) Youth must check the appropriate box. Youth is agreeing/disagreeing with the resolution. A disagree will require the matter to be taken to Step 3.
- 5) Check "No" if unresolved at step 2. Forward grievance and SIR to Director/Designee.
- 6) After the resolution is discussed with the youth, SJCO, and the youth must sign, date, and indicate the time.

5. If the grievance is upheld (that is, the SJCO finds that the action taken/discipline was inappropriate or a violation of rights), take corrective action as necessary, i.e., reverse the discipline, etc., document the findings and action taken and allow the youth to sign the form. Forward the form to the facility's administrative file.
 6. If the youth chooses to proceed to Step III, forward the form and SIR to the Facility Director or designee. Make a log entry indicating the status of the complaint.
- J. If the youth chooses to pursue the matter to Step III, the Director/designee will:
1. Review the grievance form and accompanying documents and determine whether to hear the matter or make a decision based solely on a review of the documents.
 2. If a decision is made not to hear the matter, document the findings/rationale on the grievance form and advise the youth of the decision, either personally or through the supervisor. Have the youth sign the form and forward it to the administrative file.

3. If the decision is made to hear the matter, conduct an independent investigation to include an interview of the youth involved, staff members, supervisors, and others as necessary.
4. Make a decision to either deny the grievance, uphold the grievance and initiate corrective action or negotiate a resolution.
5. Upon making a finding to uphold the grievance or propose a solution, advise the youth of the findings either personally or through the supervisor. Have the form signed by the youth and forward it to the administrative file. Upon request, provide the youth with a copy of the form. See Figure 4.

Step 3 - Director Designee directions					
STEP 3 - COMPLETED BY DIR./DESIGNEE	RECEIVED - DATE	1	TIME (AM/PM)		
FINAL RESOLUTION:	2				
SIGNATURE OF DIR./DESIGNEE	DATE	TIME (AM/PM)	SIGNATURE OF MINOR	DATE	TIME (AM/PM)
←		3	→		

Figure 4

- 1) Director/Designee to insert the date and time the grievance form was received.
- 2) Director/Designee to summarize the findings of the investigation and state the final resolution.
- 3) After the resolution is discussed with the youth, Director/Designee and youth must sign, date, and indicate the time.

K. TRACKING LOG PROCEDURE

1. The issuing staff will record in the tracking log:
 - a. Issuing date
 - b. Youth name and L#
 - c. Issuing staff
 - d. Problem description. Description must include exact reason youth was issued a grievance form. See Figure 5.
2. Supervising Juvenile Correctional Officer will record in the tracking log:
 - a. Disposition of grievance. Acceptable dispositions will include:
 - (1) Step 1
 - (2) Step 2
 - (3) Step 3

- (4) S.I.R. (used when no resolution is reached due to a release)
- b. Routed column to include SJCO initials and date routed to Administration. See Figure 5.

<u>UNIT EXAMPLE</u>							
<u>GRIEVANCE TRACKING LOG - 2007</u>							
						<u>SJCO ONLY</u>	
GRIEVANCE #	DATE	MINOR & L#	ISS. STAFF	PROBLEM DESCRIPTION	DISPO.	ROUTED	
E	1	1/1/07	Smith, Minor L# 5555	Jones, T.	Minor states he did not get to use the restroom.	Step 1	1/2/07 S.P.
E	2						
E	3						
E	4						

Figure 5

L. MISSING OR DAMAGED GRIEVANCE FORMS

- In the event a grievance form is lost or destroyed, a SIR must be written indicating the reasons the grievance was issued and the circumstances behind the loss of the form. The SIR must include the resolution to the initial grievance. All efforts will be made to salvage the original grievance form. A supply of blank confidential grievance forms is to be kept available at the designated lock box mounted in each unit, and youth are to be given free access to these boxes/forms without undue restriction.
- Do not change or alter the numbers on the original pre-numbered grievance forms. Do not make copies of grievance forms. Grievance forms are important documents and must be strictly tracked.

M. RELEASED/TRANSFERRED YOUTHS

- If a youth is released prior to their grievance resolution, staff will make every effort to contact the youth via telephone and resolve the grievance. If a youth is unavailable, a SIR, indicating the circumstance surrounding the original grievance and the efforts to resolve the grievance, must be written.
- In the event a youth is transferred to an Orange County Probation camp/facility, staff may coordinate with the camp/facility to have grievance paperwork routed and completed at camp.

REFERENCES:

Procedures: 1-4-123 Prevention, Detection, Reporting and Response to Incidents of Sexual Abuse, Harassment and Misconduct in Juvenile Facilities (PREA)

2-1-004	Child Abuse Reporting Responsibilities of Deputized Probation Staff
3-5-004	Youth's Rights/Orientation
3-10-001	Disciplinary Due Process
3-10-002	Prevention and Control of Inappropriate Behavior

Policy:	C-16	Employee Conduct (On-Duty)
---------	------	----------------------------

Attachment

K. Strickland/V. Gonzalez/M. Arreguin

APPROVED BY:

UNIT : _____
Grievance Tracking Log 2020

	DATE	MINOR & L#	ISS. Staff	Problem Description	DISPO	ROUTED
1						
2						
3						
4						
5						
6						
7						
8						
9						
10						
11						
12						
13						
14						
15						
16						
17						
18						
19						
20						