

## RESIDENT'S GRIEVANCE PROCEDURE

<b>AUTHORITY:</b>	Administrative Directive California Code of Regulations, Title 15 – Minimum Standards for Juvenile Facilities, Section 1361
<b>RESCINDS:</b>	Procedure Manual Item <b>3-5-015</b> , dated <b>08/18/23 (Major Revision)</b>
<b>FORMS:</b>	<div style="display: flex; justify-content: space-between;"> <div> Detainee Grievance Form  Special Incident Report  <b>Sample Detainee Grievance Form</b> </div> <div> <b>(New Form #)</b>  <b>(F0502-7018)</b>  <b>(Attachment A)</b> </div> </div>
<b>PURPOSE:</b>	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 **This complaint must be reported to an Administrator immediately for handling** (See PMI 1-4-123).
- C. **Any grievances related to Health and Safety code violations must be reported to an Administrator immediately for handling (See PMI 3-12-001).**
- D. Youth will be allowed free access to grievance forms and the instructions for filing the grievance. There shall be no time limit on filing grievances.
- E. Youth will be able to confidentially **or anonymously** file their grievance by placing it in the designated **locked** confidential 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.
- F. The grievance will be resolved at the lowest appropriate staff level.
- G. All grievances will be reviewed by a supervisor promptly, and the youth will be provided with an initial response within three (3) days.
- H. 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.
- I. **If the youth requests**, a staff representative, who has been approved by the **Facility Administrator, is required** to assist the youth in **preparing or responding to a grievance**. Youth may also contact their attorney for assistance.

- J. All responses to grievances will be in writing and will include the reason for the decision. **Responses shall include how and when the grievance was resolved and a notice of right to appeal.** Those responses will be hand delivered to the youth by the staff member at each level of the grievance process.
- K. A resolution of the grievance must occur within ten (10) days unless circumstances dictate a longer time frame. The youth shall be notified of any delay.
- L. All grievance forms will be retained in designated facility records for a period of two years.
- M. Any parent, guardian, **attorney, social worker**, persons standing in loco parentis, staff, or other interested party may **contact** the facility to express concerns on behalf of a youth **or file a complaint**. Those concerns shall be documented and addressed.
- N. **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.**

## II. PROCEDURE

- A. Upon Admission to the facility and during the orientation process, staff will **review with** the youth the grievance process in the orientation handbook. The staff will **further** advise the youth of the location of the **Detainee Grievance Form, which are freely accessible, and the location of the confidential grievance box.**
- B. **One form is used for confidential and non-confidential grievances. Youth may select the type of grievance by checking the appropriate check box. If a youth places a grievance in the confidential box, it must be handled as a confidential grievance by a SPCO. A youth can also hand deliver their grievance to any facility staff member.**
- C. All grievance forms **must be readily accessible to youth**. After being processed, the forms will be maintained in an administrative file at each facility.
- D. **Grievance forms will be tracked by the Supervising Probation Correctional Officer (SPCO)/Duty Officer (DO). At each shift, the SPCO/DO will notify Administration, and the Division Secretary of grievances submitted.**
- E. Once the grievance process has been initiated, the **SPCO or** staff member involved may, if appropriate, suspend imposition of the action or discipline pending resolution of the matter.
- F. **Non-Confidential Grievance Process**

When a youth **submits** a **non-confidential grievance form**, the **Deputy Probation Correctional Officer (DPCO)** on duty will:

1. **Discuss the complaint with the youth either prior to completing the grievance or after its completion.** The youth can discuss the issue with a staff not directly involved in the circumstances which led to the grievance.

**A staff member approved by the facility administrator or designee is required to assist the youth, if requested by the youth.**

- 2. The DPCO will conduct a non-biased review of all the information presented, speaking to both youth and any staff or witnesses named in the grievance. The DPCO will provide the youth with both a verbal and written response on the grievance form documenting the reasons the decision was made, to determine if the grievance will be resolved or proceed to the appeals process.**
- 3. All information will be thoroughly documented by both the staff member and the youth. The youth will sign the form and check the appropriate boxes as required. If resolved, the DPCO completes the grievance form and forwards it to the unit SPCO.**
- 4. In the event the grievance is not resolved, the youth may appeal the outcome to an uninvolved SPCO who acts as an Appeals Officer. The Appeals Officer fact gathers and conducts a review of the information provided. The Appeals Officer's findings or decision is final. The youth will receive a copy of their completed grievance.**

**G. Confidential Grievance Process**

- 1. During orientation two (2) blank grievance forms are provided to every youth. If they wish to file a confidential grievance form, they can use the forms provided or obtain a form from the self-serve boxes posted in every unit. Youth must complete the form and drop it in the locked confidential grievance box located in every unit.**
- 2. The Unit's assigned Supervising Probation Correctional Officer (SPCO) or the Duty Officer (DO) will be responsible for checking the grievance boxes at every shift. The SPCO who obtains the grievance is responsible for the handling and ensuring timeframes are promptly adhered to.**
- 3. SPCOs are responsible for handling all confidential grievances, no matter the complaint. An exception to this would be a complaint against a SPCO, which then will be transferred to an Administrator.**
- 4. 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. This issue will be addressed by a supervisor or above.**
- 5. Either prior to having the youth complete the form or after it's completed, a SPCO will discuss the complaint with the youth. Youth may elect to discuss the issues with any staff directly or not directly involved in the circumstances which led to the grievance. A SPCO must be present during discussion.**

6. The SPCO/Hearing Officer will conduct a non-biased review of all information presented, speaking to both the youth and any staff or witnesses named in the grievance. The SPCO/Hearing Officer will provide a verbal and written response on the grievance, documenting the reason for the decision to the youth to determine if the grievance will be resolved or proceed to the appeals process.
7. All information will be thoroughly documented by both staff and the youth. The youth will sign the form and check the appropriate boxes as required. In the event the grievance is not resolved, the youth may appeal the outcome to an Administrator who acts as the Appeals Officer. The Appeals Officer fact gathers and conducts a review of the information provided. The Appeals Officer's findings or decision is final. The youth will receive a copy of their completed grievance.

#### H. Youth Right to Appeal

1. If the youth still believe they have a legitimate complaint that has not been resolved through the Grievance Process, they will be advised to consult their attorney or the OYCR Ombudsman regarding other alternatives. Contact information for the Ombudsman is posted in every unit and can also be provided at the youth's request.

#### I. MISSING OR DAMAGED GRIEVANCE FORMS

1. In the event a grievance form is lost or destroyed, a **Special Incident Report (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.
2. 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.

#### J. RELEASED/TRANSFERRED YOUTHS

1. 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.
2. In the event a youth is transferred to an Orange County Probation camp/facility, staff may coordinate with the camp/facility to have the grievance paperwork routed and completed at **that camp/facility**.

#### 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

**R. Martinez**

**APPROVED BY**

## ORANGE COUNTY PROBATION DEPARTMENT DETAINEE GRIEVANCE FORM

Tracking No.
Confidential <input type="checkbox"/>
Non-Confidential <input type="checkbox"/>

FACILITY NAME: Juvenile Hall

GRIEVANCE RECEIVED BY DPCO · UNIT SPCO · DO:

NAME: Staff Jones DATE: 01/02/2025 TIME: 2:00 AM/PM

Note: Initial response must be completed within three (3) days.

To be completed by youth.

YOUTH NAME: Youth Smith UNIT: G  
DATE: 01/01/2025 TIME: 12:00 AM/PM

YOUTH STATEMENT: Youth states his food was cold.

RESOLUTION: Staff addressed the issue with Kitchen Staff. It was discovered that the warming tray had stopped working. Youth were provided with an alternative meal. Emergency Maintenance Request was submitted.

GRIEVANCE REVIEWED BY DPCO/SPCO:

DPCO / SPCO SIGNATURE: Staff Jones DATE: 01/02/2025

YOUTH SIGNATURE: Youth Smith DATE: 01/02/2025

I HAVE READ AND: AGREE ☒ DISAGREE ☐

RESOLVED: YES ☒ NO ☐

UNIT SPCO INITIAL: SP ADMIN INITIAL: DD

See reverse side for Appeal Process

DETAINEE GRIEVANCE FORM cont.

APPEAL (To be completed by Hearing Officer)

FINDINGS: \_\_\_\_\_

RESOLUTION: \_\_\_\_\_

GRIEVANCE REVIEWED BY HEARING OFFICER:

HEARING OFFICER SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

YOUTH SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

I HAVE READ AND: YES ☐ NO ☐

ADMIN INITIAL: \_\_\_\_\_

\* Reference PMI 3-5-015 & Title 15 Section 1361