

Youth Grievances

609.1 PURPOSE AND SCOPE

The purpose of this policy is to establish a process by which youths may file grievances and receive a formal review regarding the conditions of their confinement (15 CCR 1361).

609.1.1 DEFINITIONS

Definitions related to this policy include:

Conditions of confinement - Any condition of a youth's confinement in the Facility including but not limited to health care services; classification decisions; program participation; telephone, mail, or visiting procedures; food; clothing; bedding; mistreatment; and harassment or violations of the Youth Nondiscrimination Policy (15 CCR 1361).

609.2 POLICY

It is the policy of this department that any youth may file a grievance relating to conditions of confinement.

Retaliation for use of the grievance system is prohibited.

609.3 ACCESS TO THE GRIEVANCE SYSTEM

All youths shall be provided with a grievance process for resolving complaints arising from facility matters with at least one level of appeal. There shall be no time limit on filing grievances (15 CCR 1361).

Youths will receive information about the grievance procedure during the intake/orientation process (see the Youth Orientation policy). Information will also be contained in the youth handbook. Provision shall be made to provide accessible information regarding the grievance process to all youths including those with disabilities, limited literacy, and English language learners.

The information will include (15 CCR 1361):

- A grievance form, free access, and instructions for registering a grievance.
- Instructions for resolving the grievance at the lowest appropriate staff level.
- The appeal process to the next level of review.
- Written reasons for denial of a grievance at each level of review.
- A provision of required time frames for responses.
- A provision for confidential filing or delivery to any supervisory custody staff.

San Diego County Probation Department

Juvenile Detention Manual

Youth Grievances

609.4 YOUTH COMPLAINTS AND GRIEVANCES

In appropriate instances, staff should attempt to resolve complaints at the lowest level before a grievance is submitted

609.4.1 INITIAL GRIEVANCE FILING

Provisions shall be made for youths to have free access to the grievance form, and youths shall have the option to submit grievances directly to a supervisor or to confidentially file the grievance by depositing it in the locked box within each housing unit (15 CCR 1361).

A youth may help another youth prepare a grievance. Staff members may take reasonable steps to help the youth prepare a grievance if requested.

Upon receiving a completed youth grievance, the Watch Commander shall document receipt of the grievance. Depending on the content of the grievance, the Watch Commander may distribute a documented grievance to unit officers to resolve. If a grievance is not resolved between the youth and unit officers a supervisor or the Watch Commander may attempt to resolve the grievance.

A parent/guardian may also mail a grievance via the United States Postal Service to the Division Chief, submit it directly to a supervisor, or deposit the grievance in a locked grievance box located in the visitation area.

609.4.2 TIMELY RESOLUTION OF GRIEVANCES

Upon receiving a completed youth grievance form, the supervisor shall ensure that the grievance is investigated and resolved or denied in a timely manner. The supervisor shall assign the investigation of the grievance to the manager in charge of the department or service area the youth is grieving.

Findings relating to the investigation will be forwarded to the Watch Commander. Any appeals shall be forwarded to the Division Chief as the final level of appeal.

Grievances related to health and safety issues shall be addressed immediately. A review and initial response to other grievances shall be provided to the youth within three business days (15 CCR 1361).

Youths shall be provided with a written response to the grievance which includes the reasons for the decisions (15 CCR 1361). Resolution of grievances should occur within 10 business days, unless additional time is necessary. Youths shall be notified of any delay (15 CCR 1361).

San Diego County Probation Department

Juvenile Detention Manual

Youth Grievances

609.4.3 APPEALS TO GRIEVANCE FINDINGS

Youths may appeal the finding of a grievance to the Division Chief as the final level of appeal. The Division Chief will review the grievance and either confirm or deny it. If the Division Chief confirms the grievance, the Division Chief will initiate corrective actions. In either case, the youth shall receive a written response to the appeal.

609.4.4 RECORDING GRIEVANCES

The Division Chief or designee should maintain a grievance log in a central location accessible to all supervisors. The supervisor who originally receives a grievance shall record the grievance along with its finding on the grievance log. Periodic reviews of the log should be made by the Division Chief or the authorized designee to ensure that grievances are being handled properly and in a timely manner. A copy of each grievance should be filed in the youth's official record.

The original grievance should be retained in a file maintained by the Division Chief or the authorized designee, and shall be retained in accordance with established records retention schedules.

609.4.5 STATE REQUIREMENTS

At any level of the grievance process, the Division Chief shall ensure (15 CCR 1361):

- (a) The youth may elect to be present to explain the youth's version of the grievance to a person not directly involved in the circumstances that led to the grievance.
- (b) Provisions exist for a staff representative to assist the youth.
- (c) Provisions exist for concerns of parents/guardians, staff, or other parties to be addressed and documented within 14 days.

609.6 ADDITIONAL PROVISIONS FOR GRIEVANCES RELATED TO SEXUAL ABUSE

The following apply to grievances that relate to sexual abuse allegations (28 CFR 115.352):

- (a) There shall be no time limit on when a youth may submit a grievance regarding an allegation of sexual abuse.
- (b) Third parties, including fellow youths, staff members, family members, attorneys, and outside advocates, are permitted to assist youths in filing such grievances and to file

San Diego County Probation Department

Juvenile Detention Manual

Youth Grievances

such grievances on behalf of youths. Any report or grievance submitted on behalf of a youth will be reviewed and investigated. A parent or legal guardian shall also be allowed to file such a grievance, including appeals, on behalf of youths, and such grievance shall not be conditioned upon the youth agreeing to have the request filed on the youth's behalf.

- (c) Grievances may be submitted to any staff member or in the unit grievance box, and need not be submitted to a member who is the subject of the complaint.
- (d) Staff receiving a grievance shall forward the grievance to a supervisor. Grievances shall not be forwarded to any supervisor who is the subject of the complaint. After receiving the grievance, a supervisor shall initiate an investigation. Youths and staff are not required to attempt to informally resolve grievances related to sexual abuse.
- (e) The PREA Coordinator or a supervisor should ensure that grievances related to sexual abuse are investigated and resolved within 10 days of the initial filing, unless additional time is necessary (15 CCR 1361). If a grievance is not resolved within 90 days, the Watch Commander may grant an extension of up to 70 days if reasonable to make an appropriate decision. If an extension is granted, the youth shall be notified in writing and provided a date by which a decision will be made.
- (f) At any level of the process, including the appeal, if the youth does not receive a response within the allotted time, including any properly noticed extension, the youth may consider the absence of a response to be a denial at that level.
- (g) Youths may be disciplined for filing a false grievance related to alleged sexual abuse only when it is determined that the youth filed the grievance in bad faith.
- (h) Staff shall accept reports of sexual abuse or sexual harassment made verbally, in writing, anonymously, and from third parties and shall promptly document any verbal reports (28 CFR 115.351).
- (i) The facility shall provide youths with access to forms, writing implements, computers, or other tools necessary to make a written report (28 CFR 115.351).
- (j) The facility shall provide at least one way for youths to report sexual abuse or sexual harassment to a public or private entity or office that is not part of the facility and that is able to receive and immediately forward such reports to facility officials, allowing the youth to remain anonymous upon request (28 CFR 115.351; see Youth Orientation policy).
- (k) The facility shall provide a method for staff to privately report sexual abuse and sexual harassment of youths (28 CFR 115.351). Such method must enable staff to report directly to an investigator, administrator, or other agency entity without the knowledge of the staff member's direct colleagues or immediate supervisor.

609.6.1 EMERGENCY GRIEVANCES RELATED TO SEXUAL ABUSE

Youths who believe they are, or any other youth is, at substantial risk of imminent sexual abuse may file an emergency grievance with any supervisor. The supervisor shall determine whether

San Diego County Probation Department

Juvenile Detention Manual

Youth Grievances

~~immediate action is reasonably necessary to protect the youth and shall provide an initial response within 48 hours (28 CFR 115.352).~~

The supervisor will investigate and issue a final decision within five calendar days (28 CFR 115.1352).

The initial response and final decision shall be documented and shall include a determination whether the youth is in substantial risk of imminent sexual abuse and identify actions taken in response to the emergency grievance (28 CFR 115.352).

609.7 TRAINING

The Training Manager shall ensure that all custody staff members receive training regarding all aspects of this policy.