

Youth Grievances

609.1 OVERVIEW

All youth shall have the right to grieve any actual or perceived mistreatment, the quality and receipt of care within the facility and any imposed disciplinary action. In exercising this right, a youth shall be free from any threat or act of reprisal, whether it is actual or implied.

Topics that a youth may grieve include, but are not limited to:

- health care services
- classification decisions
- program participation
- telephone procedures
- mail procedures
- visiting policies
- food, clothing
- bedding
- harassment
- discrimination

609.2 NON-GRIEVABLE ISSUES

Items not subject to redress through the facility grievance procedure include:

Court orders

School courses required by law

State Education Code requirements

609.3 YOUTH SHALL BE PROVIDED WITH GRIEVANCE PROCEDURE INFORMATION

All youth shall be provided with information regarding their right to grieve perceived unfair treatment, and their right to receive clear and understandable instruction as to the procedures involved in initiating the grievance process. This information shall be given to each youth as part of their orientation upon entry to their assigned living unit/dorm.

609.4 FREE ACCESS TO GRIEVANCE FORMS

All youth shall have free access to Grievance Forms. Officers shall provide the Grievance Form to any youth who requests the form within a reasonable time, but no longer than one hour from the time the youth requests the grievance form.

609.5 CONFIDENTIALITY

A youth shall have the option to deliver the form to any officer working in the facility or to confidentially file the grievance by placing in a locked grievance box.

San Diego County Probation Department

Institutional Services Procedure Manual

609.6 YOUTH GRIEVANCE PROCEDURES

Upon receiving a complaint from a youth, officers shall make every effort to resolve the complaint at the Unit/Dorm level by talking to the youth and determining the reason for the complaint, and resolving the complaint if possible. If not, furnish the youth with a Grievance Form and pencil within a reasonable time (1 hour maximum). If the youth is upset and displaying outward signs of an emotionally heightened state (such as pacing or raised voice), officers may delay furnishing a Grievance Form and pencil until the youth has regained their composure and it is safe to do so. Officers may not deny access to the pencil or the form indefinitely. Officers shall provide the youth with instructions on completing and filing the Grievance Form, advise them that they may elect to be present and explain their version of the grievance to a person not directly involved in the circumstance which led to the grievance, and of their right to present evidence and witness testimony on their behalf and, if necessary, receive officer assistance in pursuing the grievance. Youth may turn in completed grievances to the grievance box or any sworn probation officer in the facility. All youth grievances shall be promptly resolved. Upon receipt of a grievance, the officer shall contact the Watch Commander and obtain a tracking number for the grievance. The staff member shall write the number on the top left-hand side of the grievance. If the grievance is related to an allegation of sexual abuse, the officer shall immediately deliver the grievance to the Watch Commander. If the grievance is related to a health and safety issue, officers shall address it immediately. For all other grievances, officers shall speak with the youth regarding the specific nature and origin of the youth's complaint and attempt to resolve the grievance within 24 hours. Officers are required to make written responses in a professional manner, addressing all issues raised by the youth. The responding officer and youth shall note and sign indicating whether the grievance is resolved. The staff member shall then forward the grievance to the Shift Leader. If the grievance has not been resolved by the original staff member, the Shift Leader will attempt to resolve the grievance. It is the Shift Leader's responsibility to forward the grievance to the Watch Commander. Youth will receive a copy of their Grievance Form after proper resolution.

609.7 MASS GRIEVANCES NOT ALLOWED

A grievance form may be used by only one youth. Mass grievances are not allowed, nor are youth allowed to pass around a grievance form for other youth to sign.

609.8 GRIEVANCES CONTAINING PROFANITY OR THREATS

Grievances containing profanity or disrespectful language, or grievances containing personal threats against a staff member shall be turned in to a Supervisor for review. The Supervisor will review the grievance and determine whether it should be heard or returned to the youth along with a blank form and an explanation to the youth that the grievance will only receive a response if it is re-written without the objectionable language. Under no circumstances will officers destroy a grievance or refuse to submit it to the Supervisor. Grievances will not be denied simply because they contain profanity or other language objectionable to officers.

609.10 STAFF TO ASSIST YOUTH

Upon request, each youth shall be entitled to assistance from an officer in pursuing a grievance. The right to seek officer assistance and the actual filing of a grievance shall not in any way be delayed or impeded by other personnel.

In cases involving disciplinary actions, the youth shall be required to comply with the imposed discipline prior to having access to the facility grievance procedure.

609.11 GRIEVANCE RELATED TO SEXUAL HARASSMENT OR ABUSE

Grievances involving sexual harassment or sexual abuse are handled differently than all other grievances. Officers receiving a grievance related to an allegation of sexual abuse shall immediately deliver it to the Watch Commander. For additional details, see the Youth Grievances policy.

San Diego County Probation Department

Institutional Services Procedure Manual

609.12 PARENTS, GUARDIANS, OR OTHER PARTIES

Parents, guardians, or other parties are not required to address their concerns through this grievance procedure. If such citizens have a complaint, they are to be referred to the Division Chief or designee. They may also mail a written complaint or 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. The Division Chief or designee shall respond in a timely a manner and shall follow the Department Operations Policy regarding citizen complaints. (See the Youth Grievances policy for provisions regarding third party Prison Rape Elimination Act [PREA]-related grievances.)

609.13 INVESTIGATE GRIEVANCES AGAINST CO-WORKERS

If a non-PREA grievance concerns another officer or non-sworn staff member in the facility, the Shift Leader shall investigate the grievance and interview both the officer and the youth. The Shift Leader may ask the officer to write a statement. Upon conclusion of the investigation, the Shift Leader will addenda the grievance and forward it promptly to the Watch Commander.

609.14 GRIEVANCE CONCERNING SHIFT LEADER

If a non-PREA grievance concerns a complaint regarding the Shift Leader, the Shift Leader shall attempt to resolve the grievance. Whether the grievance is resolved, not resolved, or the youth elects to explain the grievance to a person who is not directly involved instead, the Shift Leader shall promptly refer the grievance to the next command level which may be a Senior Probation Officer, the Supervising Probation Officer for the unit, or the Watch Commander.

609.15 FOOD SERVICE GRIEVANCES

After obtaining a tracking number from the Watch Commander, grievances by youth against the kitchen, food, or kitchen staff shall be forwarded directly to the Food Service Supervisor. The supervisor shall answer the grievance and forward it to the Watch Commander for resolution.

609.16 WATCH COMMANDER DUTIES

The Watch Commander shall log the grievance in the Grievance Log maintained in the Watch Commander Office. The log will be reviewed by a designated supervisor for follow-up on any missing grievances on a monthly basis.

The Watch Commander shall address all grievances related to sexual abuse in accordance with the Prison Rape Elimination Act policy.

When a grievance has not been resolved by the original staff member and the shift leader, the Watch Commander will assign a Grievance Review Officer to resolve the grievance.

The Watch Commander shall forward all resolved grievances to the Division Chief for final review (see below, Final Review and Notification of Youth).

609.17 APPEAL DUTIES OF THE GRIEVANCE REVIEW OFFICER (GRO)

The Grievance Review Officer (GRO) for youth grievances shall be designated by the Watch Commander or another supervisor who is not a party to the action. Upon receiving the youth's Grievance Form, the GRO shall schedule a grievance appeal hearing within the same shift if possible; review the nature of the grievance and conduct a hearing with the youth and other parties named in the grievance, obtaining evidence and testimony from pertinent witnesses and officers; personally, interview the youth, allowing the youth to explain their version of the grievance. Where possible, arrange to interview the youth privately and not with other youth or roommates listening in during the interview; upon completion of the hearing, render a decision regarding the grievance. The decision will either uphold the youth's grievance and offer a resolution, provide a compromise agreement or it will deny the grievance in its entirety.

San Diego County Probation Department

Institutional Services Procedure Manual

The GRO shall inform the youth orally of their decision and the reasons supporting it. The GRO and youth will then sign the Grievance Form. The GRO shall forward the Grievance Form to the Facility Watch Commander for review. The Watch Commander will forward all documentation to the Division Chief, or an administrative review of the documents and render one of the following decisions:

- Uphold the GRO's denial of the grievance
- Overturn the GRO's denial and uphold the youth's grievance
- Order an administrative review hearing

609.18 FINAL REVIEW AND NOTIFICATION OF THE YOUTH

The Division Chief or their designee shall review and write an addendum to the Grievance Form. The Original Grievance Form will be filed. Copies of the completed Grievance will be forwarded to the youth's unit where written notification of the administrative decision and the reason(s) supporting it will be provided to the youth within 10 days of the initial filing of the grievance.

In cases where the Division Chief or their designee elects to conduct an administrative hearing, all parties to the grievance shall be assembled at the discretion of the administrative hearing officer. The finding administered at this hearing shall be final. Youth shall receive a written response to the grievance which includes the reason for the decision.