

RESIDENTS' GRIEVANCE PROCEDURE

- AUTHORITY:** California Code of Regulations, Title 15, Section 1361
- RESCINDS:** Procedure Manual Item 3-1-012, dated 08/12/13 (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. All youth will be assured access to a process which provides an opportunity for review and resolution of complaints of his/her care while in custody.
- B. A youth may appeal any action which he/she believes to be inappropriate or a violation of his/her rights, or any decision made by Probation staff where the staff member exercises discretion or authority.
- C. It is the responsibility of staff to advise each youth of the facility rules of conduct and the grievance procedure within 24 hours of his/her arrival to the facility. Youth will be expected to sign a statement attesting to the fact he/she has been advised of his/her rights.
- D. Staff are expected to give lawful and reasonable instructions to youth.
- E. Youth will be expected to follow and will be held accountable for following instructions even if they disagree with them.
- F. A youth shall have the option to file a confidential or non-confidential grievance. The grievance procedure will consist of three (3) steps. Step I is an informal appeal made to the correctional officer. Step II is a formal appeal to unit/dorm supervisor. Step III is a formal appeal to the Facility Director or designee.
- G. There shall be no time limit on filing grievances. Any grievance related to health and safety must be addressed immediately. Upon receipt of the grievance form, the correctional officer will make every effort to resolve the issue in a prompt manner. At Step 1, a prompt review and initial resolution must be attempted within (3) business days of receipt of the grievance form.
- H. If the youth chooses to proceed to Steps 2 and 3, resolution of the grievance must occur within ten (10) business days. This is unless circumstances dictate a longer timeframe, in which the youth shall be notified of the delay.
- I. 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.

- J. A copy of the grievance form is to be posted in each unit, dorm or living area.
- K. All non-confidential grievance forms will be numbered, and after being issued, each form must be accounted for. 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 at self-serve boxes.
- L. 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.
- M. No youth will suffer reprisals from staff or other youths as a result of his grievance. Staff will assist any youth in preparing a grievance if requested or necessary.
- N. Confidential Grievance Process
 1. During the orientation process, staff will advise each youth of the confidential grievance procedure as outlined in Title 15 and provide the youth with two blank confidential grievance forms along with their signed rules of conduct and youths 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. It will be the responsibility of Unit's assigned Supervising Juvenile Correctional Officer (SJCO) and the Duty Officer (DO), to check the grievance boxes daily, Monday through Friday, excluding weekends and holidays. Grievances will be promptly reviewed and responded to as outlined in 1.G above. If any youth misplaces a confidential grievance form, another one may be requested from unit staff.
 3. A youth may use the confidential grievance procedure to report sexual harassment or abuse. The agency shall not require a 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.
 4. Staff, volunteers and contractors can privately and confidentially report sexual abuse and sexual harassment by contacting the Department's PREA Coordinator, any facility administrator or the Professional Standards Division.
 5. All Department staff with child care/supervision responsibilities are mandated reporters regarding incidents of sexual misconduct involving youth under probation supervision. Staff shall accept reports made verbally, in writing, anonymously, and from a third-party. All reports received by staff must be acted on immediately (refer to PMI 2-1-004).

6. It is important to note that once a youth submits a confidential grievance form that does not allege an incident of sexual abuse or harassment, the process for handling it is not confidential and the matter should be logged/handled as if the youth used a numbered grievance.

II. PROCEDURE

- A. 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 IMS/Logbook reason for grievance and form number issued. Staff issuing grievance must account for the form prior to the end of the shift and make a note in IMS/Logbook 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 has the option to discuss the issue with a staff not directly involved in the circumstances which led to the grievance and to have a staff member approved by the facility administrator or designee to assist the youth.
 3. To the extent practicable, explain to the youth the rationale behind the action taken. 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 he is in agreement with the decision and does not want to pursue the matter to Step II. See instructions below in Figure 1.

4. If the grievance is denied or the youth is not satisfied with the proposed resolution, complete the grievance form, documenting the findings of the investigation and proposed resolution. Allow the youth to sign the form and decide whether he wants 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 date and time grievance form was received.
- 2) SJCO to summarize findings of investigation.
- 3) SJCO to summarize resolution.
- 4) Youth must check appropriate box. Youth is agreeing/disagreeing with the resolution. A disagree will require the matter be taken to Step 3.
- 5) Check "No" if unresolved at step 2. Forward grievance and SIR's to Director/Designee.
- 6) After resolution is discussed with youth, SJCO and youth must sign, date, and indicate the time.

5. If the grievance is upheld (that is the SJCO finds that 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.

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

III. TRACKING LOG PROCEDURE

A. The issuing staff will record in the tracking log:

1. Issuing date
2. Youth name and L#
3. Issuing staff
4. Problem description. Description must include exact reason youth was issued a grievance form. See Figure 5.

B. Supervising Juvenile Correctional Officer will record in the tracking log:

1. Disposition of grievance. Acceptable dispositions will include:
 - a. Step 1
 - b. Step 2

- c. Step 3
 - d. S.I.R. (used when no resolution is reached due to a release)
2. 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

IV. MISSING OR DAMAGED GRIEVANCE FORMS

- A. 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 are 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.
- B. 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.

V. RELEASED/TRANSFERRED YOUTHS

- A. In the event a youth is released prior to his/her grievance resolution, every effort will be made by staff 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.
- B. 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 |
| | 3-1-022 | Orientation |
| | 3-1-043 | Behavior Management and Disciplinary Due Process |
| | 3-2-002 | Prevention and Control of Inappropriate Behavior |
| Policy: | C-16 | Employee Conduct (On-Duty) |
| | | PREA Juvenile Facility Standards |

J. Johnson

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 | | | | | | |