



**Youth Detention Facility  
OPERATIONS ORDER**

**GRIEVANCES – TITLE XV SECTION 1361**

**Purpose and Scope**

Most complaints by youth can be informally resolved at the unit level with staff. Talking to the youth, educating, or assisting with obtaining information with the particular matter at hand are key components to resolution of most informal grievances. However, a youth who is not satisfied with his/her circumstances and/or care can seek review of the situation through a formal written grievance procedure. This procedure gives the youth the opportunity to learn to resolve problems in a socially acceptable manner.

**Affected Personnel**

All Sworn Personnel- YDF

**Authority**

Title XV 1361

**Effective Date**

01/01/2011

**I. Guidelines**

- A. All youths are assured access to a grievance process, with no time limit to file a grievance. *Any youth may appeal and have resolved grievances relating to any condition of confinement.\**
  
- B. Conditions of confinement include, but are not limited to, the following:
  - 1. Mental Health Services
  - 2. Medical Services (blue form)
  - 3. Educational Services;
  - 4. Classification decisions;
  - 5. Program participation;
  - 6. Recreation and exercise;
  - 7. Telephone, mail or visiting procedures;
  - 8. Food, clothing, or bedding;
  - 9. Religious services;
  - 10. Discipline;

11. Clean and sanitary living conditions;
  12. Instances of derogatory or profane language directed by staff towards youth;
  13. Any corporal and/or cruel and degrading punishment, either physical or psychological;
  14. Harassment and
  15. Discrimination.
- C. Any youth reporting sexual assault or sexual harassment may utilize the grievance process in addition to telephone and in person reporting. Any youth may report an incident to probation, medical or mental health staff. Free and confidential telephone support may also be utilized through WEAVE and Office of the Inspector General.
- D. In each living unit, grievance forms will be accessible to the youth without having to request one from staff. Probation staff shall ensure grievance forms are located by the grievance box at all times.
- E. Youths will be assured there will be no reprisals from staff or other youths as a result of filing a grievance.

## **II. Procedure**

- A. Youths shall be provided assistance from staff approved by the facility administrator to assist the minor. The youth shall receive help from institutional staff as soon as possible but no later than two (2) hours after the request.
- B. Youths can confidentially place grievances in the secured grievance box.
1. Whenever possible, youths should be allowed to place his/her grievance in the secured grievance box themselves.
  2. If this option is not possible, the youth shall hand the grievance to any probation staff who shall place the grievance in the secured grievance box.
- C. A Supervising Probation Officer (SPO) shall be responsible for checking all grievance boxes on a daily basis to collect submitted grievances. All collected grievances shall be promptly reviewed and any grievances that relate to health and safety issues must be addressed immediately.
- D. The grievance SPO or designated SPO shall initially respond to the grievance within three (3) business days and 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.
- E. The SPO shall log all pertinent information IA PRO on the day the grievance is collected from the units. The information documented is as follows:

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1. Date of grievance;
2. Date collected;
3. Date logged;
4. SPO collecting grievance;
5. Youth's name and x-ref
6. Grievance number;
7. Nature of the grievance;
8. Staff assigned grievance;
9. Due date;
10. Resolution date;
11. Secondary related action and follow-up.

F. Upon review of the grievance, the SPO will determine the appropriate level at which the grievance should be resolved :

1. If staff misconduct is alleged or present in the grievance:
  - a. The grievance shall be forwarded to an institutional manager for review. After review, if it is determined that staff misconduct is alleged or present then the matter shall be handled as a personnel complaint in a manner consistent with Departmental Policy. This applies to staff misconduct on the part of all staff within the institution, including probation, medical, mental health and education staff.
  - b. The guidelines for handling allegations of staff misconduct discovered during the grievance, including criteria for determining the level of investigation, referrals to Internal Affairs and case processing, are outlined in the Administrative Policy and Procedure Manual's *Internal Complaints* policy.
2. If staff misconduct is not alleged or present, then the matter shall be handled as follows:
  - a. If the grievance can be resolved at the lowest level, the SPO will forward the grievance to one of the following staff or stakeholders not directly involved in the circumstances which led to the grievance.
    1. Senior Deputy Probation Officer (Sr. DPO) on duty or the Sr. DPO working the following shift;
    2. School Principal;
    3. Medical Program Manager;
    4. Mental Health Supervisor;
    5. Kitchen Supervisor, or
    6. Other.
  - b. The SPO shall assign each grievance a specific due date for completion of the investigation, considering the risk and complexity of the grievance, and notify the staff/stakeholder of the due date upon assignment.
  - c. Grievances can be assigned to any Sr. DPO, who is not a party to the incident, for resolution. If assigned to a Sr. DPO, a SPO will contact

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an on-duty Sr. DPO and inform him/her there is a grievance to be handled. The grievance shall then be placed in the Sr. DPO's mailbox.

- d. If there is not a Sr. DPO on duty, the SPO will ensure it is assigned to a Sr. DPO assigned to report to work the following shift. The SPO will notify the incoming Sr. DPO and place the grievance in the assigned Sr. DPO's mailbox.
  - e. If assigned to a stakeholder, the SPO will place the grievance in an inter-office envelope with the name of the person who is to handle the grievance. The envelope shall be placed in the stakeholders' mailbox. The SPO will contact the assigned stakeholder to notify them of the grievance.
  - f. If the grievance cannot be handled at the lowest appropriate staff level, the SPO will attempt to resolve the matter and / or it will be referred to the facility Administrator, if necessary.
  - g. The SPO shall review and approve all grievances marked as resolved to ensure the investigation and resolution of each grievance is appropriate. The SPOs date of review shall be documented on the grievance.
3. Every attempt shall be made to interview the grievant/complainant and identified youth witnesses, regardless of whether they have been released.

### **III. Resolution**

#### **A. Resolving the formal grievance includes:**

1. Speaking to the involved youth(s) about the grievance. If youth is out of custody, a finding related to the grievance shall be documented on the grievance form.
2. Interviewing unit staff or youth witnesses, if necessary.
3. Reviewing relevant records (Institutional file, video recordings, electronic database information, unit restriction, red book, etc)
4. Grievance responses shall be prompt and include a written response to the grievance and the reasons for the decision.
5. Upon resolution, the Sr. DPO or stakeholder will have the youth sign the resolved grievance. The resolved grievance will then be placed in the grievance box.
6. The SPO is responsible for the resolved grievances and updating IA Pro with its resolution.
7. If the grievance cannot be resolved at the lowest level, the grievance shall be placed in the grievance box with findings, including the signatures of the Sr. DPO/stakeholder and the youth, indicating the grievance is not resolved. Upon collection, the SPO will review the unresolved grievance and attempt to resolve it with the youth.

8. The original grievance along with any associated items shall be maintained in a secured location within the SPO/Grievance Coordinators office.

#### **IV. Appeal Procedure**

- A. An appeal of a grievance shall be heard by a person not directly involved in the circumstances which led to the grievance.
  1. If a grievance cannot be resolved at the lowest appropriate staff level, the youth may appeal to the next level, usually to a SPO.
  2. If no resolution occurs at the SPO level, the grievance may be appealed to an Assistant Division Chief.
- B. The SPO will forward the appealed grievance to the Assistant Division Chief within one (1) day of the request for appeal.
- C. The Assistant Division Chief may:
  1. Conduct further investigation; and/or
  2. Decide not to hear the grievance, in which case the supervisor / Due Process officer's decision becomes final.
- D. The Assistant Division Chief will, within five (5) days of the receipt of the grievance, notify the youth of his / her decision to either proceed or let the decision stand.
- E. The youth has the right to be present at any scheduled hearing and to receive a written statement of its outcome.
- F. The Assistant Division Chief's decision is final.

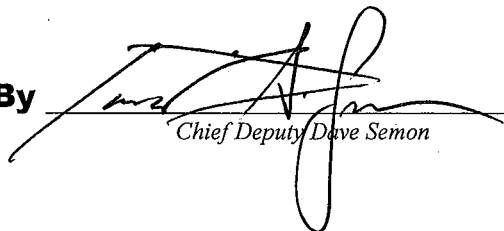
#### **V. Your Voice**

- A. Any written complaint or suggestion received by a youth that does not relate to conditions of confinement will be classified by the grievance SPO as a Your Voice. A Your Voice can be resolved informally, by a staff or stakeholder in a timely manner. A log will be maintained to demonstrate how resolutions of youths' concerns were adequately addressed without accessing the formal process. The log will contain the following information:
  1. Date of the Your Voice;
  2. Date logged;
  3. Youths name, x-ref and housing unit;
  4. Nature of the Your Voice;
  5. Staff assigned the Your Voice and
  6. Resolution date.

**Attachments**

**Amends/Replaces Previous Order**

**Authorized By**

  
*Chief Deputy Dave Semon*

**Date**

*4/2019*

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