



**SAN MATEO COUNTY  
PROBATION DEPARTMENT  
INSTITUTIONS SERVICES MANUAL**

**ARTICLE 5  
Classification and Separation  
§1361**

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**Topic                    Youth Grievances**

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

All youth shall be provided with a grievance process for resolving complaints arising from matters and conditions of confinement with at least one level of appeal. There shall be no time limit on filing grievances.

Youth will receive information about the grievance procedure during the intake/orientation process. Information will also be contained in the youth handbook. Information regarding the grievance process will be provided to youth in the language they understand.

The information will include (15 CCR 1361):

1. A grievance form, free access, and instructions for registering a grievance.
2. Instructions for resolving the grievance at the lowest appropriate staff level.
3. The appeal process to the next level of review.
4. Written reasons for denial of a grievance at each level of review.
5. A provision of required time frames for responses.
6. A provision for resolving questions of jurisdiction within the juvenile facilities.
7. Consequences for abusing the grievance system.
8. A provision for confidential filing or delivery to any supervisory detention staff.

**1361.1 GRIEVANCE PROCEDURES**

Institution Services Managers (ISM) shall ensure that Grievance Forms are readily available on each unit and that grievance procedures are posted nearby.

Staff shall attempt to informally resolve all complaints at the lowest level. All attempts to resolve a youth complaint shall be documented in the youth's file. If there is no resolution at this level, the youth may file a grievance and place in the unit grievance box

A youth may help another youth prepare a grievance. Staff members may take reasonable steps to help the youth prepare a grievance if requested. A translator shall be provided as needed or

requested by the youth.

The initial review and response to grievances shall occur within three business days; however, grievances related to health, security or safety issues must be addressed immediately.

In the case of a grievance about health, mental health, food, or education services, the ISM shall forward the grievance to the appropriate manager in those departments.

### **1361.2 EXCEPTION TO INITIAL GRIEVANCE FILING**

Youth may request to submit the grievance directly to a lead staff, Institution Services Manager/Officer of the Day (ISM/OD) or the Superintendent or deposit the grievance in a locked box within their housing unit.

A parent/guardian may also mail a grievance/complaint via the United States Postal Service to the Superintendent, submit it directly to a supervisor, or deposit the grievance in a locked grievance box located in the visitation area. All parent/guardian complaints shall be handled in the same manner as a youth grievance.

### **1361.3 TIMELY RESOLUTION OF GRIEVANCES**

Upon receiving a completed youth grievance form, the supervisor shall ensure that the grievance is properly investigated. Every attempt shall be made to resolve the youth's grievance in a timely manner. The ISM/OD shall forward 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 (ISM/OD). Any appeals shall be forwarded to the Superintendent 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).

Resolution of all grievances should occur within 10 business days unless additional time is necessary. Youth shall be notified of any delay (15 CCR 1361).

The Superintendent shall maintain all resolved youth grievances in the grievance log. The Superintendent shall periodically review the log to ensure that grievances are being handled properly and in a timely manner. The review shall also help identify any training issues or if any policy or procedure changes are warranted.

A copy of each grievance should be filed in the youth's Unit file and maintained throughout the youth's period of detention.

### **1361.4 GRIEVANCES RELATED TO SEXUAL ABUSE**

Youth may submit a grievance regarding an allegation of sexual abuse at any time.

1. Third parties, including fellow youth, staff members, family members, attorneys, and outside advocates, are permitted to assist youth in filing such grievances and to file such grievances on behalf of youth. Staff members who receive a grievance filed by a third

- party, other than a parent or legal guardian, on behalf of a youth shall inquire whether the youth wish to have the grievance processed and shall document the youth's decision and may condition the processing of the grievance on the youth's consent. Staff members who receive a grievance filed by a parent or legal guardian of a youth shall process the grievance with or without the consent of the youth.
2. Grievances may be submitted to any staff member and need not be submitted to the member who is the subject of the complaint.
  3. Grievances involving an allegation of sexual abuse or sexual harassment shall immediately be forwarded to the Superintendent. In all reports involving allegations of sexual abuse staff shall follow the department's Prison Rape Elimination Act (PREA) policy.

#### **1361.4.1 EMERGENCY GRIEVANCES RELATED TO SEXUAL ABUSE**

Youth who believe they are, or any other youth is, at substantial risk of imminent sexual abuse may file an emergency grievance with any ISM-OD. The ISM-OD shall determine whether immediate action is reasonably necessary to protect the youth and shall provide an initial response within 48 hours.

The ISM-OD shall refer the grievance to the Superintendent or the authorized designee, who will investigate and issue a final decision within five calendar days.

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).

#### **1361.5 TRAINING**

The Superintendent shall ensure that all staff receive training regarding all aspects of this policy and the grievance process.

See Procedures Manual on Youth Grievances for further information