



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

**ARTICLE 5
Classification and Separation
§1361**

**Procedure
Youth Grievances**

PURPOSE AND SCOPE

This policy provides general guidelines regarding the Youth Grievances Process.

1361.1 GRIEVANCE LOG

The Superintendent shall maintain all resolved youth grievances in a 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.

1361.2 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 wishes 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 PREA policy. [Include link here.](#)

1361.3 ACCESS TO THE GRIEVANCE SYSTEM

All youth shall be provided with a grievance process for resolving complaints arising from juvenile facilities 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):

- a. A grievance form, free access, and instructions for registering a grievance.
- b. Instructions for resolving the grievance at the lowest appropriate staff level.
- c. The appeal process to the next level of review.
- d. Written reasons for denial of a grievance at each level of review.
- e. A provision of required time frames for responses.
- f. A provision for resolving questions of jurisdiction within the juvenile facilities.
- g. Consequences for abusing the grievance system.
- h. A provision for confidential filing or delivery to any supervisory detention staff.

1361.4 YOUTH GRIEVANCE PROCEDURES

1. Institution Services Managers (ISM) shall ensure that Grievance Forms are readily available on each unit and that grievance procedures are posted nearby.
2. Staff shall attempt to informally resolve all grievances at the lowest level. All attempts to resolve a grievance shall be documented in the youth's file. If there is no resolution at this level, the youth may file a grievance.
3. 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.
4. Upon receiving a completed youth grievance, the staff member shall document receipt of the grievance, gather associated paperwork and reports, and forward it to an ISM as soon as reasonably practicable.
5. The initial review and response to grievances shall occur within three business days. Grievances related to health and safety issues must be addressed immediately.
6. In the case of a grievance about health, mental health, food, or education services, the ISM shall forward the form directly to the Superintendent of the facility or the authorized designee. The Superintendent of the facility or the authorized designee shall then forward these grievances to the appropriate manager in those departments.
7. When a youth arrives on his/her assigned living unit, staff shall inform them of the location of the Grievance Forms and drop box.

8. Institution Services Managers (ISM) shall ensure that Grievance Forms are readily available on each unit and that grievance procedures are posted nearby.
9. Once a youth completes a Grievance Form, the youth should tear off and keep the pink copy, and either put the remaining copies in the drop box or give them to any Institution staff member.
10. Should a youth request or require help in communication of a grievance, the ISM shall appoint an impartial staff member to assist the youth. The ISM shall make every attempt to fulfill a youth's request for assistance from a particular staff member. The appointed staff member shall assist the youth as appropriate in written and verbal communication of the grievance, which may include filling out the grievance form and/or presenting the grievance at hearings. A youth may request witnesses to speak on their behalf. A staff member shall not influence the content of the grievance in any way. A translator shall be provided as needed or requested by the youth.
11. Upon receiving a completed youth grievance, the staff member shall document receipt of the grievance, gather associated paperwork and reports, and forward it to an ISM as soon as reasonably practicable.
12. The ISM shall collect grievance forms daily, per shift, and mark the date and time of receipt on the forms. The ISM shall assign a Group Supervisor III to resolve the grievance. The assigned staff shall attempt to resolve grievances at the lowest appropriate staff level. Should the grievance matter involve a GSIII, then the ISM shall investigate the grievance. Should the grievance matter involve an ISM, the Superintendent or the authorized designee, shall investigate the grievance. Grievances shall be resolved at the lowest possible level. All resolved grievances shall be turned in to the facility Superintendent.
13. Within 24 hours, the staff assigned to resolve the grievance shall notify a youth that the grievance has been received.
14. The initial review and response to grievances shall occur within three business days. Grievances related to health and safety issues must be addressed immediately.
15. In the case of a grievance about health, mental health, food, or education services, the ISM shall forward the form directly to the Superintendent of the facility. The ISM shall notify the youth that their grievance has been forwarded. The Superintendent of the facility shall then forward these grievances to the appropriate manager in those departments. Each department manager should promptly resolve grievances related to their services. The department managers should note the outcome of the grievance on the form, have the youth sign it, and provide a copy to the youth and the Superintendent of the facility. If the youth does not want a copy, staff will write on the copy, "Youth refused a copy" and place it in the youth's file.

1361.5 TIMELY RESOLUTION OF GRIEVANCES

Upon receiving a completed youth grievance form, the ISM shall assign the investigation of the grievance to the manager in charge of the department or service area the youth is grieving.

The assigned staff shall notify the youth of the resolution and note it at the bottom of the grievance form. Youth shall sign the form and indicate whether they agree or disagree with the

resolution and whether they want to appeal it. If a youth refuses to sign or to indicate agreement or request for appeal, the grievance shall automatically be appealed to the ISM. The assigned staff shall provide the youth with the yellow copy of the grievance form that includes the finding, the youth response, and the youth signature. If the youth does not want the yellow copy, staff will write on the yellow copy, “youth refused a copy” and place it in the youth’s file.

The assigned staff shall forward all Grievance Forms, regardless of outcome, to the ISM of the unit. The ISM shall submit the resolved Grievance to the facility Superintendent.

1361.6 APPEALS TO GRIEVANCE FINDINGS

A youth may appeal the findings of a grievance Youth may elect to present their version of the grievance in person to the Superintendent or have the written grievance forward to the Superintendent for review as part of the appeals process. to the Superintendent. The Superintendent will review the grievance and if the grievance is substantiated, the Superintendent will initiate corrective action. A written response to the youth’s appeal shall be made available to the youth.

If the youth has requested an appeal, the ISM shall provide an appeal hearing for the youth within seven days of the GSIII decision. Should the youth request an appeal of the ISM decision, the Superintendent or the assigned designee, shall provide a hearing within seven days of the ISM decision. The final decision on the grievance shall be noted on the form and the youth shall sign it. A copy of the form shall be provided to the youth. If the youth does not want a copy, staff will write on the copy, “Youth refused a copy” and place it in the youth’s file.

If a youth chooses to withdraw a grievance at any time, the GSIII, ISM, or Superintendent shall indicate such in the “finding” section of the form and shall ensure that the youth signs the form.

1361.7 EXCEPTION TO INITIAL GRIEVANCE FILING

Youth may request to submit the grievance directly to a lead staff, ISM, mail it directly to the Superintendent, or deposit the grievance in a locked box within their housing unit.

A parent/guardian may also mail a grievance 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.

1361.8 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 ISM 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 On-Duty Officer of the Day. Any appeals shall be forwarded to the Superintendent as the final level of appeal.

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

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

1361.9 APPEALS TO GRIEVANCE FINDINGS

Youth may appeal the finding of a grievance to the Superintendent as the final level of appeal within five days of receiving the findings of the original grievance. The Superintendent will review the grievance and either confirm or deny it. If the Superintendent confirms the grievance, the Superintendent will initiate corrective actions. In either case, the youth shall receive a written response to the appeal.

1361.10 RECORDING GRIEVANCES

The Superintendent 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 Superintendent 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 and maintained throughout the youth's period of incarceration.

The original grievance should be retained in a master file maintained by the Superintendent or the authorized designee, and shall be retained for seven years. A copy of each grievance shall also be filed in the applicable youth's chart.

The Superintendent, ISMs, and department managers shall address and document the concerns of parents, guardians, and staff in the resolution of grievances.

1361.11 STATE REQUIREMENTS

At any level of the grievance process, the Superintendent 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.
- d. Youth have the option to confidentially file the grievance or to deliver the form to any youth supervision staff working in the facility.

1361.12 GRIEVANCE AUDITS

The Superintendent should perform an annual audit of all youth grievances and complaints filed the previous calendar year. The Chief Probation Officer or the authorized designee should document the findings, including recommendations regarding any changes to policy or procedures or any additional training that might be warranted to reduce future complaints.

Specific identifying information regarding dates, times, or individuals named in the complaints is not part of this process and should not be included in the memorandum.

The Chief Probation Officer should evaluate the recommendations and ensure appropriate action is taken.

The Superintendent or the authorized designee will identify any training issues as a result of this audit and ensure all necessary and required training is scheduled and completed.

1361.13 ADDITIONAL PROVISIONS FOR GRIEVANCES RELATED TO SEXUAL ABUSE

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

- a. Youth may submit a grievance regarding an allegation of sexual abuse at any time.
- b. 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 wishes 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.
- c. Grievances may be submitted to any staff member and need not be submitted to the member who is the subject of the complaint.
- d. Staff receiving a grievance shall forward the grievance to the ISM. Grievances shall not be forwarded to any ISM who is the subject of the complaint. The ISM receiving the grievance shall refer the grievance to the Superintendent or the authorized designee for investigation. Youth and staff are not required to attempt to informally resolve grievances related to sexual abuse.
- e. The Superintendent or the assigned designee 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 Superintendent or the authorized designee 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. Youth 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. The facility shall provide youth with access to forms, writing implements, computers, or other tools necessary to make a written report (28 CFR 115.351).

See Policy Manual on Youth Grievances for further information