

**SAN BERNARDINO COUNTY
PROBATION DEPARTMENT PROCEDURE**

Grievances and Appeals

Title 15 Section 1361

Authority:

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Purpose:

To establish a process whereby any youth may appeal and have resolved grievances relating to any condition of confinement in a Juvenile Detention and Assessment Center (JDAC)/Treatment Facility (TF) including, but not limited to, health care services, classification decisions, program participation, telephone, mail or visiting procedures, food, clothing, bedding, mistreatment, harassment or violation of the non-discrimination policy, discipline, and religious issues. Youth may also use the grievance process to report sexual abuse and sexual harassment.

Definition:

Fact Finding: An informal gathering of facts regarding a youth's staff related grievance. Fact Finding is used to assist the DDI/II/designee in deciding whether or not further action is required. The fact finding will provide a factual explanation and defense of further actions taken regarding the grievance. Fact finding shall include, but is not limited to:

- The gathering of information to show a grievance was appropriately and adequately reviewed, a resolution was attempted/completed, and what actions were taken.
- An interview from the youth detailing an explanation of the grievance.
- An interview from any other person deemed to have relevant information regarding the grievance.
- Documentation must include, but is not limited to, providing thorough details of what happened, an explanation of the seriousness of the matter, actions taken to resolve the matter or what should be done to bring resolution to the matter and the results.

Personnel Complaints: Grievances alleging staff misconduct that could result in discipline if sustained in an administrative investigation, shall be considered personnel complaints. Grievances of this nature may be filed against any staff, volunteer, and/or contract worker.

Responsibilities:

I. Orientation, Receipt and Processing of Grievances:

A. Booking Probation Correction Officer (PCO):

1. Orient every youth regarding the grievance procedure upon entry into the facility. The youth will sign and date the Grievance & Appeals Procedure Acknowledgment Form (Attachment A) indicating they have been oriented regarding procedure options. The staff member who conducted the orientation and a Probation Corrections Supervisor I (PCSI) shall sign the form.

B. Youth's Completion of a Grievance Form:

1. Youth shall not be discouraged from filing a grievance and shall have free access to the grievance forms. Any youth that has a grievance may:
 - a. Place the completed grievance confidentially in the grievance box
 - b. Give the completed grievance to any staff member
 - c. Make a verbal summary to any staff member and ask for assistance with completing the grievance form.

- C. Probation Corrections Officer (PCO):
1. Assist any youth that requests help in completing the Youth's Grievance Form (Attachment B).
 2. May act as a youth's representative, if requested.
- D. Probation Corrections Supervisor I (PCSI), as assigned per shift:
1. Check all grievance boxes no later than the end of each shift.
 2. Upon receipt of any grievance:
 - a. Assign the grievance a tracking number, as outlined in Section II. Tracking.
 - b. Log the grievance on the Grievance Tracking Sheet (Attachment C).
 - c. Place the original grievance in the facility Grievance Binder.
 - d. Forward a copy of grievances addressed to: Medical, FAST, Food Services, Religious Services, Schools, etc. to their designated location in each facility, prior to the end of the shift.
 - i. School grievances should be documented "forwarded to SBCSS" on the designated area of the grievance form.
 - ii. Religious grievances require an email notification to the Religious Services Coordinator.
 3. Ensure the grievance form is completed and returned to the WC/TFS.
 4. Each PCSI assigned to a living unit shall ensure the Grievance Procedure is posted in a visible location and the Youth's Grievance Forms are easily accessible to all youth.
- E. Watch Commander (WC)/Treatment Facility Supervisor (TFS):
1. Ensure the PCSI has correctly logged, assigned a tracking number, and distributed a copy of the written grievance to the appropriate location for processing prior to the end of the shift.
 2. Upon receipt of a completed grievance:
 - a. Log the completion of the process on the Grievance Tracking Sheet (Attachment C).
 - b. Document in the designated area of the Youth's Grievance Form (Attachment B) noting the youth was given a copy of the completed grievance form within (3) business days.
 - c. Ensure a copy of the completed form is filed in the youth's facility file.
 - d. Attach the completed grievance form to the original form in the facility Grievance Binder.
- II. Tracking:
- A. When a grievance is filed, each grievance shall be assigned a tracking number by the PCSI in the facility Grievance Binder.
- B. The tracking number shall consist of the facility code, grievance number, and year (example: CV-001-2005).
1. The facility codes are as follows:
 - CV=Central Valley
 - HD=High Desert
 - GC=Gateway Central
 - GR=Gateway RYEF
 2. Each facility shall issue grievance tracking numbers consecutively throughout the calendar year and will start over with "001" in January of each year.

III. Resolution and Documentation of Grievances Alleging Probation Staff Misconduct (Personnel Complaints):

- A. Probation Correction Supervisor I (PCSI):
 - 1. Upon receipt of any personnel grievance:
 - a. Assign the grievance a tracking number, as outlined in Section II. Tracking.
 - b. Log the grievance on the Grievance Tracking Sheet (Attachment C).
 - c. Place the original grievance in the facility Grievance Binder.
 - d. Forward a copy of initial fact finding information, and the personnel grievance to the WC/TFS.
- B. Watch Commander (WC)/Treatment Facility Supervisor (TFS):
 - 1. Ensure the PCSI has correctly logged and assigned a tracking number to the personnel grievance.
 - 2. Forward the initial fact finding information and the personnel grievance to the DDI/II.
 - 3. Upon receipt of a completed personnel grievance:
 - a. Ensure necessary action was taken at the direction of the DDI/II, if applicable.
 - b. Log the completion of the process on the Grievance Tracking Sheet (Attachment C).
 - c. Attach the completed grievance form to the original form in the facility Grievance Binder.
- C. Division Director I/II (DDI/II):
 - 1. Ensure fact finding is completed and attached to the original grievance.
 - 2. After reviewing the fact finding information and grievance:
 - a. If it is determined the alleged conduct may result in discipline if found true/sustained, a copy of the grievance shall be forwarded to Professional Standards with a Request for Administrative Initiated Investigative Report.
 - b. If it is determined the conduct would not rise to the level of discipline if found true/sustained, the grievance shall be returned to the WC/TFS for resolution at a lower level.

IV. Resolution and Documentation of Grievances Alleging Non-Probation Staff Misconduct (Personnel Complaints):

- A. Division Director I/II (DDI/II):
 - 1. If the staff member named in the grievance is an employee of the Department of Behavioral Health (DBH), a copy shall be forwarded to the Juvenile Justice Program Manager (JJPM II).
 - 2. If the staff member named in the grievance is an employee of the San Bernardino County School System (SBCSS), a copy of the grievance shall be forwarded to the school principal.
- B. Juvenile Justice Program Manager II (JJM II):
 - 1. Review a copy of all grievances alleging DBH staff misconduct.
 - 2. Provide the DDI/II with a general disposition once the matter has been resolved.
- C. SBCSS Principal:
 - 1. Review a copy of all grievances alleging SBCSS staff misconduct.
 - 2. Provide the DDI/II with a general disposition once the matter has been resolved.

V. Resolution and Documentation of Grievances (Non-Personnel Complaints):

- A. Probation Grievances:
 - 1. Probation Corrections Officer (PCO):
 - a. Staff are encouraged to resolve non-personnel grievances at the lowest possible level by discussing the identified complaint with the youth.

- b. The PCO shall document in the designated area of the grievance, the reasons why the grievance is or is not resolved and forward the grievance to the PCSI. The reasons should be clear, concise, and comprehensive of the PCO and youth's discussion regarding the grievance.
 - c. If the youth feels the matter has not been resolved satisfactorily, an appeal shall be initiated by checking the "Appeal Requested" box on the grievance form and forward to the PCSI.
 2. Probation Corrections Supervisor I (PCSI):
 - a. When a grievance cannot be resolved at the lowest level by the PCO, the PCSI shall schedule a meeting to include the caseload counselor or on duty PCO, the youth and/or the youth's representative (either another youth or staff member) within three (3) business days of receiving the grievance. The youth may elect to be present to explain their version of the grievance to a person not directly involved in the circumstances that led to the grievance.
 - b. Once resolved, the PCSI shall give the youth a written response to the grievance within three (3) business days using the space provided on the grievance form, including reasons for the decision. Signatures are required on the form by the youth, PCSI and PCSII.
 - c. Ensure the completed grievance is given to the WC/TFS.
 - d. After the grievance form is completed, the WC/TFS/designee shall document in the designated area of the form that a copy was given to the youth.
 - e. If the youth feels the matter has not been resolved satisfactorily, an appeal shall be initiated by checking the "Appeal Requested" box on the grievance form and forwarded to the WC/TFS.
 - f. When a grievance is related to a facility support area (Food Services, FAST, Medical, School, Religious Services), document which support area the grievance was forwarded to in the PCSI Grievance Evaluation section.
 3. Watch Commander (WC)/Treatment Facility Supervisor (TFS):
 - a. Ensure the PCSI has correctly logged, assigned a tracking number, and forwarded a copy of the written grievance to the appropriate location for processing prior to the end of the shift.
 - b. Review all grievances that did not reach a resolution at the PCSI level.
 - i. The WC/TFS shall give the youth a written response within three (3) business days. The response shall be documented in the designated area of the grievance with reasons for the decision. Signatures are required on the form by the youth and the WC/TFS. After the grievance form is completed, the WC/TFS shall document in the designated area of the grievance form that a copy of the completed grievance was given to the youth.
 - ii. If the youth feels the matter has not been resolved satisfactorily, an appeal shall be initiated by checking the "Appeal Requested" box on the grievance form and forwarded to the DDI/II.
 - c. Receive all completed grievances:
 - i. Log the completion of the process on the Grievance Tracking Sheet (Attachment C).
 - ii. Attach the completed grievance to the original copy and file in the facility Grievance Binder.
 - iii. File a copy of the completed form in the youth's facility file.
 4. Division Director I/II:
 - a. Address appeals as stated in Section VI. Appeal Process in this procedure.

B. Medical Grievances:

1. Supervising Correctional Nurse I/II/designee:
 - a. Check the medical mailbox daily for grievances and review upon receipt.
 - b. Compare received "medical" grievances to the facility Grievance Tracking Sheet (Attachment C) to ensure all grievances were received.
 - c. Address emergent grievances immediately and all others within twenty-four (24) hours.
 - i. Base response on principles of adequate medical care.
 - ii. The charge nurse shall address grievances received on weekends and holidays when a Supervising Correctional Nurse is not scheduled to be on-site for greater than 24 hours.
 - d. Document the response in the designated section of the grievance form and include the reason for the decision.
 - e. Document the resolution of the grievance by checking the appropriate box under "Resolved".
 - f. Obtain the youth's signature and sign the form.
 - g. Provide the youth a copy of the written response within three (3) business days.
 - h. Return the completed forms to the WC/TFS.
 - i. Forward a copy of the grievance to the Health Service Manager (HSM) by the next business day.
2. Health Services Manager (HSM):
 - a. Review grievances received.
 - b. Address appeals as stated in Section VI. Appeal Process in this procedure.
 - c. Return processed grievances to the WC/TFS.
 - d. Maintain a record of completed grievance forms.

C. Forensic Assessment Services Team (FAST) Grievances:

1. FAST Clinic Supervisor/designee:
 - a. Review all grievances received and ensure they are addressed.
 - b. Review all mental health grievances within twenty-four (24) hours, unless it is deemed a safety issue at which time the grievance will be addressed immediately or the next business day if it is received on a weekend.
 - c. Shall give the youth a written response to the grievance within three (3) business days. Document the response on the grievance form and include reasons for the decision. Signatures are required on the form by the youth and FAST Supervisor/designee.
 - d. Base the response on principles of adequate mental health care.
 - e. Return the completed grievance to the WC/TFS. The WC/TFS shall document in the designated area of the grievance form that a copy of the completed grievance was given to the youth.
 - f. Forward a copy of the completed grievance to the Juvenile Justice Program Manager II (JJPM II) by the next business day.
 - g. If the youth feels the matter has not been resolved satisfactorily, an appeal shall be initiated by checking the "Appeal Requested" box on the grievance form and forward the grievance to the JJPM II.
2. Juvenile Justice Program Manager II (JJPM II):
 - a. Review all grievances received.
 - b. Address appeals as stated in Section VI. Appeal Process in this procedure.
 - c. Return the processed grievance to the WC/TFS.

- d. Maintain a Probation Mental Health Services Grievance binder, review all mental health grievances on a monthly basis and document the completion of the monthly review in the binder.
- D. Food Services Grievances:
1. Food Service Supervisor:
 - a. Review all grievances received and ensure they are addressed.
 - b. Review all food grievances within twenty-four (24) hours, or the next business day if it is received on a weekend.
 - c. Shall give the youth a written response to the grievance within three (3) business days. Document the response on the grievance form, including reasons for the decision. Signatures are required on the form by the youth and the Food Service Supervisor.
 - d. Return the completed grievance to the WC/TFS. The WC/TFS shall document in the designated area of the grievance form that a copy of the completed grievance was given to the youth.
 - e. Respond based on principles of adequate food standards.
 - f. Forward a copy of the completed grievance along with the internal log sheet to the Food Service Manager at the end of the month.
 - g. If the youth feels the matter has not been resolved satisfactorily, an appeal shall be initiated by checking the "Appeal Requested" box on the grievance form and forward the grievance to the Food and Beverage Operation Manager (FBOM) or designee.
 2. Food and Beverage Operation Manager (FBOM)/designee:
 - a. Review all grievances received.
 - b. Address appeals as stated in Section VI. Appeal Process in this procedure.
 - c. Return the processed grievance to the WC/TFS.
 - d. Maintain a Probation Food Services Grievance binder, review all food grievances on a monthly basis and document the completion of the monthly review in the binder.
- E. School Grievances:
1. Youth may file complaints about education services with the San Bernardino County School System (SBCSS). Education Services complaints shall be processed pursuant to the SBCSS written policies and procedures in compliance with the law.
 2. After completing the grievance, document the reason the grievance is or is not resolved. Signatures are required on the form by the youth and SBCSS Principal/designee.
 3. Return the processed grievance to the WC/TFS.
- F. Religious Grievances:
1. Religious Services Liaison:
 - a. Review all grievances received and ensure they are addressed.
 - b. Review all religious grievances within twenty-four (24) hours, or the next business day if it is received on a weekend, and once resolved shall give the youth a written response to the grievance within three (3) business days using the space provided on the form, including reasons for the decision. Signatures are required on the form by the youth and the Religious Services Liaison. After the grievance form is completed, return to the WC/TFS. The WC/TFS shall document in the designated area of the grievance form that a copy of the completed grievance was given to the youth.
 - c. Respond based on the established principles and understanding of the youth's identified religion or faith.

- d. Maintain a Religious Services Grievance binder, review all religious grievances on a monthly basis and document the completion of the monthly review in the binder.
 - e. If the youth feels the matter has not been resolved satisfactorily, an appeal shall be initiated by checking the "Appeal Requested" box on the grievance form and forward the grievance to the DDI/II - Religious Services Coordinator.
2. DDI/II – Religious Coordinator:
 - a. Review all grievances received.
 - b. Address appeals as stated in Section VI. Appeal Process in this procedure.
 - c. Return processed grievances to the WC/TFS.

VI. Appeal Process:

- A. All appeals (excluding Schools):
 1. If the youth feels the matter has not been resolved satisfactorily, an appeal shall be initiated by checking the "Appeal Requested" box on the grievance form and forward to the appropriate Probation or facility support area manager or designee for processing. All Managers shall give a written response on the grievance form within ten (10) business days unless circumstances dictate a longer time frame. The youth shall be notified of the delay. Document the decision in the appropriate section of the grievance form. Signatures are required by the youth and manager or designee.
 - a. DDI/II for all probation grievances.
 - b. HSM for all medical grievances.
 - c. JJPM II for all FAST grievances.
 - d. FBOM or designee for all food grievances.
 - e. DDI/II-Religious Services Coordinator for all religious grievances.
 2. All completed appeals shall be returned to the WC/TFS. The WC/TFS shall document in the designated area of the grievance that a copy of the completed grievance was given to the youth.

VII. Reporting:

- A. Division Director I/II (DDI/II):
 1. Review and sign each month's grievances.
 2. Forward copies of each month's grievances, the Grievance Tracking Sheet (Attachment C) and the Grievance Statistical Report (Attachment D) to the Compliance Unit, no later than the 3rd Monday of the following month.
 3. Prepare the Director's Quarterly Grievance Report and submit to the Deputy Chief of the Detention Corrections Bureau.
- B. Ombudsperson/Compliance Officer:
 1. Shall compile a Grievance Tracking Sheet (Attachment C) and Grievance Statistical Report (Attachment D) from each facility on a monthly basis.
 2. Complete a monthly Grievance Report and submit to Professional Standards DDII and the Deputy Chief of the Detention Corrections Bureau.
 3. Maintain the monthly Grievance Reports for a period of five (5) years.

Guidelines:

- A. Grievances are confidential documents and shall be treated as such.
- B. The initial response to grievances shall occur within three (3) business days, however, grievances that relate to health and safety issues must be addressed immediately. A

resolution of the grievance must occur within ten (10) business days unless circumstances dictate a longer time frame and the youth shall be notified of the delay.

- C. All youth's grievances are given an opportunity to be heard. Youth may elect to be present to explain their version of the grievance to a person not directly involved in the circumstances which led to the grievance.
- D. Appeals of a grievance shall be heard by a person not directly involved in the circumstances which led to the grievance.
- E. Youth shall be kept informed of a grievance status and receive a copy of the completed grievance form.
- F. When a youth grieves a consequence, the consequence shall be imposed according to procedure and not be delayed by the processing of the grievance, unless the PCSI determines otherwise and documents the reason for the delay on the grievance.
- G. There shall be no time limit on filing a grievance.
- H. Whether or not associated with a grievance, concerns of parents, guardians, staff or other parties shall be documented. Concerns shall be reviewed and addressed within three (3) business days and resolved within ten (10) business days. Concerns relating to health and safety issues must be addressed immediately.

Inspections:

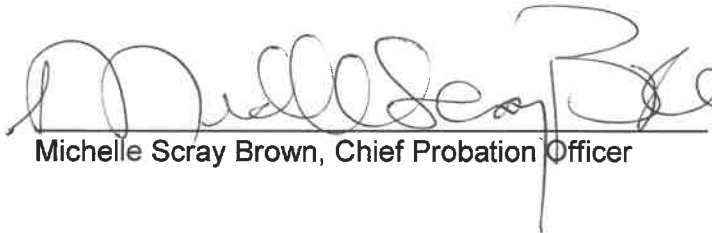
Refer to the Policy and Procedures Inspection Matrix.

Foundation:

Minimum Standards for Juvenile Facilities Title 15, Section 1361
Standards of Health Services in Juvenile Detention and Confinement Facilities
National Commission on Correctional Health Care (NCCHC)

References:

Procedures
Discipline Process
Departmental Investigations/Critical Incident Reviews

Issued by:  2/19/19
Michelle Scray Brown, Chief Probation Officer Date

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- Revised: August 23, 2001
- Revised: July 16, 2003
- Revised: July 1, 2014
- Revised: October 18, 2014
- Revised: November 2, 2006
- Revised: May 11, 2011
- Revised: April 20, 2012
- Revised: February 2, 2012

GRIEVANCES AND APPEALS

Title 15 Section 1361

Revised: April 19, 2017
Revised: December 1, 2017
Revised: February 19, 2019

Attachments

A - Grievance & Appeals Procedure Acknowledgment Form

B - Youth's Grievance Form

C - Grievance Tracking Sheet

D - Grievance Statistical Report