

## Grievances and Appeals (Title 15 Section 1361)

<b>Effective Date:</b>	3-5-25
<b>Revised Date:</b>	3-5-25
<b>Issuing Authority:</b> Chief Probation Officer	

### 615.1 PURPOSE:

To establish guidelines for the youth grievance process concerning conditions of confinement in Juvenile Detention and Assessment Centers (JDACs) and Treatment Facilities (TFs).

### 615.2 DEFINITIONS:

Grievance: A formal process for youth to seek resolution of specific complaints or concerns about their confinement conditions.

Conditions of Confinement: Youth living conditions that include, but are not limited to: health care services, education, classification decisions, program participation, telephone, mail, visiting procedures, religious issues, food, clothing, bedding, mistreatment, harassment, violations of the non-discrimination policy, physical abuse, sexual abuse, and sexual harassment.

Fact-Finding: An informal investigation of a youth-staff related grievance.

Emergency Grievance: A formal complaint indicating imminent risk of physical or sexual abuse to a youth, requiring immediate action to ensure safety. Standard grievance timelines would be insufficient to prevent potential harm.

Youth who believe they are, or any other youth is, at substantial risk of imminent physical or sexual abuse may file an emergency grievance at any time in writing or verbally to any staff, volunteer, contractor, supervisor, PREA Manager, PREA Coordinator, External Ombudsman, or by calling the posted hotlines (e.g. We Tip, Partners Against Violence, etc.).

### 615.3 GUIDELINES:

- A. Parents/guardians may submit grievances by:
  1. U.S. Postal Service addressed to the facility DD.
  2. Directly to a supervisor.
  3. Depositing in a locked grievance box in the visitation area.
- B. Grievance information will be included in the youth handbook.
- C. The grievance procedure cannot be used to grieve detention or commitment to a Detention and Assessment Center or Treatment Facility as this area is subject to court review.

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- D. When a youth complains to an attorney about a grievance, the Juvenile Court has agreed to refer the matter to the specific facility's Administration to resolve the issue.
- E. The following forms are located in ProbTools:
  - 1. Youth Grievance
  - 2. Grievance & Appeals Procedure Acknowledgment
  - 3. Grievance Tracking Sheet

#### **615.4 RESPONSIBILITIES:**

- I. Probation Corrections Officer (PCO)/Probation Corrections Supervisor I (PCSI):
  - A. Ensure youth understand and have free access to the grievance process:
    - 1. Explain the process in the youth's primary language.
    - 2. Accommodate disabilities and limited reading skills.
    - 3. Request supervisor assistance for disability accommodations or interpreter needs.
    - 4. Provide comprehensive grievance information to youth including:
      - (a) Filing process and instructions.
      - (b) Emergency grievance process.
      - (c) Confidential submission options (e.g., directly to staff or via locked box).
      - (d) The right to be free from retaliation for reporting a grievance.
      - (e) The appeal process.
    - 5. Post the grievance process and instructions in living units, booking, and visiting areas.
    - 6. Provide free access to grievance forms, writing tools, or other necessary reporting tools.
    - 7. Ensure all grievances are heard.
    - 8. Ensure there is no time limit on grievance filing.
    - 9. Address emergency grievances and health/safety issues immediately.
    - 10. Forward received grievances to a PCSI/Watch Commander (WC)/Treatment Facility Supervisor (TFS).
    - 11. May act as the youth's representative with Division Director (DD)/designee approval.
    - 12. Allow the youth to explain the grievance to an uninvolved person if desired.
    - 13. Booking staff shall complete the Grievances and Appeals Acknowledgment form, upload the form to the youth's CE file, and provide the youth with a copy.

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14. PCSIs shall check grievance boxes at the start of each shift.
- B. For sexual abuse/harassment grievances refer to PREA Policy, Coordinated Response to Sexual Abuse and Sexual Harassment procedure, and 28 CFR § 115.352.

#### **General Processing of Grievances:**

- II. Probation Corrections Officer (PCO)/Probation Corrections Supervisor I (PCSI):
  - A. Refer to Section VI. for emergency grievances.
  - B. When appropriate and attempting to resolve a grievance:
    1. Complete Section I of the grievance form.
    2. Provide the initial written response within 3 business days. The response should include reasons for the decisions and document any actions taken.
    3. If the grievance is resolved, obtain the youth's signature, give them a copy, and forward the grievance to the PCSI/WC/TFS.
    4. If the grievance is not resolved, forward the grievance to the PCSI/PCSII/WC/TFS as applicable.
- III. Probation Corrections Supervisor I (PCSI):
  - A. When a grievance is received:
    1. Verify that the grievance is legible, signed, and dated.
    2. Ensure separate grievance forms are completed for multi-department grievances (Medical Services, Forensic Adolescent Services Team [FAST], Food Services, Religious Services, Schools, etc.).
    3. Notify the WC/TFS of the grievance.
    4. Log and assign a tracking number.
    5. When applicable, forward grievances to the appropriate facility mailboxes or the specific service area supervisor/manager (Medical Services, FAST, Food Services, Religious Services, Schools, etc.) before the end of the shift.
    6. When appropriate, assign it to the lowest appropriate staff level or attempt to resolve the grievance.
    7. Forward resolved and unresolved grievances (after attempting to resolve) to the WC.
    8. Follow up on outstanding grievances.
    9. Conduct fact-finding when applicable.
      - (a) Obtain a detailed explanation from the youth.
      - (b) Interview relevant parties.

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- (c) Gather information to document how the grievance was reviewed, the factors considered, and the actions taken.
  - (d) Document incident details, seriousness, resolution attempts, and results.
  - (e) Submit confidential results via Interoffice Memo to the WC/TFS/DD/designee with the grievance copy.
- IV. Watch Commander (WC)/Treatment Facility Supervisor (TFS)/Probation Corrections Supervisor II (PCSII):
  - A. Ensure emergency grievances and grievances related to health and safety issues are addressed immediately. Refer to Section VI. for emergency grievances.
  - B. Verify correct logging and tracking number assignment.
  - C. When applicable, ensure grievances are forwarded to the appropriate service area facility mailboxes or the specific service area supervisor/manager (Medical, FAST, Food, Religious, School, etc.) before the end of the shift.
  - D. Log completed grievances on the Grievance Tracking Sheet.
  - E. Ensure proper grievance documentation and confirm the youth was provided with a copy.
  - F. Process standard grievances:
    - 1. Upload the completed grievance to the youth's CE file.
    - 2. Place a copy in the youth's facility file.
    - 3. File a copy in the facility's grievance binder.
  - G. Confidential grievances:
    - 1. Forward directly to the DD/designee.
    - 2. Exclude from the youth's CE file, facility file, and facility binder.
  - H. Ensure initial responses to grievances are completed by the 3rd business day.
  - I. Assign a supervisor to follow up on outstanding grievances.
  - J. Review and address unresolved grievances.
    - 1. Complete Section I of the grievance form.
    - 2. If the grievance is resolved, obtain the youth's signature and provide them with a copy.
    - 3. If the grievance remains unresolved, forward it to the DD/designee.
  - K. Ensure grievances are resolved within 10 business days; notify the youth of any delays.
  - L. Whether or not associated with a grievance, address and document concerns of parents, guardians, staff, or other parties in accordance with established policies

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and procedures within 14 days. Document and notify the DD/designee of the concerns, actions taken, and outcomes.

- V. Division Director/designee:
  - A. Verify immediate action on emergency grievances and health and safety issues. Refer to Section VI. for emergency grievances.
  - B. Refer to section XIV for appeals (unresolved grievances).
  - C. Implement appropriate corrective actions when needed.
  - D. Return the completed grievance to the WC.
  - E. Ensure grievances are resolved within 10 business days; notify youth of any delays.
  - F. Ensure concerns from parents, guardians, staff, or others are addressed and documented within 14 days.

#### **Grievance Types:**

- VI. **Emergency Grievances:**
  - A. Probation Corrections Officer (PCO):
    - 1. When an emergency grievance is received, immediately remove the youth from risk and notify a supervisor.
  - B. Probation Corrections Supervisor I (PCSI):
    - 1. When an emergency grievance is received, immediately remove the youth from risk and notify the WC/TFS and PREA Manager (if applicable).
    - 2. Provide an initial response within 48 hours.
  - C. Watch Commander (WC)/Treatment Facility Supervisor (TFS):
    - 1. Verify immediate protective action for youth.
    - 2. Consult with the DD/designee and PREA Manager (if applicable).
    - 3. Assign a PCSI or PCSII to conduct fact-finding when needed.
    - 4. Review and forward fact-finding to the DD/designee and PREA Manager (if applicable).
    - 5. Ensure an initial response within 48 hours.
    - 6. Issue the final agency decision within 5 calendar days.
    - 7. Document the initial response and final decision, and forward the documentation to the DD/designee.
    - 8. For emergency grievances related to sexual abuse, include a determination of whether the youth is at substantial risk of imminent sexual abuse and identify actions taken per 28 CFR § 115.352.
    - 9. For emergency grievances related to sexual abuse refer to Section VII.
  - D. Division Director (DD)/Designee:

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1. Verify immediate protective action for youth.
2. Ensure documentation of the initial response and final decision. For emergency grievances related to sexual abuse, ensure a determination of whether the youth is at substantial risk of imminent sexual abuse and the actions taken are documented, per 28 CFR § 115.352.
3. Email the PREA Manager and PREA Coordinator (if applicable).
4. Notify the Chief Probation Officer and Deputy Chief Probation Officer or designee as appropriate.
5. Review fact-finding and determine if further investigation is necessary.
6. For emergency grievances relating to sexual abuse refer to Section VII.

#### VII. **Sexual Abuse/Sexual Harassment Grievances:**

- A. Probation Corrections Officer (PCO)/Probation Corrections Supervisor I (PCSI):
  1. Follow the PREA Policy, Coordinated Response to Sexual Abuse and Sexual Harassment procedure, and 28 CFR § 115.352 for sexual abuse/harassment allegations.
  2. Refer to Section VI. for emergency grievances.
  3. Inform youth that they can submit sexual abuse/harassment grievances at any time.
  4. Accept and promptly document all reports of sexual abuse or sexual harassment made verbally, in writing, anonymously, and from third parties.
  5. Sexual abuse/harassment grievances may be submitted to any staff member and shall not be forwarded to the staff member who is the subject of the complaint.
  6. Sexual abuse/harassment grievances shall not require informal resolution attempts.
  7. Supervisors shall email the PREA Manager and PREA Coordinator of grievances regarding sexual abuse/harassment.
- B. Watch Commander (WC)/Treatment Facility Supervisor (TFS):
  1. Follow the PREA Policy, Coordinated Response to Sexual Abuse and Sexual Harassment procedure, and 28 CFR § 115.352 for sexual abuse/harassment allegations.
  2. Notify the PREA Manager and PREA Coordinator of all sexual abuse/harassment grievances.
  3. Consult with the DD/designee, PREA Coordinator, and PREA Manager for further response.
  4. Issue the final agency decision within 90 days of the initial filing of the grievance. (excluding youth's appeal preparation time). May extend up to 70 days if reasonable; notify youth in writing of the new deadline.

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5. Document the initial response and final decision. Refer to Section VI. for emergency grievance timeframes.
6. Forward the grievance form and related documents to the DD/designee.

C. Division Director (DD)/Designee:

1. Follow the PREA Policy, Coordinated Response to Sexual Abuse and Sexual Harassment procedure, and 28 CFR § 115.352 for sexual abuse/harassment allegations.
2. Ensure the PREA Manager and PREA Coordinator are notified of sexual abuse/harassment grievances.
3. Notify the Chief Probation Officer and Deputy Chief Probation Officer or designee as appropriate.
4. Ensure documentation of the initial response and final decision are completed within the appropriate timeframes. For emergency grievances related to sexual abuse, ensure a determination of whether the youth is at substantial risk of imminent sexual abuse and the actions taken are documented, per 28 CFR § 115.352.

VIII. **Personnel Grievances:**

A. Probation Corrections Officer (PCO):

1. Notify a supervisor when a personnel grievance is received.

B. Probation Corrections Supervisor I (PCSI):

1. Notify the WC/TFS when a personnel grievance is received.
2. Forward grievances that pertain to a PCSI to the WC/TFS/PCSII or designee.
3. When appropriate, attempt to resolve the grievance with the youth.
4. When appropriate, assign grievances to the relevant department or service area supervisor/manager (Medical Services, FAST, Food Services, Religious Services, School, etc.).
5. Follow the General Processing of Grievances and/or other grievance-type sections detailed in this procedure when appropriate.

C. Watch Commander (WC)/Treatment Facility Supervisor (TFS):

1. Notify the DD/designee when a personnel grievance is received.
2. Consult with the DD/designee to assess the need for staff restriction from youth contact or unit re-assignment.
3. Appoint a PCSI or PCSII to conduct fact-finding when applicable.
4. Review and forward the completed grievance, fact-finding report, and other relevant documentation to the facility DD/designee.

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5. Follow the General Processing of Grievances and/or other grievance-type sections detailed in this procedure when appropriate.

D. Division Director (DD)/Designee:

1. Make final decisions regarding the temporary reassignment of personnel to different units/areas.
2. Ensure thorough completion of grievances, fact-finding reports, and other relevant documentation.
3. Review the fact-finding information and grievance:
  - (a) Alleged misconduct, if proven true, may result in disciplinary action, forward a copy of the grievance to Professional Standards for further investigation.
  - (b) If the alleged misconduct, even if proven true, would not warrant disciplinary action, return the grievance to the WC/TFS for resolution at a lower level.
4. Address appeals as outlined in Section XIV.

IX. **Medical Grievances:**

A. Supervising Correctional Nurse I/II/designee:

1. Review received grievances and ensure they are addressed.
2. Address emergency grievances and grievances related to health and safety immediately and all other grievances within twenty-four (24) hours.
3. Ensure the charge nurse handles grievances received during weekends and holidays when a Supervising Correctional Nurse is unavailable for more than 24 hours.
4. When attempting to resolve a grievance:
  - (a) Complete Section I of the grievance form.
  - (b) Provide the initial written response within 3 business days. Base all responses on principles of adequate medical care. The response should include reasons for the decisions and document any actions taken.
  - (c) If the grievance is resolved, obtain the youth's signature, give them a copy, and forward the grievance to the PCSI/WC/TFS. Forward a copy to the Health Service Manager (HSM) by the next business day.
  - (d) If the grievance is not resolved, forward the grievance to the HSM and notify the PCSI/WC/TFS.

B. Health Services Manager (HSM):

1. Review received grievances.
2. Address appeals as outlined in Section XIV.



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3. Submit completed grievances to the WC/TFS.
4. Provide the DD/designee with a general disposition for resolved grievances alleging medical services staff misconduct.
5. Maintain a record of completed grievance forms.

#### X. **Forensic Adolescent Services Team (FAST) Grievances:**

##### A. FAST Clinic Supervisor/designee:

1. Review received grievances and ensure they are addressed.
2. Address emergency grievances, and grievances related to health and safety immediately and address all other grievances within twenty-four (24) hours or the next business day if it is received on a weekend.
3. When attempting to resolve a grievance:
  - (a) Complete Section I of the grievance form.
  - (b) Provide the initial written response within 3 business days. Base all responses on principles of adequate mental health care. The response should include reasons for the decisions and document any actions taken.
  - (c) If the grievance is resolved, obtain the youth's signature, give them a copy, and forward the grievance to the PCSI/WC. Forward a copy to the Juvenile Justice Mental Health Program Manager II (JMHMPM II) by the next business day.
  - (d) If the grievance is not resolved, forward the grievance to the JMHMPM II and notify the PCSI/WC/TFS.

##### B. Juvenile Justice Mental Health Program Manager II (JMHMPMII):

1. Review received grievances.
2. Address appeals as outlined in Section XIV.
3. Submit completed grievances to the WC/TFS.
4. Provide the DD/designee with a general disposition for resolved grievances alleging FAST staff misconduct.
5. Maintain a Probation FAST Mental Health Services Grievance binder, conduct monthly reviews of all mental health grievances, and document the completion of these reviews in the binder.

#### XI. **Food Services Grievances:**

##### A. Food Service Supervisor:

1. Review received grievances and ensure they are addressed.
2. Review grievances within twenty-four (24) hours, or the next business day if it is received on a weekend.
3. When attempting to resolve a grievance:

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- (a) Complete Section I of the grievance form.
- (b) Provide the initial written response within 3 business days. Base all responses on principles of adequate food standards. The response should include reasons for the decisions and document any actions taken.
- (c) Submit the grievance to the WC/TFS for processing.
- (d) Forward unresolved grievances to the Food and Beverage Operation Manager (FBOM) or designee.
- (e) Forward a copy of grievances with the internal log sheet to the FBOM at the end of each month.

B. Food and Beverage Operation Manager (FBOM)/designee:

1. Review received grievances.
2. Address appeals as outlined in Section XIV.
3. Submit completed grievances to the WC/TFS.
4. Provide the DD/designee with a general disposition for resolved grievances alleging Food Services staff misconduct.
5. Maintain a Probation Food Services Grievance binder, conduct monthly reviews of all food grievances, and document the completion of the monthly review in the binder.

### XII. School Grievances:

A. School Principal/Designee:

1. Address received grievances related to school issues.
2. Process school grievances in accordance with the written policies and procedures established by the San Bernardino County Superintendent of Schools (SBCSS) and applicable legal requirements.
3. Complete Section I of the grievance form.
4. Document the reasons for the decisions and any actions taken.
5. If the grievance is resolved, obtain the youth's signature, give them a copy, and forward it to the Supervisor/WC/TFS.
6. If the grievance is not resolved notify the Supervisor/WC/TFS.
7. Provide the DD/designee with a general disposition for resolved grievances alleging school staff misconduct.

### XIII. Religious Grievances:

A. Religious Services Liaison:

1. Review received grievances and ensure they are addressed.
2. When attempting to resolve a grievance:

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- (a) Complete Section I of the grievance form.
    - (b) Provide the initial written response within 3 business days. Respond based on the established principles and understanding of the youth's identified religion or faith.
    - (c) The response should include reasons for the decisions and document any actions taken.
  3. If the grievance is resolved, obtain the youth's signature, give them a copy, and forward the grievance to the PCSI/WC/TFS.
  4. If the grievance is not resolved, forward the grievance to the PCSII Religious Program Coordinator.
  5. Maintain a Religious Services Grievance binder, conduct monthly reviews of all religious grievances, and document the completion of these reviews in the binder.
- B. PCSII Religious Program Coordinator:
1. Review received grievances.
  2. Address appeals as outlined in Section XIV.
  3. Submit completed grievances to the WC/TFS.
- XIV. **Appeal Process:**
- A. All appeals (excluding Schools):
1. If a youth feels their grievance has not been satisfactorily resolved, they may initiate an appeal. Appeals shall be heard by an individual not directly involved in the circumstances leading to the grievance.
  2. The appeal shall be forwarded to the appropriate department or service area manager/designee for processing.
  3. Managers shall provide a written response within 10 business days. Complete Section I of the grievance form. Document the reasons for the decisions on the grievance form.
  4. If circumstances require a longer timeframe the youth shall be notified of any delays.
  5. Signatures are required by the youth and manager/designee.
    - (a) DD/designee for probation grievances.
    - (b) HSM/designee for medical grievances.
    - (c) JJMHPM II/designee for FAST grievances.
    - (d) FBOM/designee for food grievances.
    - (e) PCSII Religious Program Coordinator/designee for religious grievances.

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6. Subsequent appeals shall be forwarded to the DD/designee as the final level of appeal. The DD/designee shall complete Section II of the grievance form.
7. Submit completed appeals to the WC/TFS.

#### **XV. Reporting:**

##### **A. Division Director I/II (DD) or Designee:**

1. Review and sign each month's grievances.
2. By the 3rd Monday of the following month, upload the following documents to the Compliance Officer JDAC Reports Folder:
  - (a) Grievance Tracking Sheet
  - (b) Grievance Statistical Report
  - (c) Copies of each month's grievances
    - i. Forward the original grievances to the Compliance Officer upon final review.
3. Prepare and submit the Director's Quarterly Grievance Report to the Deputy Chief of the Detention Corrections Bureau.

##### **B. Ombudsperson/Compliance Officer:**

1. Compile monthly from each facility:
  - (a) Grievance Tracking Sheet
  - (b) Grievance Statistical Report
2. Complete and submit a monthly Grievance Report to:
  - (a) Professional Standards DDII
  - (b) The Deputy Chief of the Detention Corrections Bureau
3. Maintain the monthly Grievance Reports for five (5) years.