**SAMPLE JUVENILE DETENTION GRIEVANCE POLICY**

**(7/14)**

**I. POLICY:**

a. It is the policy of the [*insert*] County Juvenile Detention Center (*insert initials*) to safeguard the rights of all youth in its care and custody. Youth and third parties, such as family members, attorneys, and guardians, can report any needs, concerns or complaints confidentially. Staff shall respond in a fair and timely manner, and youth shall not experience retaliation or punishment for engaging in the grievance process.

**II. DEFINITIONS:**

**Grievance**

A verbal or written complaint about staff, services or treatment such as the use of inappropriate language, lack of programming, inadequate or improper sanitation, food services, education, medical services, mental health services, abuse or neglect, unfair treatment, violation of rights, safety concerns, or any other issues regarding the facility or the youth’s care that a youth or third party wishes to have addressed.

**Retaliation**

Any act of vengeance, covert or overt action or threat of action taken against an individual in response to the person’s participation directly or indirectly in the grievance process. Prohibited retaliation includes action or threat of action taken against an individual in response to his or her claim of sexual misconduct, sexual contact or sexual abuse or cooperation in the reporting or investigation of sexual misconduct, regardless of the disposition of the complaint.

**Sexual Abuse**

Any of the following acts by staff, contractors, or volunteers, with or without consent of a juvenile:

a. Contact between the penis and the vulva or the penis and the anus, including penetration, however slight;

b. Contact between the mouth and the penis, vulva, or anus;

c. Contact between the mouth and any body part;

d. Penetration of the anal or genital opening, however slight, by a hand, finger, object, or other instrument, that is unrelated to official duties;

e. Any other intentional contact, either directly or through the clothing, of or with the genitalia, anus, groin, breast, inner thigh, or the buttocks, that is unrelated to official duties;

f. Any display of uncovered genitalia, buttocks, or breasts in the presence of a juvenile;

g. Voyeurism, which is an invasion of a juvenile’s privacy by staff for reasons that do not involve the performance of official duties, such as peering at a juvenile who is using a toilet or changing in his or her room, except when staff are required to maintain constant visual supervision of a juvenile pursuant to facility policy; and

h. Any attempt or threat to engage in the activities described above.

Any of the following acts by juveniles, if a juvenile does not consent, is coerced into such act by overt or implied threats of violence, or is unable to consent or refuse:

a. Contact between the penis and the vulva or the penis and the anus, including penetration, however slight;

b. Contact between the mouth and the penis, vulva, or anus;

c. Penetration of the anal or genital opening of another person, however slight, by a hand, finger, object, or other instrument; and

d. Any other intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or the buttocks of another person excluding contact incidental to non-sexual horseplay or a physical altercation such as a kick in the groin or touching someone’s breasts while pushing the person away.

**Sexual Harassment**

1. Repeated and unwelcome sexual advances, requests for sexual favors, or verbal comments, gestures, or actions of a derogatory or offensive sexual nature by one juvenile directed toward another; and
2. Repeated verbal comments or gestures of a sexual nature to a juvenile by a staff member, contractor, or volunteer, including demeaning references to gender, sexually suggestive or derogatory comments about body or clothing, or obscene language or gestures.

**Sexual Misconduct**

All forms of sexual harassment and abuse prohibited by this policy.

**III. PROCEDURES**

**a. Right to Report a Grievance**

i. Any youth who is or has been in the care and custody of [*insert*] may file a grievance about conditions, practices, or decisions at the facility or about any needs or concerns that have not been addressed to the youth’s satisfaction.

ii. Third parties, including other youth, staff members, family members, legal guardians, outside advocates, and attorneys for youth, may file grievances on behalf of youth currently or formerly in custody at [*insert*]and may assist youth in completing grievances and appeals.

iii. Youth orientation and facility handbooks shall include a clear statement of the youth’s right to report and pursue a grievance without retaliation, as well as information about youth’s grievance options, the process for reporting a grievance, the location of grievance boxes and forms, and any other information necessary to report a grievance through any of the available means.

iv. There is no time limit on when individuals may file a grievance alleging sexual misconduct. *[County may impose a time limit on other types of grievances. Insert any such limitations here and adjust grievance form].*

v. All issues related to facility conditions, practices, services, absence of services, or operations including allegations of retaliation are grievable.

vi. Staff shall not require youth to use an informal grievance process or otherwise try to resolve with staff incidents involving alleged staff sexual misconduct.

vii. Information on how third parties can file grievances shall be publicly distributed.

1. Information on the grievance process and methods of filing a grievance shall be posted in the facility lobby, visitation areas, county administration building and on the county website. Staff shall also give this information to the juvenile probation officers and public defenders who work with youth in the facility.

2. Information on the grievance process and methods of filing a grievance shall be contained in forms and orientation/training materials signed by volunteers and contractors who work in the facility.

3. Information on accessing the grievance system shall be provided to family members and guardians of youth in custody at the facility [*by the case manager or insert appropriate county specific person]*.

viii. \_\_\_\_\_\_\_\_shall use staff translators and oral presentations to ensure that youth with limited English proficiency and youth with disabilities understand and are able to use the facility’s grievance system. Staff shall not rely on youth at the facility to serve as interpreters or readers, except in limited circumstances where an extended delay in obtaining an effective interpreter could compromise the youth’s safety, the performance of first responder duties, or the investigation of an allegation of sexual misconduct.

**b. Filing a Grievance**

i. Youth may report a grievance either orally or in writing by:

1. Completing a written grievance form and putting it in a grievance box or giving it to a facility staff member.
2. Completing a written grievance form and putting it in the medical grievance box or giving it to a medical staff member.
3. Writing the grievance on any piece of paper and putting it in any grievance box or giving it to a facility staff member or medical staff member.
4. Talking with a facility staff member, volunteer, or contractor and indicating that they have a grievance.
5. Talking with a family member of other third party who thereafter reports it to the facility.
6. Talking with an attorney who thereafter reports it to the facility.
7. If the grievance concerns sexual misconduct, the youth may also report to [*insert*], an outside agency that is not part of the [*insert*] County Detention Centers but that has agreed to receive and immediately forward reports of sexual misconduct to the facility, allowing the youth to remain anonymous on request.

ii. Any Individual may file a grievance concerning violations of the facility sexual misconduct policy anonymously.

iii. Secure grievance boxes shall be installed throughout the facility and checked daily by [*insert*].

iv. Youth shall have an adequate supply of grievance forms.

v. When a youth requests a writing implement in order to write a grievance, staff shall provide the youth with a writing implement at the earliest time it is safe to allow the youth to have a writing implement.

vi. Family members, attorneys, guardians and other third parties may file grievances on behalf of youth or regarding matters occurring at [*insert*] in writing or verbally by indicating that they have a complaint to any staff member including the Administrator.

**c. Staff, Contractors, Volunteers and Others Who Receive Grievances**

i. When a youth expresses his or her grievance to any facility staff member verbally, the staff member shall document the grievance and give it to the supervisor on duty.

ii. When a youth expresses his or her grievance to a volunteer or contractor, the volunteer or contractor shall report the allegation to the supervisor on duty.

iii. Staff who receive grievances from third parties, volunteers, or contractors shall document the grievance and give it to the supervisor on duty.

**d. Collection of Grievances**

i. The [*Grievance Officer*] shall check and empty all grievance boxes each business day.

ii. A medical staff member shall check the medical grievance box \_\_\_\_\_\_ times a week and report any allegations to the [*Lieutenant or designee]*.

iii. [*The Grievance Officer]* shall log the grievances received and document the steps in resolving the grievance.

iv. [*The Grievance Officer]* shall refer any grievances involving sexual misconduct to the Administrator and PREA Coordinator or person(s) assigned.

**e. Review and Investigation of Grievances**

i. The[*Grievance Officer*] shall meet with the youth within 24 hours of receipt of a grievance or the next business day. The [*Grievance Officer*] shall attempt to resolve the grievance immediately, if possible. If the grievance cannot be resolved immediately, the [*Grievance Officer*] shall complete a review and investigation of the grievance within 48 hours of receipt of the grievance.

ii. [*Facility*] shall provide youth who reported the grievance with a copy of the original grievance and a written response within three business days of receipt of the grievance (or, where a third party filed the grievance, shall respond to the third party within three business days), explaining the resolution of the matter and the reasons for the decision, documenting any resolution that has already occurred, and recommending or explaining any decisions made pertaining to the grievance. Grievances that require criminal investigations may not be resolved within 3 business days. Under such circumstances the facility shall render a final decision within 90 days unless the facility needs an extension of time up to 70 additional days. Youth shall be apprised of any time extensions and the date by which a decision will be made in writing.

iii. The Grievance Officer shall explain the youth’s right to appeal.

iv. Grievances shall not be referred to staff members who are the subject of the complaint. If a grievance involves the staff member designated to collecting and responding to the grievance, the Grievance Officer shall notify the Administrator immediately.

v. All staff members responsible for investigating grievances shall keep confidential the fact that a youth has filed a grievance and the information contained in the grievance, except for the following:

1. Reporting the results of the grievance investigation up the chain of command;

2. Complying with mandatory reporting responsibilities; and

3. Revealing only as much information as is necessary in order to complete the investigation and resolution of the grievance after discussing with the youth the steps necessary to complete an investigation and resolution of the grievance, and, with the exception of alleged child abuse and neglect or any type of sexual misconduct, allowing the youth to withdraw the grievance if it cannot be investigated without revealing information that the youth does not want shared.

vi. Facility staff shall investigate and attempt to remedy grievances even if the youth is no longer in custody.

vii. Facility staff shall not discipline or otherwise retaliate against youth for filing a good faith grievance.

**f. Appeals**

i. Youth and third parties may appeal the decision of the Grievance Officer to the facility administrator within 10 calendar days of receiving a written response to a grievance.

ii. The Administrator will render a decision of the appeal within \_\_\_ days.

**g. Emergency Grievances**

i. Grievances that allege the possibility of imminent harm shall be processed in an expedited fashion.

ii. If needed, staff shall assist the youth in writing his or her grievance and explaining the nature of the emergency. The individual who is informed of the grievance shall communicate the grievance and the nature of the emergency to the Grievance Officer.

iii. The Grievance Officer in consultation with the Administrator shall determine whether the matter is an emergency. If the matter is an emergency, he or she shall investigate the matter and provide the youth with an initial response within 24 hours of the youth’s filing of the grievance and a final decision within three calendar days. If he or she determines that the matter is not an emergency, he or she shall explain this to the youth and forward the grievance for processing according to the procedures listed above.

iv. The Grievance Officer shall report all emergency grievances involving substantiated cases of alleged abuse or neglect to the Administrator immediately.

**h. Non-Retaliation**

i. No facility employee, volunteer or contractor may retaliate against a youth, staff, volunteer, contractor or third party in any way for participating directly or indirectly in the grievance process.

ii. Employees, contractors and volunteers shall report any incident of retaliation against a youth staff, volunteer, contractor or third party for participation in the grievance process, to the Grievance Officer who is responsible for monitoring and responding to retaliation.

**i. Data and Quality Assurance**

i. The Grievance Officer shall be responsible for ensuring that grievance investigations and resolutions are completed within the timeframes mandated by this policy.

ii. The Grievance Officer shall be responsible for compiling grievance data, tracking trends, ensuring that patterns of grievances are identified, and recommend that necessary systemic improvements are made to resolve any significant or recurring problems. Review shall occur at least every 30 days and incident-based data collected shall be aggregated at least annually by [*insert*].

Attachments: Grievance Form

THIS SAMPLE POLICY IS BEING PROVIDED TO ASSIST YOU WITH DEVELOPING

YOUR FACILITY POLICY. IT IS NOT LEGAL ADVICE. YOU ARE ADVISED TO HAVE YOUR COUNTY ATTORNEY REVIEW AND APPROVE YOUR SEARCH

POLICY BEFORE IT IS IMPLEMENTED.

Grievance Form

Do you have a complaint?

Write out your complaint (grievance) below to have someone meet with you to try and work out a solution. If you need help writing your grievance, tell a staff member or teacher so they can help you. You can also ask someone to write the grievance for you.

When you are done, put this form in one of the grievance boxes at the facility. You can also give it to a [insert facility name] staff member. You can file a grievance at any time, even if you have a complaint about something that happened a long time ago. If you don’t want to write your name, you don’t have to.

What is your complaint?

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What do you want to happen?

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We will not share your name with staff unless you give permission or if you tell us that you are in danger.

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YOUTH NAME (optional) DATE

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Person(s) helping with grievance (if applicable) DATE