



STATE OF MARYLAND
DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES
DIVISION OF PRETRIAL DETENTION AND SERVICES

	Pretrial Detention and Services Directive Number: 180-2
	Program: Grievances
	Title: Juvenile Grievance Process
	Effective Date: April 15, 2008
	Approved by: Howard Ray, Jr., Commissioner 

.01 Purpose.

To establish a formal complaint system specifically for the resolution of those grievances filed by juvenile residents.

.02 Scope.

The Division of Pretrial Detention and Services

.03 Policy.

It is the policy of DPDS that juvenile residents remanded to the custody of the Division shall have access to a formal grievance process. Individual grievances may be filed which address allegations of unfair treatment, mistreatment, abuse, neglect, inappropriate use of force, staff misconduct or other contentious issues.

.04 Authority/Reference.

- (A) MCCS .05J
- (B) ACA 4-ALDF-6B-01

.05 Definitions

Administrator - The resident grievance coordinator for the juvenile program shall be a Program Manager, Case Manager or designee who shall be assigned to collect, log, categorize, and ultimately resolve juvenile grievances.

Help Request - A complaint which can be adequately resolved outside of the formal grievance process. These complaints are general in nature and may concern product quality, service delivery, etc

Grievance - Complaint alleging unfair treatment, mistreatment, abuse, neglect, inappropriate use of force, staff misconduct, etc.

.06 Responsibility/Procedure.

A. Orientation to the Juvenile Grievance Process

1. Juvenile residents shall be educated regarding the formal grievance process during orientation. The grievance process and procedures shall be explained to assist youth in understanding which issues are appropriate to file a grievance versus those issues that are more suited for the "help request" process. Orientation on the grievance process may be conducted by the Administrator or designee. This process shall be included in the *Juvenile Resident Handbook*.
2. *Step 1 Juvenile Grievance Forms* shall be made available in each housing unit, allowing juvenile resident access without having to request forms from unit staff. *All Juvenile Grievance Appeal Forms, Steps 2 through 4*, shall be made available through the Administrator.
3. A locked box designated for completed grievance/appeal forms shall be located on each housing unit. Access to grievance deposit boxes keys shall be restricted to the Administrator and designee.

B. Grievance Process Step 1

1. Juvenile residents may seek to resolve a grievance about facility policy or practice, staff, medical care, dietary services, etc. without reprisal, penalty or sanction. To file a Step 1 grievance the resident must:
 - a. Complete a *Juvenile Grievance Form, Step 1 (Attachment A)*;
 - b. Deposit the form along with any supporting documentation in a designated locked box. The completed form must be deposited within 15 calendar days of the date on which the incident occurred or the juvenile gained knowledge of the incident; and
 - c. If the juvenile resident does not agree with the findings of the formal grievance decision, he/she may file an appeal as described in §.06.C.1 of this directive.
2. The respective housing officer shall ensure that :
 - a. *Juvenile Grievance Forms, Step 1* are always made available directly to the resident population on the housings unit, allowing juvenile resident's access without having to request forms from unit staff; and
 - b. The Administrator is immediately notified if any juvenile resident requests assistance in filling out his/her grievance form.

3. The Administrator or designee shall:
 - a. Ensure that a locked box designated for the deposit of grievance forms is maintained in good condition and mounted in an area accessible to all residents on the unit;
 - b. Collect deposited forms on a daily basis, Monday through Friday;
 - c. Sort "help requests" from genuine grievances;
 - d. Record all "help requests" in a designated logbook and refer for appropriate action and response outside the formal grievance process; and
 - e. Ensure that each genuine grievance is appropriately logged and monitored until it has been processed in compliance with the following procedures:
 - (1) Each grievance shall be investigated and assessed fairly without any retribution;
 - (2) Upon completion of the investigation the Administrator/designee shall determine the merit or lack of merit of each grievance; and
 - (3) Juvenile residents shall be notified of the grievance resolution in writing within 10 working days, excluding Saturdays, Sundays, and Holidays.

C. Grievance Appeal Process

1. Appeal to the Grievance Committee/ Step 2
 - a. A juvenile resident wishing to appeal the Step 1 decision to his/her grievance shall request and complete a *Juvenile Grievance Form Step 2* (Attachment B) from the Administrator. Upon completion the appeal form must be returned to the Administrator.
 - b. The Administrator staff shall schedule the complaint to be reviewed by the Grievance Committee at a hearing. The Grievance Committee shall consist of: (1) the Assistant Warden, (2) Compliance Director, and (3) Designee. The hearings will be conducted in an informal manner, beginning with the presentation of the grievance by the resident, followed by testimony of other parties and/or witnesses.
 - c. The Committee members may question any of the parties or witnesses concerning their testimony and also allow the resident or his/her representative to question the parties or witnesses.
 - d. Following the completion of the testimony, the Grievance Committee shall ask the resident and his/her representative (if applicable) to leave the hearing room so that the Committee can deliberate on the grievance and discuss solutions.
 - e. After discussion, the Grievance Committee shall vote on the matter and possible solutions. The decision is determined by a majority vote by the committee members. The resident shall be brought back into the hearing room and informed of the decision.

- f. If the decision of the Grievance Committee is that the grievance is without merit, the Committee staff shall send a written explanation of the committee's decision to the resident within 5 working days of the hearing date.
- g. If the Grievance Committee finds that the case is meritorious, the committee's decision and recommendation for specific relief shall be documented in writing and sent it to the warden within 5 working days of the hearing date. The committee's recommendation is subject to the warden's review. The warden shall review the recommendation and respond to committee staff within 5 days of its receipt with his or her decision to affirm, reverse, or modify the committee's decision. The grievant shall receive final resolution of the Step 2 Appeal within 2 days of receipt by the Grievance Committee.

2. Appeal to the Warden/ Step 3

- a. A juvenile resident wishing to appeal the Step 2 decision to the warden may do so by completing a *Juvenile Grievance Form, Step 3* (Attachment C,) and submitting it to Administrator within 3 working days of the decision rendered in Step 2.
- b. The Administrator shall forward a copy of the appeal and all attendant paperwork to the warden within 1 working day of receiving the appeal.
- c. The warden shall review the grievance, records and the decision, and conduct further inquiries if deemed appropriate. The warden shall submit a written decision on the appeal within 5 working days of receipt of the appeal. The administrator, the grievant and any parties to the grievance shall receive notification of the warden's decision.
- d. A decision from the warden that is not appealed to the next step and determines that the grievance is at least meritorious in part shall direct specific relief to be afforded to the resident. The warden shall direct the appropriate relief and order compliance to his or her order to be carried out and documented within 10 working days (if possible), or as may be otherwise specified in the decision.

3. Appeal to the Assistant Commissioner/ Step 4

- a. A juvenile resident wishing to appeal the Step 3 decision to the Assistant Commissioner of the Division of Pretrial Detention and Services shall complete a *Juvenile Grievance Form, Step 4* and forward it to the Administrator within 3 working days of the resident's receipt of the Step 3 decision.
- b. The Assistant Commissioner shall direct the administrator to inform the grievant and other parties of the time, date and place of the hearing.
- c. At the conclusion of the hearing, the Assistant Commissioner shall submit a written notice of the decision to the resident and copies to administrator, within 10 working days of the hearing. The Assistant Commissioner's decision is final.

- d. If the Assistant Commissioner's decision determines that the grievance is at least meritorious in part, the Assistant Commissioner shall direct specific relief to be afforded to the resident. The Assistant Commissioner shall order compliance to his/her order to be carried out and documented within 10 working days (if possible), or as may be otherwise specified in the decision.

D. Documentation

- 1. A log book (grievance book) shall be maintained in the Juvenile Program Manager's Office. The log book shall indicate:
 - (a) Date the grievance was filed
 - (b) Administrator or designee processing grievance
 - (c) Category of the grievance
 - (d) Resolution of the grievance, and
 - (e) Date the meeting was held with the juvenile resident to discuss the outcome (decision) of the formal grievance.
- 2. All informal complaints and/or formal grievances shall be documented (logged) separately and tracked accordingly to ensure records are maintained for auditing purposes.
- 3. All documentation relating to juvenile resident grievances shall be maintained separately from any adult offender grievances filed within BCDC.

.07	Attachments.	A – Juvenile Grievance Form, Step 1 B – Juvenile Grievance Appeal Form, Step 2 C – Juvenile Grievance Appeal Form Step 3 D – Juvenile Grievance Appeal Form Step 4
.08	History.	NA
.09	Distribution.	B

Division of Pretrial Detention and Services
JUVENILE Grievance Form **STEP ONE**

Name of the Grievant: _____ I.D. # _____ Section: _____

Description of the complaint: _____

Action requested by the grievant: _____

Grievant's signature: _____ Date: _____

IGP Coordinator's signature: _____ Date: _____

If you are not satisfied with the Grievance response, you have the right to file an appeal to the Inmate Grievance Committee. Contact the Juvenile Program Administrator to request a Juvenile Grievance Appeal Form Step 2.

Division of Pretrial Detention and Services
JUVENILE Grievance Appeal Form **STEP TWO**

Name of the Grievant: _____ I.D. # _____ Section: _____

Reason(s) for the appeal: _____

Grievant's signature: _____ Date: _____

IGP Coordinator's signature: _____ Date: _____

Response of the IGC: _____

IGC Members: _____ Date: _____

_____ Date: _____

_____ Date: _____

Date returned to Grievant: _____

Check One: I **agree** with the committee's decision

I **disagree** with the committee's decision

Grievant's signature: _____ Date: _____

If you are not satisfied with the Inmate Grievance Committee's response, you have the right to file an appeal to the Warden. Contact the Juvenile Program Administrator to request a Juvenile Grievance Appeal Form Step 3

Division of Pretrial Detention and Services
JUVENILE Grievance Appeal Form **STEP THREE**

Name of the Grievant: _____ I.D. # _____ Section: _____

Reason(s) for appeal: _____

Grievant's signature: _____ Date: _____
IGP Coordinator's signature: _____ Date: _____

Response of the Warden: _____

Warden's signature: _____ Date: _____

Date returned to Grievant: _____

Check One: I **agree** with the Warden's decision I **disagree** with the Warden's decision

Grievant's signature: _____ Date: _____

If you are not satisfied with the Warden's grievance response, you have the right to file a final appeal to the Assistant Commissioner. Contact the Juvenile Program Administrator to request a Juvenile Grievance Appeal Form Step 4.

Division of Pretrial Detention and Services
JUVENILE Grievance Appeal Form **STEP FOUR**

Name of the Grievant: _____ I.D. # _____ Section: _____

Reason(s) for appeal: _____

Grievant's signature: _____ Date: _____

IGP Coordinator's signature: _____ Date: _____

Response of the Assistant Commissioner: _____

Assistant Commissioner's signature: _____ Date: _____

Date returned to the Grievant: _____