



# OREGON YOUTH AUTHORITY

## Policy Statement

### Part II - Youth Services



*Subject*

#### **Offender Grievance Process [Facility]**

*Section – Policy Number:*

**F: Justice – 1.1**

*Supersedes:*

**II-F-1.1 (10/10)  
II-F-1.1 (11/07)  
II-F-1.1 (01/05)**

*Effective Date:*

**09/27/2013**

*Date of Last Revision:*

**12/30/2014**

**Related Standards and References:**

- [OAR Chapter 416, Division 20 \(Offender Grievance Process\)](#)
- Performance-based Standards (PbS), *Juvenile Correction and Detention Facilities*; Programming; Justice
- American Correctional Association, *Standards for Juvenile Correctional Facilities*: 4-JCF-3A-01 (Access to Counsel and Courts); 4-JCF-3A-06 (Grievance Procedures)
- [A Guide for Parents and Families of Youth Committed to the Oregon Youth Authority](#)
- [A Guide for Parents and Families of DOC Youth in the Custody of the Oregon Youth Authority](#)
- [OYA policy](#): 0-2.3 (Mandatory Reporting of Offender and Child Abuse)  
I-A-10.0 (Preventing, Detecting, and Responding to, Offender Sexual Abuse and Sexual Harassment)  
II-F-1.0 (Offender Rights[Facility])  
II-F-3.6 (Offender Legal Assistance)  
III-B-4.0 (Youth Offender Rights, Responsibilities and Grievance [Field])
- OYA forms: YA 1300 (Offender Grievance Form)

**Related Procedures:**

- None

**Policy Owner:**

Facility Services Assistant Director

**Approved:**

  
Fariborz Pakseresht, Director

**I. PURPOSE:**

This policy provides OYA staff guidelines when processing offender grievances in OYA facilities.

Further information regarding offender grievance rights and the appeals process is delineated in OAR chapter 416, division 20 (Offender Grievance Process).

## II. POLICY DEFINITIONS:

**Emergency:** Any condition or situation where life, health, or safety may be threatened or where grievance time frame considerations necessitate an immediate response or remedial action.

**Formal Grievance:** The second level in the grievance process after an offender has tried to resolve a matter through an informal grievance review but is dissatisfied with the review results.

**Grievance:** A complaint about the substance or application of any written or unwritten rule, policy or practice affecting an offender; or any decision or action directed toward an offender by the OYA, its employees or agents, including but not limited to matters of confinement, discipline, treatment, education, and privileges.

**Grievance Coordinator:** A staff member designated by the superintendent or camp director that coordinates the grievance response process.

**Informal Grievance:** The first level in the grievance process where an offender may try to resolve a matter by writing a complaint and reviewing the matter with a designated grievance responder.

**Representative:** An adult person who is authorized by an offender to receive confidential information from the OYA and to act on behalf of the offender with respect to a grievance. A representative includes, but is not limited to an attorney, relative, friend or legal guardian, but does not mean another offender.

**Responder:** The staff member who is assigned a grievance for review and response.

## III. POLICY:

OYA recognizes all offenders have a right to review any action or decision affecting them and initiate a grievance without fear of reprisal. Offenders who believe they have been dealt with unjustly by OYA may file a grievance using the process described below. They are not required to discuss the nature of their grievance with staff; however, staff and offenders are encouraged to handle questions and complaints at the lowest level possible.

Grievances may also be filed on behalf of an offender by the offender's representative when the offender agrees on the filing. Staff must document an offender's declination of a representative's offer to file a grievance on behalf of the offender. Grievances filed by an offender's parent or legal guardian involving possible civil rights violations or criminal matters are not conditioned on the offender agreeing to have the grievance filed on the offender's behalf.

Added  
12/30/14

There is no time limit on when an offender may file a grievance.

#### **IV. GENERAL STANDARDS:**

##### **A. Informal Resolution**

Informal resolution of issues between offenders and staff is strongly encouraged to provide immediate response to the offender and to avoid overburdening of the offender grievance system.

##### **B. Offender and Parent/Guardian Notification**

Staff will inform offenders and their parents or legal guardians of the offender grievance process during intake.

For parents and guardians, this information is contained in documents “A Guide for Parents and Families of Youth Committed to the Oregon Youth Authority” and “A Guide for Parents and Families of Department of Corrections Youth in the Custody of the Oregon Youth Authority.”

##### **C. Emergency Grievances**

When a grievance concerns an emergency matter where life, health, or safety may be threatened (e.g., imminent danger, abuse, injury, sexual vulnerability), staff must immediately notify the superintendent/camp director, or officer-of-the-day (OD) of the matter. The Emergency Grievance must be reviewed and responded to as soon as possible but no longer than 24 hours from receipt.

1. The superintendent/camp director or OD will take appropriate action to assure the welfare of the offender.
2. Staff may also inform the offender of the option to contact the OYA Professional Standards Office by calling the OYA Hotline at 1-800-315-5440 regarding the emergency matter.
3. Refer to OYA policies I-A-10.0 (Preventing, Detecting, and Responding to Offender Sexual Abuse and Sexual Harassment); and 0-2.3 (Mandatory Reporting of Offender Abuse and Child Abuse) if the matter involves sexual abuse/harassment or child abuse.

##### **D. Civil Rights Violations or Criminal Matters**

Revised  
12/30/14

When a grievance concerns a civil rights violation or criminal matter (e.g., abuse, harassment, neglect), staff must notify the Professional Standards Office and follow the Emergency Grievance process described in section C.

##### **E. Grievance Form Access, Collection, and Assignment**

1. Offender Grievance forms (YA 1300) must be openly available to all offenders within a common area(s).

The Offender Grievance form must also be available on the OYA Web site.

2. Locked boxes specifically for form collection must be located where they can be accessed daily by offenders.
3. Designated staff that does not have routine contact with offenders must collect all forms from the locked boxes no less than once a day, except on weekends and holidays.

If it is not feasible to designate a staff that does not have routine contact with offenders for this duty, sealable envelopes must be available with the Offender Grievance forms so offenders may seal their forms prior to dropping them in the locked boxes.

4. Designated staff must deliver all collected Offender Grievance forms to the facility Grievance Coordinator. The Grievance Coordinator will assess the nature of the grievance and assign a tracking number and appropriate responder to each grievance.

Any staff member who is the subject of a grievance or to whom the grievance may pose a conflict of interest must not be the assigned responder.

5. Staff members who receive grievances directly from offenders must ensure the grievance is delivered to the Grievance Coordinator for tracking and response. The staff member the grievance was addressed to might not be the same staff member who responds to the offender.

## **F. Informal Grievance**

1. Staff assigned as a grievance responder must review the grievance with the offender within seven (7) working days of receiving the grievance and provide the offender a written resolution. The original Grievance Form containing the written resolution must be forwarded to the Grievance Coordinator.
  - a) If it appears the process may take longer than this timeline, staff must give the offender written notification of the delay before the due date. A copy of the delay notice must be forwarded to the Grievance Coordinator for tracking purposes.
  - b) Any delay by more than 14 working days must be approved by the superintendent or camp director.
2. An offender may forward the written resolution through the Grievance Coordinator to the facility superintendent/camp director

for review if the offender is dissatisfied with the grievance resolution.

The superintendent/camp director or designee must review the grievance and provide a written response to the offender within seven (7) working days of receiving the grievance. The written response must be forwarded to the Grievance Coordinator.

## **G. Formal Grievance**

An offender may file a formal grievance if the offender is dissatisfied with the outcome of an informal grievance review.

1. The Grievance Coordinator must forward formal grievances to the superintendent/camp director or designee for review and response.

The formal grievance reviewer must not be the same person who responded to the related informal grievance.

2. Within 10 calendar days of the formal grievance filing date, staff must contact the offender to schedule a review of the matter.
3. The formal grievance review must be held within 30 calendar days of the formal grievance filing date, unless a delay is mutually agreed to by the involved parties. All parties must be notified in writing of the date and time for the review.
4. Offenders may have a representative act on their behalf, and present testimony and documentary evidence during the formal grievance review.
  - a) Staff will, at the offender's request, help the offender prepare for the formal grievance review.
  - b) If an offender seeks legal assistance, costs for the assistance will be the responsibility of the offender.
  - c) The Grievance Coordinator must notify the Facility Services Assistant Director if an offender intends to have a representative who is not an OYA staff member attend a formal grievance review.
5. A written record of the review must be retained.
6. The superintendent/camp director or designee will send a written resolution to the offender or representative within 10 working days of completing the review.

The resolution must include instructions for filing an appeal to the OYA Director.

## **H. Records**

1. All grievances must be tracked through an electronic tracking system by the Grievance Coordinator or designee.
2. The white copies of the grievance forms and supporting documentation must be filed in a grievance file separate from offender case files and retained according to OYA's Special Schedule.

## **V. LOCAL OPERATING PROCEDURE REQUIRED: NO**