



Children Youth & Families Department

Juvenile Justice Services (JJS) Policies and Procedures (P&P)

Title Client Grievances

Category Client Rights and Services

Procedure # P.20.15 A Secure Facilities

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1 Overview Statement

- 1.1 Clients, parents/guardians/custodians (p/g/c), and client advocates have the opportunity to submit grievances for consideration, investigation, and resolution. Grievances may be about JJS employees (including facility and field employees, contractors, volunteers, and student interns), physical environment, food, services, programming, or treatment. Anyone can submit a grievance on behalf of a client.
- 1.2 This Procedure is written and made available to all clients and families and includes one level of appeal. The published process for submitting a grievance is posted, and grievance boxes are provided in conspicuous places for clients and families in each living unit and common area. Grievances are transmitted confidentially and without alteration, interference, or delay to the party responsible for receipt and investigation. A written report on the final disposition of a grievance is prepared and filed, and a copy is given to the client.

- 1.3 Substantial threats; allegations of physical abuse, sexual abuse, sexual exploitation, sexual harassment, and neglect; and room confinement complaints are all reported to the JJS Facility Confidential Reporting Line. Screened-in referrals are addressed per CYFD Stand Alone Procedure (SAP) and are not investigated by Grievance Officers (GOs).

2 Purpose

- 2.1 This Procedure describes the client grievance process and establishes practices that JJS GOs follow when receiving, tracking, documenting, investigating, and reporting grievances.
- 2.2 The grievance process presents an opportunity for employees to teach and clients to learn, develop, and practice self-advocacy skills by navigating a grievance system.
- 2.3 The grievance process provides an opportunity to facility management to consider outcomes that not only address the specific grievance but that generally may improve the system.

3 Definitions

- 3.1 **Grievant** A client who is currently or was previously in JJS custody, or a client advocate (including the client's p/g/c, attorney, or other concerned party), who submits a grievance.
- 3.2 **Preponderance of Evidence Standard** is a burden of proof standard whereby an allegation is proven by evidence to be more likely than not a fact.
- 3.3 **Substantiated** an allegation that was investigated and, based on the Preponderance of Evidence Standard, was determined to have occurred.
- 3.4 **Unsubstantiated** an allegation that was investigated and, based on the Preponderance of Evidence Standard, the investigation produced insufficient evidence to make a final determination as to whether or not the event occurred.
- 3.5 **Unfounded** An allegation that was investigated and determined not to have occurred.

4 Grievance Information

- 4.1 During intake, classification officers advise clients and their p/g/c on the grievance process.
- 4.2 Grievance information is provided in the client handbook.
- 4.3 Grievance information, forms, and boxes are placed throughout the facility.
- 4.4 Kiosks are in all the living units. Kiosks are interactive devices that provide another confidential method for submitting grievances.
- 4.5 The telephone number (1-855-563-5065) for the JJS Facility Confidential Reporting Line is posted throughout the facility.

5 Submitting a Grievance

- 5.1 A grievant may submit grievances in several ways:
 - Complete a Grievance form and put it in a grievance box;
 - Use a kiosk;

Notify a client advocate or employee, who can submit a grievance on their behalf;
Call the facility GO or the Deputy Director for Facilities; or
Request Medical or Behavioral Health (BH) services.

- 5.2 JJS employees do not prevent or discourage clients or their advocates from submitting grievances.
- 5.3 JJS employees, including GOs, do not solicit grievances.

6 Client Rights and Responsibilities

- 6.1 Clients may submit grievances at any time unless doing so would disrupt programming or jeopardize safety or security.
- 6.2 A client's family or anyone else may submit a grievance on behalf of a client.
- 6.3 Clients may submit grievances in the language they feel comfortable using.
- 6.4 Grievances are treated in a confidential manner.
- 6.5 If a client submits a false grievance, on purpose, they may be disciplined.
- 6.6 A client may withdraw a grievance, but that grievance will be investigated.

7 Receiving a Grievance

- 7.1 At least once every working day, GOs check every grievance box at each secure facility and all incoming grievance emails.
- 7.2 During checks, the GO ensures each grievance box is secure. If GOs suspect a grievance box has been tampered with, they immediately notify the Deputy Director for Facilities, the Superintendent, and the Physical Plant Manager of that facility.
- 7.3 When GOs receive a grievance (from the box, via email, or as assigned), they assign a tracking number to the grievance and date/time stamp the grievance with any other received documents. The tracking number is the current year and the next sequential grievance number in the year.
- 7.4 Within one working day of receiving a grievance, the GO completes the Grievance Form, initiates a Grievance Investigation and Tracking, and enters the grievance in the Grievance Log (L:Drive).

8 Exceptions

- 8.1 If a grievance, from a box or in an email from the kiosk indicates a substantial threat; alleges physical abuse, sexual abuse, sexual exploitation, sexual harassment, or neglect; or is a room confinement complaint, within one working day, the GO makes a report to the JJS Facility Confidential Reporting Line. GOs do not investigate unless later assigned.
- 8.2 If a grievance alleges criminal activity or employee misconduct, within one working day, the GO forwards the grievance to the Office of Quality Assurance (OQA) Director, the facility

Superintendent, and the Deputy Director for Facilities. GOs do not investigate unless later assigned.

- 8.3 If a grievance alleges an unfair or incorrect disposition from a disciplinary hearing, the GO provides the grievant with the DIR Appeal Process form. GOs do not investigate disciplinary hearing outcomes. However, GOs do investigate grievances alleging unfair disciplinary sanctions.

9 Investigating a Grievance

- 9.1 If a grievance is directed against a GO, the OQA Director determines the appropriate action. A grievance is not referred to or investigated by the employee who is the subject of the grievance.
- 9.2 A grievance investigation may include the following components:
- An interview of the client and/or grievant;
 - Interviews of JJS facility employees, other employees, contractors, volunteers, or student interns who are the subject of the grievance;
 - A review of any video or other recordings relevant to the grievance;
 - A review of any records, including incident reports (DIRs, SIRs), Behavioral Health, Medical, and Education records, and/or unit logs relevant to the grievance;
 - Interviews of any witnesses and individuals who may provide additional information;
 - A review of any other materials or documentation relevant to the grievance, including JJS policies, procedures, and directives; and
 - Protocols that oblige Department of Justice standards for interviewing/investigating.
- 9.3 GOs do not have authority to impose criminal sanctions or employee disciplinary actions; therefore, they do not cite Miranda or Garrity warnings.
- 9.4 All interviews with clients are conducted in a manner that takes into consideration any special needs, abilities, age, and maturity of the client. The interview is conducted in a language that the client uses and understands.
- 9.5 Client interviews are conducted in a place within the facility that maintains the client's privacy, not in the client's living unit, and out of the sight of other clients.
- 9.6 The GO provides the client with an Acknowledgement of Grievance Process form for signature during the interview.
- 9.7 All interviews with JJS employees, other employees, contractors, volunteers, or student interns are conducted confidentially.
- 9.8 To protect the safety of those involved, the GO may request facility management assistance to reserve time and space for interviews.
- 9.9 Any new and/or additional grievances (allegations) discovered during an investigation are addressed by the GO. The GO follows the same process required for receiving any new grievance.
- 9.10 Withdrawn grievances require an investigation, a finding, tracking, and documentation.

- 9.11 GOs complete investigations (and all related follow-up reports) within 5 working days; however, for good cause, they may request an extension from the OQA Director. If an extension is granted, the GO immediately notifies the grievant of the extension.

10 Findings and Resolutions

- 10.1 After an investigation, the GO makes a finding of "substantiated", "unsubstantiated", or "unfounded" for each grievance and completes a Grievance Investigation and Tracking and a Grievance Response Summary.
- 10.2 If a grievance is substantiated, the GO recommends possible resolutions. GOs do not recommend resolutions for unsubstantiated or unfounded grievances. GOs' resolutions do not include criminal or administrative sanctions.
- 10.3 The GO emails copies of the Grievance Response Summary and the Grievance Investigation and Tracking to the OQA Director for a review and approval. Upon receipt of the GO's response and summary, the OQA Director reviews and ensures that the response is appropriate and complete. The OQA Director forwards the Response Summary and Investigation and Tracking forms to the Deputy Director for Facilities.
- 10.4 The Deputy Director for Facilities may share grievance information with facility leadership to consider and initiate any follow-up actions:
- Develop a Facility Improvement Plan (FIP);
 - Alert supervisors of appropriate training needs at the facility level;
 - Consider any physical plant or monitoring technology modifications that might better protect clients;
 - Review staffing patterns and make appropriate adjustments to keep employees and clients safer; and/or
 - Recommend potential policy and procedure modifications to the P&P Manager.
- 10.5 The GO meets with the grievant to explain the finding, the basis for the finding, and possible resolutions. The GO provides a copy of the Grievance Response Form to the grievant. The GO also explains the appeal process and provides the grievant with an Acknowledgement of Appeal Process form to sign. The grievant does not need to keep copies. Signed copies will be retained in the grievance file.
- 10.6 If the grievant wants to attempt to resolve the grievance informally, the GO may facilitate; however, a grievant is never required to resolve a grievance informally.

11 Appeals

- 11.1 If the grievant is not satisfied with the finding or resolution of a grievance, the grievant may submit an appeal by using any of the methods to submit a grievance.
- 11.2 Appeals are submitted to the Deputy Director for Facilities within 5 working days of a GO's response.
- 11.3 Within 5 working days of receiving the appeal, the Deputy Director for Facilities notifies the investigating GO of the final decision.

- 11.4 The GO meets with the grievant (in person or telephonically) to review the Deputy Director for Facilities' decision and any further actions.

12 Records

- 12.1 GOs retain all written material on each grievance for at least 10 years.
- 12.2 GOs maintain and secure all client grievance records and files separate from the client's master file. GOs, the OQA Director, the Deputy Director for Facilities, and the JJS Director have access to client grievance records. Additionally, the PREA Coordinator has access to PREA-related grievances.
- 12.3 Every month, each GO completes a Grievance Log detailing the number of grievances, the types of grievances, findings, appeals, and resolutions. Via email, the GO notifies the OQA Director and the Deputy Director for Facilities that the Log is up to date and reports grievance statistics as requested.

13 Prohibitions

- 13.1 JJS employees do not open or read Grievance Forms, letters labeled "grievance," or letters addressed to the GO.
- 13.2 JJS employees do not tamper with, block, or cover grievance boxes or kiosks.
- 13.3 JJS employees do not retaliate against clients or their advocates for submitting grievances.
- 13.4 JJS employees do not make any reference to grievances in FACTS or client files.

14 Consequences of Noncompliance

An employee who fails to follow this Procedure may be subject to disciplinary action in accordance with the CYFD Code of Conduct.

15 Forms and Documents

Grievance form
Acknowledgement of Grievance Process form
Grievance Response Summary – for the client
Grievance Investigation and Tracking sheet
Acknowledgement of Appeal Process form
Acknowledgement of DIR Appeal Process form
Grievance Log (L:Drive)

16 Issue Date

September 1, 2019

17 Effective Date

October 1, 2019

18 Rescinded Directive and Memorandum

Directive 12-001 Right of Grievance Complaint and Appeal, issued 01/30/2012
Memorandum concerning Right of Grievance Complaint and Appeal, issued 08/12/2011


19 Replaced Procedure

P.20.15 Right of Grievance Complaint and Appeal, issued 03/29/2010


20 Applicable Policy (Regulation)

NMAC 8.14.20.15 Client Grievances

21 Authorizing Signatures



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