

Policy: Youth Rights and Remedies Rule: Youth Grievance System	Effective Date: 01/19/2015
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I. POLICY

(A) Purpose

1. Resident parents/guardians of youth, and youth advocates have the right to file grievances concerning that care, treatment, services, or conditions provided for youth under the care of OYR. OYR Resolves grievances in a prompt, fair, and thorough manner; however grievances alleging criminal violations or abuse, neglect, and exploitation are referred to law enforcement for investigation and disposition.
2. OYR recognizes that informal discussion between staff and youth are a key element in resolving issues or concerns at the earliest stage and contribute to a positive facility culture. OYR makes staff available to meet with youth whenever possible, limited only by consideration for facility order and the safety of youth and staff.

(B) General Rules

1. Exempt as noted in paragraph 2. Of this subsection, there is no limitation on the number or subject matter of grievances a person is permitted to file.
2. OYR provides a time, place, and manner in which youth, parents/guardians, or youth advocates may file grievances. A staff member is available to provide assistance in writing and filing grievances to individuals with disabilities who request accommodations in order to access the youth grievance system.
3. OYR's facility makes reasonable restrictions that may be imposed on the time, place, and manner of submission of grievances filed by youth to preserve order and maintain attention during instructional or treatment activities.
4. Retaliation or interference by staff concerning the filing or resolution of grievances is not tolerated and is grounds for disciplinary action up to and including termination of employment.
5. To the extent possible, grievances remain confidential. The identity of a person filing a grievance is not shared with staff members other than those necessary to resolve the grievance. Youth files do not contain any reference to the filing of grievances.
6. Youth are informed of the system for filing and resolving grievances upon arrival at OYR. Information on the grievance system is in OYR's New Resident Handbook in English and Spanish. Parents/guardians are provided information on the grievance resolution system and local contact information upon a child's admission to OYR.
7. Persons with limited English proficiency may file grievances in languages other than English.

8. OYR provides confirmation of receipt to a grievant having the legal right to access confidential youth information.
9. Upon written request, a parent/guardian of a youth

(C) Explanations of Terms Used

1. **Reasonable Belief** - a belief based on facts or circumstances sufficient to cause a reasonable person to believe that the person to believe it is more likely than not that the person to be searched has a prohibited item.
2. **Probable Cause** – a determination based on facts and circumstances that would cause a reasonably prudent person to believe it is more likely than not that the person to be searched has a prohibited item.

(D) Designated staff may conduct a search of an OYR resident or residents room in a residential facility other than that youth's home, for the purpose of finding and seizing contraband.

(E) Areas where youth are housed may be subject to be searched by the use of a canine teams.

(F) Room Searches and Pat Down Searches

Room searches to detect and deter possession of contraband or to protect persons may be conducted with or without probable cause so long as searched are conducted in a reasonable manner.

1. Room searches will be conducted in accordance with the following rules.
 - A. Room searches may be unannounced and irregularly timed.
 - B. Room searches are to be conducted at least twice a month, or as necessary to control possession by youth of unauthorized items or to recover missing or stolen property.
 - C. Two trained staff members must be in attendance for searches.
 - D. Room searches are to be conducted in a professional manner. Staff shall not make jokes, conversation, or comments while conducting searches.
 - E. Room searches will be documents on the Search Log form.
 - F. The presence of the youth whose property is being searched is preferable for all room searches, but not required.

2. Pat Down Searches

- A. OYR does not conduct pat down searches.

(G) Strip Searches

OYR does not conduct strip searches.

(H) Physical Body Cavity Searches

OYR does not conduct physical body cavity searches.

II. MANAGEMENT REQUIREMENTS

A. Process for Room Searches

1. Staff must document all room searches on the Search Log form.
2. Contraband, as defined in, found during the room search must be documented on a KDOC Incident Report Form.

B. Process for Pat Down Searches

1. OYR does not conduct pat down searches.