

 JUSTICE AND PUBLIC SAFETY CABINET DEPARTMENT OF JUVENILE JUSTICE POLICY AND PROCEDURES	REFERENCES: 1-JDTP-3D-17
CHAPTER: Day Treatment Services	AUTHORITY: KRS 15A.0652
SUBJECT: Grievance Procedure	
POLICY NUMBER: DJJ 1020	
TOTAL PAGES: 4	
EFFECTIVE DATE: 4/05/2019	
APPROVAL: Carey D. Cockerell , COMMISSIONER	

I. POLICY

Students shall be provided an internal grievance mechanism for complaints arising from institutional matters.

II. APPLICABILITY

This policy shall apply to Department of Juvenile Justice (DJJ) operated day treatment programs.

III. DEFINITIONS

Refer to Chapter 1000.

IV. PROCEDURES

- A. DJJ staff shall explain the grievance process to the student's upon intake and post the process in program areas. The student handbook shall include instructions for the grievance process.
- B. A minimum of two (2) grievance officers shall be designated for each DJJ program. The Superintendent shall not be a designated grievance officer.
- C. Students shall have the right to file a grievance without fear of retaliation.
- D. Prior to filing a grievance, an effort shall be made to resolve the issue informally, without staff retaliation. A special incident shall not be handled informally or through the grievance process and shall be reported immediately to the Superintendent and the Internal Investigation Branch (IIB).
- E. The student shall discuss the matter either with the staff person involved or the grievance officer. The grievance officer shall take into consideration the student and staff person's ability to informally resolve the grievance issue.
- F. A student may file a grievance if they believe that there has been a violation of:
 1. Federal or Kentucky civil rights provisions;

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2. Federal or Kentucky civil or criminal law;
 3. Department policies or program standard operating procedures (SOP's);
 4. Safe or sanitary living conditions within the program; or
 5. The level of care provided within the program.
- G. Non-grievable issues shall include court decisions, policies from agencies outside the program, disciplinary hearing decisions, and legislative action affecting the facility.
- H. Each facility shall make available grievance documentation located in an area that is easily accessible to students. Each facility shall provide one or more clearly marked lockboxes for the submission of a grievance. The lockbox shall be in an open area accessible to all students. The grievance officer shall be responsible for the management of the lockbox.
- I. If a student is unable to adequately express the grievance in written form, the student shall be allowed to present the grievance to the designated grievance officer verbally.
- J. A student may be limited in filing a grievance on issues already grieved and decided. A student may withdraw a current or previously filed grievance at any time. Students shall acknowledge all grievance findings, to include withdrawals, with their signature. The grievance officer shall document any refusals to acknowledge the grievance findings.
- K. An inappropriately filed grievance, or one that concerns a non-grievable issue, shall be returned to the student with an appropriate explanation.
- L. If unable to resolve the issue informally, the student may submit a grievance in writing.
- M. The grievance documentation shall be kept on file in the office of the designated grievance officer. A copy of the grievance shall be placed in the student's individual client record (ICR) and a copy shall be given to the student.
- N. The Superintendent or designee shall maintain a tracking log specifying the date, name of the student, and determination of the grievance.
- O. The grievance process shall be evaluated at least annually to determine its efficiency and effectiveness.
- P. If the designated grievance officer or Superintendent is directly involved in the grievance, the grievance shall be forwarded to the next line supervisor for resolution.
- Q. Grievance Process:
1. The student shall submit the formal grievance within two (2) school days of the incident.
 2. The grievance shall contain:
 - a. Information concerning the issue being grieved; and
 - b. Information concerning the effort to informally resolve the issue; and

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c. The desired resolution.

3. A grievance shall be deposited, by the student, into a secure locked box with staff key control only by the grievance officer or designee.
4. The written grievance shall be retrieved by the designated grievance officer within two (2) school days of the grievance being filed.
5. The designated grievance officer shall conduct resident and staff interviews within three (3) school days of receiving the grievance. This includes obtaining all relevant documentation and progress notes.
6. Upon conclusion of the interviews and review of relevant documentation the designated grievance officer shall present a written response to the student within three (3) school days.
7. The findings shall be one of the following: substantiated, not substantiated, exonerated, or unfounded. The grievance officer shall consult with the Office of the Ombudsman, as needed.

R. Grievance Appeal Process:

1. If dissatisfied with the resolution presented by the designated grievance officer the student may within forty-eight (48) hours forward the grievance to the Superintendent. The student shall present all previous information submitted. The appealed grievance shall be deposited in the grievance box, and once retrieved, it shall be provided to the Superintendent by the designated grievance officer.
2. Within three (3) school days of receiving the appealed grievance resolution, the Superintendent shall meet with:
 - a. The designated grievance officer;
 - b. The student; and
 - c. Staff involved and witnesses, at the discretion of the Superintendent.
3. The Superintendent shall have up to five (5) school days to present a written final response to the student.
4. A copy of the Superintendent's final resolution of the appeal, the grievance, and all appropriate attachments shall be forwarded to the Facilities Regional Administrator (FRA) and Office of the Ombudsman.

S. Grievance Process Time Frames:

1. If the timeframes are not met by the student, the grievance shall be automatically terminated unless a legitimate reason for the delay is presented and approved by the Superintendent.
2. If the timeframes are not met by the designated grievance officer, the grievance shall automatically be referred to the Superintendent by the designated grievance officer. The Superintendent shall follow the grievance appeal process timeframes.
3. Due to the unavailability of an essential party, the time frames may be extended. The reason for the extension shall be noted on the grievance documentation.

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V. MONITORING MECHANISM

- A. The Office of the Ombudsman shall monitor this activity in each DJJ operated day treatment. Monitoring in a contract day treatment shall be the responsibility of the Regional Division Director.
- B. The Education Branch shall monitor standard operating procedures of day treatment programs.