



**JUSTICE CABINET
DEPARTMENT OF
JUVENILE JUSTICE
POLICY AND PROCEDURES**

**REFERENCES:
505 KAR 1:110
3-JTS-3D-09,
3-JCRF-3D-07
1-JDTP-3D-17
1-JBC-3D-08
4-JCF-3A-06**

CHAPTER: Programs and Services

AUTHORITY: KRS 15A.0652

SUBJECT: Grievance Procedure

POLICY NUMBER: DJJ 331

TOTAL PAGES: 4

EFFECTIVE DATE: 4/05/2019

APPROVAL: Carey D. Cockerell , COMMISSIONER

I. POLICY

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

II. APPLICABILITY

This policy shall apply to each Department of Juvenile Justice (DJJ) group home and youth development center (YDC). A contracted program shall adhere to their parent agency's procedures. If no procedures exist, the contracted program shall develop procedures within their standard operating procedures (SOP's).

III. DEFINITIONS

Refer to Chapter 300.

IV. PROCEDURES

- A. DJJ staff shall explain the grievance process to the youth upon intake and post the process in living and program areas. The resident 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. Youth 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).

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- E. The youth shall discuss the matter either with the staff person involved or the grievance officer. The grievance officer shall take into consideration the youth and staff person's ability to informally resolve the grievance issue.
- F. A youth may file a grievance if they believe that there has been a violation of:
 1. Federal or Kentucky civil rights provisions;
 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 youths. 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 youth. The grievance officer shall be responsible for the management of the lockbox.
- I. If a youth is unable to adequately express the grievance in written form, the youth shall be allowed to present the grievance to the designated grievance officer verbally.
- J. A youth may be limited in filing a grievance on issues already grieved and decided. A youth may withdraw a current or previously filed grievance at any time. Youth 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 youth with an appropriate explanation.
- L. If unable to resolve the issue informally, the youth 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 youth's hard case file and a copy shall be given to the youth.
- N. The Superintendent or designee shall maintain a tracking log specifying the date, name of the youth, and determination of the grievance.
- O. The grievance process shall be evaluated at least annually to determine its efficiency and effectiveness.

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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. A grievance shall be submitted by the juvenile within fourteen (14) days of the grieving incident occurrence. The exception to this shall be if the incident falls under the classification of a Prison Rape Elimination Act (PREA) occurrence, such an incident shall not have a time limit applied. All PREA incidents shall be reported through the Hotline pursuant to DJJPP Chapter 9 (Reporting and Investigating PREA Violations).
2. The grievance shall contain:
 - a. Information concerning the issue being grieved; and
 - b. Information concerning the effort to informally resolve the issue; and
 - c. The desired resolution.
3. A grievance shall be deposited, by the youth, 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) business days of the grievance being filed.
5. The designated grievance officer shall conduct resident and staff interviews within three (3) business 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 youth within three (3) business days.
7. If a grievance is a medical issue, the nurse shall be involved in the resolution process at the facility level.
8. 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 youth may within forty-eight (48) hours forward the grievance to the Superintendent. The youth 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) business days of receiving the appealed grievance resolution, the Superintendent shall meet with:

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- a. The designated grievance officer;
 - b. The youth; and
 - c. Staff involved and witnesses, at the discretion of the Superintendent.
3. The Superintendent shall have up to five (5) business days to present a written final response to the youth.
 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 time frames are not met by the youth, the grievance is automatically terminated unless a legitimate reason for the delay is presented and approved by the Superintendent.
 2. If the time frames 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.

V. MONITORING MECHANISM

The Office of the Ombudsman shall monitor this activity in a group home and YDC.