

	JUSTICE CABINET DEPARTMENT OF JUVENILE JUSTICE POLICY AND PROCEDURES	REFERENCES: 505 KAR 1:140 3-JDF-3D-08
CHAPTER: Detention Services		AUTHORITY: KRS 15A.065
SUBJECT: Grievance Procedure		
POLICY NUMBER: DJJ 706		
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APPROVAL: Carey D. Cockerell, COMMISSIONER		

I. POLICY

Juveniles 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) operated detention centers.

III. DEFINITIONS

Refer to Chapter 700.

IV. PROCEDURES

- A. DJJ staff shall explain the grievance process to the juvenile 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 facility Superintendent shall not be a designated grievance officer.
- C. Juveniles 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 facility Superintendent and Internal Investigation Branch (IIB).
- E. The juvenile shall discuss the matter with the grievance officer. The grievance officer shall take into consideration the juvenile and staff person's ability to informally resolve the grievance issue.
- F. A juvenile 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 or program standard operating procedures (SOP's);
 4. To resolve a condition within the program that creates unsafe or unsanitary living conditions; or
 5. To express concerns regarding an inadequate level care.
- 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 juveniles. 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 juveniles. The grievance officers shall be responsible for the management of the lockbox.
- I. If a juvenile is unable to adequately express the grievance in written form, the juvenile shall be allowed to present the grievance to the designated grievance officer verbally.
- J. Only one grievance per juvenile may be filed at any one time on a single incident or issue of concern. A juvenile may withdraw a current or previously filed grievance at any time. Juveniles 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 juvenile with an appropriate explanation.
- L. If the designated grievance officer or facility Superintendent is directly involved in the grievance, the grievance shall be forwarded the next line supervisor for resolution.
- M. The facility Superintendent or designee shall maintain a tracking log specifying the date, name of the juvenile, and determination of the grievance.
- N. A summary of all grievances shall be included in the Quarterly and Annual Reports submitted by the Superintendent to the FRA and the Ombudsman. The original record, including all information regarding the grievance, shall be kept on file in the office of the designated grievance officer. A copy of the grievance shall be placed in the juvenile's record and a copy shall be given to the juvenile.
- O. The grievance process shall be evaluated at least annually to determine its efficiency and effectiveness.
- P. 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

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PREA incidents shall be reported through the Hotline pursuant to Chapter 9 of the DJJ Policy and Procedures.

2. The grievance shall contain:
 - a. All the information concerning the issue being grieved;
 - b. All the information concerning the effort to informally resolve the issue; and the desired resolution.
3. A grievance or notification of intent to present a verbal grievance shall be deposited, by the juvenile, into a secure locked box with staff key control.
4. Grievances shall be retrieved from the locked box within twenty-four (24) hours. A designated grievance officer shall be assigned to the grievance upon retrieval from the lockbox. 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.
5. If a grievance is a medical issue, a facility nurse shall be involved in the resolution process at the facility level.
6. Upon conclusion of the interviews, the designated grievance officer shall present a written response to the juvenile within three (3) business days.
7. The findings shall be one of the following: “substantiated, “not substantiated”, “withdrawn”, or “other”. “Other” may include the grievance issue being referred to the Internal Investigation Branch (IIB) or the Office of the Ombudsman. The grievance officer shall consult with the Office of the Ombudsman, as needed.

Q. Grievance Appeal Process:

1. If dissatisfied with the resolution presented by the designated grievance officer, the juvenile may appeal the grievance to the facility Superintendent within forty-eight (48) hours. The juvenile shall present all previous information submitted. The appealed grievance shall be deposited in the grievance box or presented to the designated grievance officer and be provided to the facility Superintendent by the designated grievance officer.
2. Within three (3) business days of receiving the appealed grievance resolution, the facility Superintendent shall meet with:
 - a. The designated grievance officer;
 - b. The juvenile; and,
 - c. Staff involved and witnesses, at the discretion of the facility Superintendent.
3. The facility Superintendent shall have up to five (5) business days to present a written final response to the juvenile.

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4. A copy of the facility 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.

R. Grievance Process Time Frames:

1. If the time frames are not met by the juvenile, the grievance is automatically terminated unless a legitimate reason for the delay is presented to and approved by the facility Superintendent.
2. If the time frames are not met by the designated grievance officer, the grievance shall automatically be referred to the facility Superintendent by the designated grievance officer. The facility 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, the Quality Assurance Branch, and the Superintendent shall monitor the program within the facility.