

<b>GEORGIA DEPARTMENT OF JUVENILE JUSTICE</b>	Transmittal # 15-12	Policy # 15.2
Applicability: <input type="checkbox"/> All DJJ Staff <input type="checkbox"/> Administration <input type="checkbox"/> Community Services <input checked="" type="checkbox"/> Secure Facilities (RYDCs and YDCs)	Related Standards & References: ACA Standards: 3-JDF-3D-08, 4-JCF-3A-06, 4-JCF-4C-40 DJJ 8.5 Special Incident Reporting DJJ 15.9 Ombudsman DJJ 23.1 PREA	
Chapter 15: RIGHTS OF YOUTH	Effective Date: 10/5/15	
Subject: GRIEVANCE PROCESS	Scheduled Review Date: 10/5/16	
Attachments: A – DJJ Youth Grievance Form	Replaces: 1/15/14	
	Division of Secure Facilities APPROVED:  <hr/> Avery D. Niles, Commissioner	

**I. POLICY:**

Department of Juvenile Justice secure facilities shall afford all youth the right to submit a grievance regarding any inappropriate or infringing conditions, behavior, or action of staff, volunteers, or other youth. Youth who choose to file a formal grievance shall not be subject to any disciplinary sanction or adverse action pertaining to the filing of a grievance.

**II. DEFINITIONS:**

**Grievance:** A formal complaint regarding a condition, circumstance, or action considered by the grievant to be unjust.

**Grievant:** An individual who submits a grievance for resolution.

**Grievance Officer:** A trained employee assigned by the facility Director to conduct inquiries, investigate, and respond to formal grievances.

**Grievance Analyst:** A trained employee assigned by the office of Ombudsman to monitor the agency grievance process and to decide all appeals as requested by youths, and/or third parties on behalf of a youth to determine a final resolution of a grievance.

**PREA (Prison Rape Elimination Act):** A federal law that supports the elimination, reduction, and prevention of sexual assault, sexual abuse, sexual harassment, and rape within correctional systems. It applies to all federal, state, and local prisons, juvenile facilities, jails, police lock-ups, private facilities, and community settings such as residential facilities.

**III. PROCEDURES:**

A. General Procedures:

1. Youth are informed during orientation that they have the right to submit a formal grievance regarding the treatment or conditions within secure facilities.

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2. The formal grievance process is the only process allowed for a youth to file a grievance. Secure facilities shall not implement grievance processes that are not consistent with this policy.
3. The formal grievance process consists of three steps:
  - a) A formal grievance, which is decided by the facility Grievance Officer;
  - b) An appeal to the facility Director; and
  - c) A further appeal to the Grievance Analyst in the DJJ Office of the Ombudsman.
4. The grievance process will be conducted fairly and be consistent with current policies and procedures. The Office of the Ombudsman may be included in this process to ensure transparency.
5. The facility Director will designate a Grievance Officer(s) and a back-up facility Grievance Officer.
  - a) The Grievance Officer will not respond to grievances that involve him/her or otherwise present a direct conflict of interest. If a direct conflict of interest is noted, the Facility Director or designee will assume the responsibility of ensuring a fair process is given to the grievant.
  - b) Behavioral health staff and health care staff will not be utilized as grievance officers.
6. All grievances received involving reportable incidents under DJJ 8.5, Special Incident and Child Abuse Reporting must be reported on a Special Incident Report. The Grievance Officer must document on the grievance form that a Special Incident Report has been completed, including the assigned SIR number.
7. Each facility will have locked boxes for the collection of grievances at designated sites easily accessible by youth without staff assistance. The grievance box must have a highly restricted key different from any other key in the facility. The highly restricted key must be issued only to the Grievance Officer and/or back-up Grievance Officer.
8. Youth will not receive any form of reprisal for exercising their right to file a grievance or appeal. The Grievance Officer and supervisors are responsible for monitoring any form of retaliation against youths who have filed a grievance or appeal.
9. Grievances will be considered confidential. Only those staff necessary to resolve a grievance will be made aware of its contents.

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**B. Informal Resolution of Grievances:**

1. For non-PREA related grievances, staff will listen to a youth’s concerns and take appropriate action to address issues whenever possible.
2. Youth must be directed to complete a formal grievance regarding PREA-related incidents.

**C. Filing a formal grievance:**

1. Grievance forms (Attachment A) will be available on each living unit and common areas in a box accessible to youth without staff assistance.
  - a) Youth will have unimpeded access to grievance forms and/or writing materials and may write out a complaint at any reasonable time.
  - b) If it is believed that a youth may harm him/her or others with the writing implement, staff shall not give the youth a pen or pencil. In such cases, the youth may be given a non-toxic writing instrument. A staff member designated by the youth may assist the youth by filling out the written grievance, making good faith effort to document information as reported by youth. To verify accuracy of information reported, the staff member will read back to the youth the written statement.
  - c) The youth should place the completed grievance form to the designated grievance box. The Grievance Officer will retrieve grievances from the box or boxes at least daily Monday through Friday, excluding weekends and holidays.
2. Grievance forms will be also be available at a designated location in the administrative area of the facility. Notices will be posted advising visitors of the process for filing such grievance. Grievances made by parents or guardians may be mailed to the Director or deposited in a box in an area accessible to the public marked “Director.” The Director/designee will respond to the person filing the grievance in writing within 5 days of receipt of the grievance.
3. Anyone (including fellow youth, staff members, family members, attorneys, and outside advocates) may assist a youth in filing a grievance or appeal if it involves allegations of sexual abuse, sexual assault, or sexual harassment.
4. Anyone (including fellow youth, staff members, family members, attorneys, and outside advocates) may file a grievance or appeal on behalf of a youth if it involves allegations of sexual abuse, sexual assault, or sexual harassment.

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- a) If anyone other than a parent or legal guardian files such a grievance or appeal on behalf of a youth, the facility will require as a condition of processing the request that the alleged victim agree to have the grievance or appeal filed on his or her behalf, and may also request the alleged victim to personally pursue any subsequent steps in the grievance process.
  - b) If the youth declines to have the grievance or appeal processed on his/her behalf, the Grievance Officer must document the youths' decision on the grievance form. The Grievance Officer will also ask the youth to sign a statement verifying that he/she declines to have the grievance or appeal processed on his/her behalf.
  - c) The Office of Victim Services may be included in this process to ensure transparency.
5. The Grievance Officer will maintain a log of all grievances received. The log must contain at a minimum, the date the incident occurred, the date the grievance was received, and the name of the person filing the grievance.
  6. Anyone may file a non-PREA related grievance through the Office of the Ombudsman up to one year after the youth has completed his /her supervision by DJJ, including probation and commitment to DJJ.
- D. Formal resolution of Grievances:
1. Upon receipt of a grievance form or a written statement, the Grievance Officer assigned to resolve the grievance will read the complaint and, within 8 hours of retrieving the grievance from the box, attempt to bring resolution to the issue. The Grievance Officer will review pertinent written materials and conduct interviews with those persons who witnessed the situation.
  2. The Grievance Officer will provide a written response to the youth as soon as possible, but always within 72 hours of receipt of the grievance. The response will include the reason(s) for the decision.
  3. If Grievance Officer determines that the grievance involves an emergency situation (health or safety issue), he/she shall address the situation and conduct the investigation and/or hearing immediately upon receiving the grievance. A response appropriate to the circumstances of the emergency will be issued as soon as practical, but no later than 24 hours of its receipt and forward a completed action to the Office of Ombudsman within 72 hours of resolution.
  4. After receiving an emergency grievance alleging a youth is subject to a substantial risk of imminent sexual abuse, the Director or Designee shall:

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- a) Immediately contact the Deputy Commissioner and the Office of Investigations Field supervisor concerning the contents of the grievance (or any portion thereof that alleges the substantial risk of imminent sexual abuse) and complete a special incident report (refer to DJJ 8.5, Special Incident Child Abuse Reporting, III, A, 3);
- b) Provide an initial response within 24 hours; and
- c) Issue a final agency decision within 5 calendar days.

5. The initial response and final agency decision shall document the agency's determination whether the youth is in substantial risk of imminent sexual abuse, sexual assault, and/or sexual harassment and the action taken in response to the emergency grievance.
6. If a youth knowingly files a grievance in bad faith relating to alleged sexual abuse, sexual assault, or sexual harassment and was determined by a formal investigation that the youth did file in bad faith, the youth will be subjected to the disciplinary process.
7. The Grievance Officer will conduct a formal hearing if the circumstances of the grievance indicate that a hearing is necessary. If it is determined that a hearing is necessary, the youth may bring a staff member, another youth, or any other person of his/her choosing to serve as his/her representative and/or to assist the youth at the hearing. The youth, facility staff member, or others involved may call witnesses and present written materials to substantiate their positions.

E. Appeal Process:

1. If the youth is not satisfied with the decision of the Grievance Officer, he/she may request further review of the grievance by the Facility Director. The Facility Director will have 5 working days to respond to youth(s) request to review the Grievance Officer's decision and to submit a response back to the youth.
2. If the youth is not satisfied of the facility Director's response, then the youth may appeal the facility Director's decision either:
  - a) By calling the 1-800 number listed on the Ombudsman posters located throughout the facility; or
  - b) By submitting a request to meet with the Grievance Analyst.

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3. The Office of the Ombudsman through the Grievance Analyst will give an agency response to the facility and youth within 10 working days of receipt of youth's request. All decisions by the Ombudsman Office are final.

F. Grievances to the Director:

1. If a youth has an issue that he/she wants to bring to the direct attention of the Director, he/she may write to the Director and place the letter in the grievance box that is accessible to youth without staff intervention, or in a box labeled for the Director. The letter should be addressed to the Director.
2. The Director will retrieve items from the Director's box each working day. The Director's designee will retrieve items from the Director's box on working days when the Director is not on duty at the facility.
3. The Director will then take the appropriate action to resolve the issue, which may include initiating the grievance process.

G. Grievances and Appeals filed by a youth who is transferred:

1. When a youth is transferred to a different facility, any grievances filed against a person or the previous facility (other than the facility at which the youth is currently housed), a copy of the youths' original grievance will be sent to the new facility Grievance Officer.
2. It is the responsibility of the Grievance Officer at the prior facility to ensure the grievance process is continued even though the youth is no longer at that facility. After completion of the grievance, the Grievance Officer will forward the results to the receiving facility to notify the youth of the outcome.
3. The receiving Grievance Officer will immediately notify the Grievance Analyst in the Office of the Ombudsman of the results to ensure completion of the grievance process within 72 hours of receiving the final disposition of the grievance at the previous facility.

H. Administrative Review of Grievances:

1. The facility Director will review the findings of the Grievance Officer in all grievances within 5 days; regardless of the level at which resolution occurs. If the Director makes changes in the disposition of the grievance, written notification of all changes in the decision will be forwarded to the Grievance Officer, and appropriate staff members(s), youth(s), and/or other persons involved within 5 days of the review of the findings.

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2. A copy of the completed grievance will be given to the youth and the original will be maintained in the facility permanent grievance file. The permanent file shall be maintained by month and calendar year.
3. The Grievance Analyst will monitor the grievance process and trends to provide assistance and appropriate training to the Grievance Officers to ensure compliance with this policy.

**IV. LOCAL OPERATING PROCEDURES REQUIRED: YES**