

GEORGIA DEPARTMENT OF JUVENILE JUSTICE	Transmittal # 15-02	Policy # 15.9
Applicability: {x} All DJJ Staff {x} Administration {x} Community Services {x} Secure Facilities	Related Standards & References: DJJ 3.80, 3.82, 5.5, 8.5, 15.1, 15.2, 23.1	
Chapter 15: RIGHTS OF YOUTH	Effective Date: 2/20/15 Scheduled Review Date: 2/20/16	
Subject: OMBUDSMAN	New Policy Operations and Compliance Division: APPROVED:	
Attachments: A - Notification Letter B - Action Form C - Resolution Letter	 <hr/> Avery D. Niles, Commissioner	

I. POLICY:

The Office of the Ombudsman will serve as a liaison between youth, family members, legal guardian, concerned citizens, and the Department of Juvenile Justice (DJJ) by investigating complaints, reporting findings, conducting research, educating the community, providing recommendations for improvement, and advocating for changes in policy and practices as necessary.

I. DEFINITIONS:

Complaint: Mail, e-mail, on-line referral form, phone calls, or in-person verbal reports received from youth, family members, legal guardians, concerned citizens, or other agencies that involves youth under supervision of the Georgia Department of Juvenile Justice.

Complainant: A person who submits a complaint to the Office of the Ombudsman.

Customer Service Agent: The designated staff member within the Office of the Ombudsman assigned to investigate customer's complaints.

Director: For the purposes of this policy, the staff member responsible for the overall operation of a Regional Youth Detention Center (RYDC), Youth Development Campus (YDC), Community Service Office (CSO), or other DJJ owned, operated, or contracted facility.

Direct Care Staff: Staff responsible for the direct supervision of youth under the care and custody of the Department.

Family Members: Spouse, domestic partner, parent, grandparent, child, brother, sister, aunt, uncle, nephew, niece, first cousin, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepparent, stepchild, stepbrother, stepsister, half-brother, half-sister, or legal guardian.

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Grievance: A formal complaint regarding a condition, circumstance, or action considered by the grievant to be unjust. (See DJJ 15.2 Grievance Process)

Inquiry/Referral: Any written or verbal communication from the public or legislature requesting information regarding the Georgia Department of Juvenile Justice’s Ombudsman policies and procedures.

Ombudsman: The Department of Juvenile Justice (DJJ) official appointed to investigate complaints of violations of rights and attempt to solve them through recommendation(s) or mediation. The Ombudsman will identify system-wide issues that could lead to ineffective service provisions or breach of rights.

Sexual Abuse and Sexual Harassment: Definitions are defined in DJJ Policy 8.5, Special Incident and Child Abuse Reporting (Attachment H: SIR Codes Guide) and DJJ Policy 23.1, Requirements of a PREA Case (Attachment G). Sexual Abuse codes: PY1, PY2, PS1, PS2, and PS3; Sexual Harassment Codes: PY3 and PS4.

Youth: A child who is: (1) under the age of 17 years when alleged to have committed a delinquent act; (2) under the age of 21, who committed an act of delinquency before reaching the age of 17 years, and who has been placed under the supervision of the court (or DJJ) or on probation to the court for the purpose of enforcing orders of the court; or (3) under the age of 18 years and adjudicated to be a Child in Need of Services (CHINS) as defined by O.C.G.A §15-11-2, paragraph 11.

Health Insurance Portability & Accountability Act (HIPPA): Federal regulation (Law) regarding the confidentiality and security of health information.

II. PROCEDURES:

- A. The Ombudsman staff will have complete and unrestricted access to all agency facilities, contract programs, offices, records, staff, and youth.
- B. The complainant, employees, and constituents must cooperate fully with the Office of the Ombudsman and make true and accurate reports of violations of law or policies and of the conduct of youth and staff.
- C. Staff will direct all complaints regarding the Department’s HIPPA Privacy Practices to the DJJ Medical Director in accordance with DJJ 5.5, Health Records.
- D. Any youth who feels that he/she has been or is being subject to unfair treatment, harassment, unlawful discrimination, or bullying may file a grievance with the facility’s Grievance Officer or Direct Care Staff in accordance with DJJ Policy 15.2, Grievance Process. If youth is not satisfied with the outcome, he/she may contact the Office of the Ombudsman directly.

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E. Sexual Abuse and Sexual Harassment complaints will be processed in accordance with DJJ Policy 23.1, Prison Rape Elimination Act and 8.5 Special Incident and Child Abuse Reporting.

F. Confidentiality and Retaliation

1. Complaints or inquiries/referrals received by the Ombudsman office are confidential. Only the staff necessary to resolve a complaint or inquiry/referral will be made aware of its content.
2. The Office of the Ombudsman will safeguard the confidentiality of information. Staff will maintain all records in a secure manner in a designated location that is easily accessible to authorized staff.
3. DJJ staff and contract providers will provide full cooperation with the Office of the Ombudsman. Secure Facilities and Community Services Divisions through the designated chain of command will ensure no retaliation takes place against complainant (youth, family, staff member, etc.).

G. Responsibilities of the Office of the Ombudsman

1. The Office of the Ombudsman will address complaints or inquiries/referrals that involve situations where the health, safety, welfare, or rights of a youth may have been negatively affected by the actions of the Department of Juvenile Justice (DJJ) staff, and where efforts to resolve these issues at a facility or office level have been unsuccessful. (See DJJ Policy 15.1 Basic Rights and Responsibilities of Youth)
2. Examples of complaints the Office of the Ombudsman will address include, but are not limited to:
 - a) Conditions of Confinement: Concerns about youth receiving required care (basic needs, poor food/dietary, and other program services), dangerous environment, lack of contact with caseworker, lack of clothing, and no recreational opportunities while confined to a DJJ facility.
 - b) Medical: Concerns about youth receiving required treatment services (medical, behavioral health, and special diets) while confined to a DJJ facility or under DJJ supervision.
 - c) Abuse: Concerns about sexual, physical or verbal abuse, inappropriate physical control, or neglect.
 - d) Visitation: Denial of visitation or visitation schedule not followed.

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- e) Mail/Phone: Youth not allowed mail or phone calls.
- H. The Ombudsman will file Special Incident Reports in accordance with DJJ Policy 8.5 Special Incident and Child Abuse Reporting.
- J. Filing a Complaint or Inquiry/Referral:
 - 1. Youth, staff and concerned citizens may report complaints of unlawful discrimination, harassment, bullying, or a violation of a youth's rights to the Office of the Ombudsman.
 - 2. A complaint or inquiry/referral may be filed by the youth or on the youth's behalf.
 - 3. Other methods complaints may be filed as indicated below:
 - a) Online - Complaint Referral form is located on the Ombudsman webpage at www.djj.state.ga.us.
 - b) E-mail - djjombudsman@djj.state.ga.us.
 - c) Phone - Toll free number listed on the DJJ webpage.
 - d) Mail - Complaints may be mailed to the Department of Juvenile Justice, Office of the Ombudsman, 3408 Covington Highway, Decatur, Georgia 30032.
 - e) In addition, calls or visits may be made to the local facility or community services office.
 - f) In facilities and community services, the Director will ensure all complaints are scanned and emailed to the Office of the Ombudsman by the end of the day.
 - g) If it is determined the complaint involves an emergency situation (health and safety issue), the Director will contact the Ombudsman office immediately upon resolution of the emergency situation.
- I. Screening: Upon receipt of a complaint or inquiry/referral, the Office of the Ombudsman will screen the complaint within 24 hours and determine if the matter falls within the Ombudsman's jurisdiction. If determined that the matter should be handled by a different office or division, the Ombudsman will forward the complaint or inquiry/referral to the appropriate office or division.
- J. Investigation of the Complaint or Inquiry/Referral:

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1. Following the screening process, the Ombudsman will maintain and/or assign every complaint to a Customer Service Agent. The Ombudsman/Customer Service Agent will provide notification of assignment to the complainant by the end of business day. (Attachment A)
2. The Office of the Ombudsman will request information from the Director via the Action Form. (Attachment B)
3. The Director will respond to the request for information upon receipt of the Action Form within 3 business days of request or otherwise specified.
4. The Ombudsman/Customer Service Agent will complete the investigation within 30 business days of assignment and file in the Office of the Ombudsman.
5. Resolution will be forwarded to the complainant/Director within 5 business days following the conclusion of the investigation. (Attachment C)
 - a) Findings involving employee misconduct, violations of DJJ policies and procedures will be referred to employee's supervisor, and respective Director in order for the proper notification to take place. In the event of proposed disciplinary action, this will be conducted in accordance with DJJ 3.80 Employee Accountability and Discipline and DJJ 3.82 Adverse Actions.

K. Tracking:

1. The Office of the Ombudsman will maintain statistical data to track frequency and types of complaints or inquiries/referrals.
 - a) Complaints or inquiries/referrals received by the Ombudsman will be electronically recorded.
 - b) The electronic file will contain:
 - i. Complainant's first and last name.
 - ii. Date complaint or inquiry/referral was received and resolved.
 - iii. Outcome of investigation.

L. Directors will ensure the Ombudsman posters are posted in areas easily accessible to youth and parents.

M. Directors will ensure the Ombudsman brochures are placed in common areas. This information will also be in the facility student handbook.

III. LOCAL OPERATING PROCEDURES REQUIRED: No