

Resident Grievances & Complaints: An Overview of Applicable Law and DJJ's Procedures



Virginia Department of Juvenile Justice



Applicable Law

DJJ Regulation for Juvenile Correctional Centers (6VAC35-71-80)

The grievance procedure shall provide for the following:

- 1. Resident participation in the grievance process, with assistance from staff upon request;*
- 2. Investigation of the grievance by an impartial and objective person who is not the subject of the grievance;*
- 3. Documented, timely responses to all grievances with the supporting reasons for the decision;*
- 4. At least one level of appeal;*
- 5. Administrative review of grievances;*



6VAC35-71-80 Continued

6. Protection of residents from retaliation or the threat of retaliation for filing a grievance; and

7. Immediate review of emergency grievances with resolution as soon as practicable but no later than eight hours after the initial review.

B. Residents shall be oriented to the grievance procedure in an age or developmentally appropriate manner.

C. The grievance procedure shall be (i) written in clear and simple language, (ii) posted in an area accessible to residents, and (iii) posted in an area easily accessible to parents and legal guardians.

D. Staff shall assist and work cooperatively with other employees in facilitating the grievance process.





DJJ Procedure VOL. IV-4.1-1.15

Resident Grievances and Complaints

- During intake/facility orientation, the human rights coordinators (HRC) provide residents with an overview of the Resident Grievances and Complaints procedure and residents are provided with a copy of the procedure.
- The procedure is also posted in each housing unit and in visitation areas in the facility.



Residents can grieve the following issues:

- a. The content, interpretation, and application of policies, rules, programs, and procedures governing DJJ;
- b. Individual employee and resident actions, including any denial of access to the grievance procedure;
- c. Reprisals against residents for filing a grievance or appeal, or for taking part in a grievance proceeding;
- d. Issues or concerns that present an immediate risk of hardship or harm to a resident (i.e., emergency grievance – see slides 13 and 14); and
- e. Any other matter related to living conditions or supervision.



1. Complaint

2. Grievance

3. Emergency grievance



Procedural Categories

Complaint

- The written communication by a committed resident that expresses a concern relative to the resident's quality of life that presents no risk of hardship or harm to a resident.



Resident may place it in the locked grievance box in their housing unit. The HRC checks the grievance boxes in each housing unit every working day.

Receiving HRC must sign and date the form upon receipt and provide the resident with a copy.

Receiving HRC must review and process it or forward it to the appropriate DJJ staff member for review and response.

Complaints forwarded to another staff member for review and response must be returned to HRC within ten (10) working days of receipt for further review and data entry.

HRC will notify resident of disposition and their right to appeal if dissatisfied. Completed complaints must be submitted to the superintendent or designee for administrative review.



Grievance

- The written communication by a resident that reports a condition or situation that presents a risk of hardship or harm to a resident.



Resident may place it in the locked grievance box in their housing unit. The HRC checks the grievance boxes in each housing unit every working day.

Receiving HRC must sign and date the form upon receipt and provide the resident with a copy.

Receiving HRC must review and process it or forward it to the appropriate DJJ staff member for review and response.

Grievances forwarded to another staff member for review and response must be returned to HRC within five (5) working days of receipt for further review and data entry.

HRC will notify resident of disposition and their right to appeal if dissatisfied. Completed grievances must be submitted to the superintendent or designee for administrative review.



Emergency Grievance

- Any grievance that must be expedited (processed and completed within 8 hours), in accordance with [6VAC35-71-80](#) because of an immediate risk of hardship or harm to a resident.
 - **Hardship:** An issue that concerns a matter which would subject the resident to a substantial risk of personal, physical, or psychological harm.



Resident may give an emergency grievance to any staff member or place it in the locked grievance box in their housing unit.

Receiving staff member must sign and date the form upon receipt and provide the resident with a copy.

Receiving staff must notify shift commander or administrator on call (AOC) who must review and address it within one (1) hour of notification if confirmed to be an emergency.

Substantiated issues must be resolved and resident informed of resolution within eight (8) hours of receipt. If referred for a formal administrative and/or criminal investigation, interim protective measures must be put in place. Resident must be notified of right to appeal if dissatisfied.

Completed form must be forwarded to the HRC for further review and data entry. Completed forms must be submitted to the superintendent or designee for administrative review.



Current Reporting Options Outside of Bon Air JCC:

The disAbility Law Center of Virginia (dLCV)

- Blue phones are available in each housing unit (DJJ internal phone extension - #35).
- Posters are mounted next to the blue phones that describe dLCV's services and provide contact info.
- DJJ staff hold quarterly meetings with dLCV to ensure increased response and communication in addressing resident concerns. dLCV staff report concerns to DJJ on an ongoing basis.

DJJ Ombuds Program

- It provides a way for parents and staff to privately report any areas of concern, including allegations of sexual harassment and sexual abuse in accordance with the Prison Rape Elimination Act (PREA).
- It is not an emergency response program.
- Ombuds hotline is monitored by the HRC team during working hours.