

 <p><b>KENTUCKY CORRECTIONS</b> Policies and Procedures</p>	Policy Number	Total Pages
	Date Filed	Effective Date
Authority/References KRS 196.030, 196.035, 439.470 P & P ACA 2G-02	Subject <b>GRIEVANCE PROCEDURES FOR OFFENDERS</b>	

## I. DEFINITION

“Employee” means full-time, part-time, and interim employees of the Department of Corrections to include interns, students, volunteers, vendors, contractors, agency consultants and contract personnel who have offender contact on a recurring basis. See CPP 3.1 (Code of Ethics).

“Grievance” means a complaint concerning the application of written policy and procedure or any behavior or action toward the offender by an employee.

## II. POLICY and PROCEDURE

All offenders under the supervision of the Division of Probation & Parole shall be informed of the grievance procedure at the time of the initial interview. There shall be no retaliation against an offender for filing a grievance.

- A. The grievance process shall be explained to an offender by the Probation and Parole officer during the initial interview. A written explanation of the grievance process shall be made available upon request.
- B. An offender shall file a written grievance within five (5) days from the date of an incident.
- C. The following process shall be used in all cases involving an offender grievance (2G-02):
  1. The offender shall state the grievance in writing and provide it to the officer or supervisor. If appropriate given the nature of the complaint, the officer may meet with the offender within five (5) working days after having been made aware of the grievance and attempt to resolve the complaint. The attempt at resolution shall be documented by the officer on the offender grievance form. A copy of the grievance form shall be made available to the offender within five (5) working days after the meeting concerning the grievance complaint.

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## 2. District Supervisor Review

- a. If the matter cannot be resolved, the officer shall place a check mark beside “District Supervisor” on the offender grievance form and ask the offender to sign and date the form. The officer shall forward the form within two (2) working days to the District Supervisor, who shall indicate receipt on the form.
- b. The District Supervisor shall give the officer a fair opportunity to respond to the allegations of the grievance and may conduct, at the District Supervisor’s discretion, a formal or informal hearing on the matter. Any hearing shall be scheduled at a time and place that permits the offender to attend. The District Supervisor shall notify the offender in writing of the time, place and subject of the hearing not less than ten (10) working days prior to the time scheduled for the hearing. At the hearing, both the offender and the officer may call witnesses and present documentation and proof relative to the grievance at issue. In all cases, the District Supervisor shall make a ruling in writing on the grievance form not later than twenty (20) working days after first receiving the grievance. The District Supervisor shall forward a copy of the decision clearly stating the reason for the decision to the officer and the offender.

## 3. Branch Manager Appeal

- a. If the offender is not satisfied with the District Supervisor’s decision, the offender shall inform the officer within five (5) working days after receipt of the decision. The officer shall place a check mark beside “Branch Manager” on the offender grievance form and ask the offender to sign and date the form. The officer shall forward the form within two (2) working days to the Branch Manager, who shall indicate receipt on the form.
- b. The Branch Manager shall give the officer a fair opportunity to respond to the allegations of the grievance and may conduct, at the Branch Manager’s discretion, additional investigation, which may include a formal or informal hearing on the matter. Any hearing shall be scheduled at a time and place that permits the offender to attend. The Branch Manager shall notify the offender in writing of the time, place and subject of the hearing not less than ten (10) working days prior to the time scheduled for the hearing. At the hearing, both the offender and the officer may call witnesses and present documentation and proof relative to the grievance at issue.

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In all cases, the Branch Manager shall make a ruling in writing on the grievance form not later than twenty (20) working days after first receiving the grievance. The Branch Manager shall forward a copy of the decision clearly stating the reason for the decision to the officer and the offender.

4. Final Appeal

- a. If the offender is not satisfied with the Branch Manager's decision, the offender shall inform the officer within five (5) working days after receipt of the decision. In this case, the officer shall place a check mark beside "Director's Office" on the grievance form and ask the offender to sign and date the document. The officer shall forward, within two (2) working days the grievance form and all pertinent documentation, including any additional statements by the offender, to the Director's Office, who shall indicate receipt on the document.
- b. The Director or Assistant Director of Probation and Parole shall review the grievance and make a decision within ten (10) working days after receiving the grievance. An additional ten (10) days shall be allowed to make a decision, if the Director or Assistant Director elects to conduct a hearing. Within two (2) working days after the decision, a copy of the decision, stating the reason for the decision, shall be forwarded to the officer, the District Supervisor and offender.
- c. The decision of the Director or Assistant Director shall be final.

5. If the offender does not give notice to the officer that he wants to appeal a decision to the Branch Manager or the Director and sign and date the grievance form within the five (5) working days allowed, the offender shall waive any further appeal and the decision shall be final at the level reached before the appeal deadline was missed.

6. The officer shall maintain in the case record a copy of each grievance filed and a copy of each decision made in the grievance procedure.

D. If at any stage the offender's grievance is found to have merit, the District Supervisor or designee shall ensure that the object of the grievance is corrected as soon as possible, provided it is within the scope of the supervisor's authority to correct the situation.

E. Grievable and Non-grievable Matters

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1. Grievable
    - a. Abusive and distasteful language directed specifically at the offender or the offender's family,
    - b. Denial of the rights of the offender as enumerated by policy or mandated by statute,
    - c. Sexual abuse or harassment,
    - d. Denial of equal access to programs,
    - e. Conflict of interest,
    - f. Dispute of calculation of jail custody credit,
    - g. Dispute of application of parole compliance credit, or
    - h. Other similar matters, except for those which are nongrievable.
  2. Non-Grievable matters (as defined in the Corrections' Code of Ethics and Personnel regulations)
    - a. Orders of the releasing authority and standard conditions of supervision,
    - b. Warrants for revocation of supervision,
    - c. Program referrals, like reporting for psychological counseling or attending substance abuse counseling, which are relevant to the needs of the offender, and
    - d. Final decisions concerning prior grievances.
- F. The Director of Probation and Parole, Assistant Director of Probation and Parole or District Supervisor, may appoint a designee to carry out the specified duties. Any action taken by the designee shall hold the same authority as if made by the respective designator.
- G. The Director's Office shall establish a method for maintaining records of all grievances submitted and shall review the grievance procedure annually. The quantity and nature of the offender grievances shall be aggregated and analyzed annually. (2G-02)

Date: \_\_\_\_\_

Attachment CPP 27-12-06  
Rev. 2011

OFFENDER GRIEVANCE FORM

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Probation and Parole Officer's Name and Office: \_\_\_\_\_

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Offender's Name, Address, and Telephone Number: \_\_\_\_\_

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Detailed Reason for Grievance: \_\_\_\_\_

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Specific Adjustment Requested: \_\_\_\_\_

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Discussion with Probation and Parole Officer: \_\_\_\_\_

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Result of Discussion: \_\_\_\_\_

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I Wish to Have the Grievance Reviewed By:

District Supervisor \_\_\_\_\_  
Offender's Signature Date

Received by District Supervisor: \_\_\_\_\_  
Signature Date

District Supervisor's Review and Disposition: \_\_\_\_\_

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\_\_\_\_\_  
Signature/Position Date

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I Wish to Have a Second Level Review:

Branch Manager

\_\_\_\_\_  
Offender's Signature Date

Received by Branch Manager:

\_\_\_\_\_  
Signature Date

Branch Manager's Review and Disposition: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
Signature/Position Date

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I Wish to Have a Third Level Review:

*I understand that the Director's Office is the appointing authority for a final determination.*

Director's Office

\_\_\_\_\_  
Offender's Signature Date

Received by Director's Office:

\_\_\_\_\_  
Signature Date

Director's Office Review and Disposition: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
Signature/Position Date