

REHABILITATION ADMINISTRATION
Juvenile Rehabilitation
PREA Compliance



2016 SUPPLEMENTAL BUDGET

Request	FY16	FY17	15-17
FTE	0	5.0	5.0
GF-State	0	\$414,000	\$414,000
Total	0	\$414,000	\$414,000

DECISION PACKAGE SUMMARY

The Rehabilitation Administration (RA), Juvenile Rehabilitation (JR) requests five FTEs in order to adhere to the federal Prison Rape Elimination Act (PREA) standard 115.311. The federal standards require JR to designate FTE to develop, implement and sustain statewide PREA certification and agency compliance with the law. By funding this request, JR will eliminate the workload impact to direct service staff currently performing ongoing PREA compliance functions and be better able to perform timely PREA-related investigations.

PROBLEM STATEMENT

The state of Washington is committed to the elimination of sexual abuse in state correctional facilities through compliance with the federal PREA standards. On May 15, 2015, Governor Inslee certified the state juvenile justice system as PREA compliant. Each JR residential facility receives an audit once every three years by an external PREA auditor who provides the results to the U.S. Department of Justice (DOJ). There are over 150 federal PREA standards that are reviewed during the audit. Compliance is determined, in part, by the “institutionalization” of each standard, requiring a specific policy and proof that processes are consistently adhered to during the previous three years.

The past two years, JR has been targeting resources for policy and form development, training, and labor negotiations. The auditor allowed a shorter period of “institutionalization” due to the newness of PREA. Moving forward into the next three-year cycle, the DOJ is requiring auditors to consider the full three years in determining compliance. Ensuring ongoing compliance over a three-year period requires dedicated staff to perform quality assurance and internal audits, develop and facilitate ongoing training as required by the standards, perform facility tasks tied to standards (screens, youth education, case reviews) and oversee federal corrective action plans. PREA standard 115.311(b) requires the agency to designate an agency-wide PREA Administrator to develop, implement and oversee the agency’s efforts to comply with PREA. JR does not have a funded PREA Administrator position. PREA standard 115.311(c) requires each residential facility to designate a PREA Compliance Manager with sufficient time and authority to coordinate the facility’s efforts to comply with the PREA standards. Although JR received funding for two Compliance Managers in the 2015-17 Biennial Budget, it remains deficient by three.

If this request is not funded, JR will be required to utilize direct care staff to serve as Compliance Managers, which does not allow sufficient time to coordinate facility efforts and ensure compliance. Inadequate funding for required staff



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positions places JR at risk of losing its Governor-endorsed PREA certification, which will result in a loss of five percent of federal funding to JR.

Additionally, since the implementation of PREA, JR has had an increase in PREA-related allegations. Each allegation is forwarded to Child Protective Services (CPS) and a portion to Washington State Patrol (WSP) for investigation. Following their investigation and per PREA Standard 115.371, JR is responsible for completing an administrative investigation. JR does not have a position designated as an Investigator. In 2014, JR had a total of 16 PREA allegations requiring investigation. Within the first eight months of 2015, JR already has 10. Ensuring a timely and thorough administrative investigation is critical to both inform corrective actions in the facility and to take timely personnel action, either removing staff from reassignment or terminating and beginning the hiring process, which ultimately reduces the back-fill costs incurred while the investigation is ongoing.

PROPOSED SOLUTION

Funding for this proposal supports three PREA Compliance Manager FTEs, one PREA Administrator FTE, and one Investigator FTE to perform the PREA-related administrative investigations for JR. Each of these FTEs will be implemented in Fiscal Year (FY) 2017.

EXPECTED RESULTS

Desired results to be achieved by funding this proposal include ongoing PREA compliance to support the statewide Governor's certification to the DOJ. FY 2016 is the first year for JR to be PREA certified. Ongoing certification assurance will be required through the Governor's Office to the DOJ by May 15 each year. This request ensures that JR will sustain PREA certification each year.

Ongoing PREA compliance will result in a reduction of sexual assault incidents in JR residential facilities. Sexual abuse of youth in juvenile facilities has implications that extend beyond their release back into the community. Studies reported to Congress that prison rape endangers the public safety by increasing recidivism. Incarcerated youth are more likely to participate in treatment programs when they feel safe in their environment. Sustained compliance with PREA contributes to safer facilities that support the overall rehabilitative services provided to youth. In addition, PREA implementation has been an additional duty to existing direct care staff in each residential facility. Achieving PREA compliance has been through targeted and prioritized hard work, at the expense of other competing demands that are equally important. Relieving staff of this additional duty will allow them to focus on the core functions of their position, providing treatment and supervision to youth. Dedicated PREA Compliance Managers will help sustain compliance with the standards which, in turn, will reduce state dollars spent on long-term corrective action plan monitoring by the external federal Auditor. Furthermore, timely administrative investigations will allow staff to return to work more quickly, decreasing the costs associated with backfill and also the negativity around displaced staff during investigations. Finally, JR has an Office of Financial Management (OFM) outcome measure for rates of sexual violence in our facilities. It is expected that with sustained PREA compliance, these rates will decrease over time.

STAKEHOLDER IMPACT

JR believes both youth and family are the key stakeholders for the services we provide. It is our duty to keep youth safe and provide an environment free of victimization. Adequately resourcing PREA according to the requirements in the federal standards will ensure the time and attention is given to sustaining compliance, and direct service staff will be relieved from the additional duties and can instead focus their work with youth and families.

In addition, community members, including victim advocacy groups, are also stakeholders for this proposal as it relates to JR's obligation to keep youth safe and provide effective treatment by increasing protective factors and decreasing risk factors, so they can safely return home with a reduced risk for recidivism.