

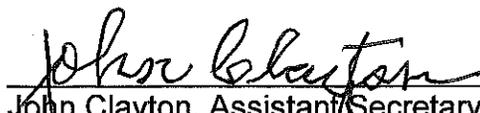


STATE OF WASHINGTON
DEPARTMENT OF SOCIAL AND HEALTH SERVICES
JUVENILE JUSTICE & REHABILITATION ADMINISTRATION
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March 20, 2014

TO: JR Policy Holders

FROM:


John Clayton, Assistant Secretary
Juvenile Justice & Rehabilitation Administration

SUBJECT For Distribution: JR Policy 13, *Managing Youth Complaints*

The JR Policy Committee has completed the final review of 13, *Managing Youth Complaints* based on the PREA Juvenile Standards. Please add the policy to your on-site policy manual.

This policy covers the youth complaint process and integrates the requirements for PREA regarding complaints related to sexual abuse and sexual harassment.

No changes were made to the existing policy language – however the PREA requirements were integrated and cited to the Standards. Additions include:

- Allowing youth the ability to contact Child Protective Services directly at 1-866-END-HARM upon request.
- Ensuring that staff accept reports of sexual abuse or sexual harassment verbally, anonymously and from third parties and that those allegations are reported immediately.
- Ensuring there is no time limit on when youth may submit complaints alleging sexual abuse or sexual harassment.
- Youth are not required to use an informal complaint process to resolve allegations of sexual abuse, nor should complaints be resolved with the staff who is the alleged perpetrator.
- Allows youth to be disciplined for filing false complaints in bad faith alleging sexual abuse.

This policy has a scheduled effective date of April 1, 2014. If you have questions regarding the policy and its revision, please contact the JR Policy and Planning Administrator, Jennifer Zipoy, at jrapolicy@dshs.wa.gov.

Attachment: Policy 13, Handling Youth Complaints

POLICY 13 FILING AND PROCESSING YOUTH COMPLAINTS

Policy Committee Chair

Don Mead, Ed. D.
Superintendent, Echo Glen
Juvenile Justice & Rehabilitation Administration

Approved


John Clayton, Assistant Secretary
Juvenile Justice & Rehabilitation Administration
3/20/2014

Authorizing Sources

RCW 13.40.010
RCW 13.40.460
28 CFR Part 115 PREA, Juvenile Facility
Standards, effective August 20, 2012

Information Contact

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Effective Date

4/1/2014

Sunset Review Date

4/1/2015

I. PURPOSE AND SCOPE

This document establishes the expectations for filing and processing youth complaints when youth are unable to informally resolve an expression of dissatisfaction.

All staff, contractors, volunteers, and interns working in the Division of Juvenile Institution Programs, Division of Community Programs and Parole, and the Division of Operations and Support Services are responsible for reviewing and complying with JR policies.

II. POLICY

1. Youth may file a formal written complaint.

- 1.1. Complaints may address staff actions or decisions in violation of policies and procedures or conditions of confinement.
- 1.2. Complaints will be resolved at the lowest level possible beginning with a supervisor.

2. JR will provide residential youth a means to file complaints and appeal responses.

- 2.1. JR facilities will post "Youth Complaint and Appeal Procedure – Residential Facilities" in each living unit of each JR facility.
- 2.2. Superintendents, Regional Administrators or designees will ensure youth have access to complaint forms (DSHS Form 20-234) and secure sites to deposit forms in each living unit of each JR facility.
- 2.3. Staff will provide youth with a complaint form (DSHS Form 20-234) as soon as practical.
- 2.4. Staff may assist youth to write a complaint upon a youth's request.
- 2.5. Nothing in this policy will preclude a youth from contacting legal services about the complaint.

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2.6. Youth will not be sanctioned for filing a complaint or appeal except as described in Section 12 of this policy.

3. JR will maintain a system for review of residential youth complaints and appeals.

3.1. JR facilities will collect and document written complaints at least weekly.

3.2. Complaints alleging abuse and neglect will be reported in accordance with Policy 34, *Reporting Abuse and Neglect of JR Youth* and Policy 49, *Applying PREA Juvenile Standards in JR*.

3.3. Supervisors will review the complaint with youth.

3.4. Supervisors will provide a written response to the complaint within seven days after documented receipt.

3.5. Youth may appeal the supervisor's written response within seven days of receipt.

3.6. The Superintendent, Regional Administrator or designee will review the appeal and provide a written response within seven days of documented receipt.

3.7. Youth may appeal the Superintendent's, Regional Administrator's or designee's written response within seven days of receipt.

3.8. The Division Director or designee will review the appeal and provide a written response within 21 days of documented receipt.

3.8.1. The Division Director or designee's written response is final.

4. JR will communicate and document responses to youth complaints and appeals.

4.1. Documentation of the final complaint responses will be forwarded to the youth and included in the youth's case file in accordance with Policy 11, *Managing Youth Case Files*.

5. Youth must be provided multiple internal ways to privately report (PREA Standard 115.351 (a)):

5.1. Incidents of sexual abuse and sexual harassment,

5.2. Retaliation by other youth or staff for reporting incidents

5.3. Staff neglect or violation of responsibilities that may have contributed to such incidents.

6. Youth must be provided a way to report abuse or harassment to a public or private entity that is external to JR. That agency must be able to receive and immediately forward youth reports to agency officials, allowing the youth to remain anonymous upon request. (PREA Standard 115.351 (b)). Youth must be allowed to contact Child Protective Services directly at 1-866-END-HARM.

7. Staff must accept verbal reports, anonymous reports, written reports and reports from third parties regarding allegations of sexual abuse and sexual harassment. All allegations must be reported immediately per Policy 34, *Reporting Child Abuse and Neglect*. (PREA Standard 115.351 (c))

8. There is no time limit on when youth may submit a complaint regarding an allegation of sexual abuse. (PREA Standard 115.352 (b)(1))

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- 9. JR must issue a final agency decision on the complaint alleging sexual abuse within 90 days of initial filing of the complaint unless a properly noted extension is claimed. JR must respond consistent with the results of the Child Protective Services investigation. (PREA Standard 115.352 (d)(1))**
- 10. JR must not require that youth use an informal complaint process or attempt to resolve with staff an alleged incident of sexual abuse. (PREA Standard 115.352 (b)(3))**
- 11. JR must assure that youth who allege sexual abuse may submit a complaint without submitting it to the staff member who is the alleged perpetrator. The complaint may not be referred to the staff member who is the alleged perpetrator for resolution. (PREA Standard 115.352 (c))**
- 12. JR will discipline youth who file false complaints in bad faith alleging sexual abuse. (PREA Standard 115.352 (g))**
- 13. JR Parole offices will provide a process for addressing youth complaints from youth on parole that includes notice to the youth of the ability to submit a complaint ("Youth Complaint and Appeal Procedure - Parole Offices")**
- 14. Regional Administrators may approve exceptions to this policy for contracted detention facilities and jails if there is a complaint resolution process supported by internal policies or standards that meet legal requirements or are in compliance with this policy.**

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III. DEFINITIONS

Appeal: A youth’s request to have a complaint response reviewed by the next designated JRA staff in the chain of command.

Complaint: A youth’s expression of dissatisfaction placed formally in writing addressing staff actions or decisions in violation of policies and procedures; conditions of confinement; or policies and procedures.

Complaint Response: Finding made by designated JR staff reviewing a youth’s complaint.

Staff: Any person having custody and control over a JR youth such as an employed staff members, school district personnel, or volunteers.

IV. RELATED JR POLICIES

Policy 11 - Managing Youth Case Files

Policy 49 – Applying PREA Juvenile Standards in JR

Policy 34 - Reporting Abuse and Neglect of JR Youth

V. FORMS AND DOCUMENTS

Document Title	Available In ACT	Link to Paper form
Youth Complaint and Appeal Procedure – Residential Facilities		
Youth Complaint and Appeal Procedure – Parole Offices		
Youth Complaint – Appeal Request		20-234
Complaint Resolution and Response	(no)	20-263
