

**POLICY 2.10 HANDLING YOUTH COMPLAINTS**

**Policy Committee Chair**

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Juvenile Rehabilitation

**Approved**



Marybeth Queral, Assistant Secretary  
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7/25/2017

**Authorizing Sources**

**RCW 13.40.010**  
**RCW 13.40.460**  
**28 CFR Part 115 PREA, Juvenile Facility**  
**Standards**

**Information Contact**

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**8/15/2021**

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**I. PURPOSE AND SCOPE**

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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 or for Juvenile Rehabilitation (JR) are responsible for reviewing and complying with JR policies.

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**II. POLICY**

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- 1. Youth will be allowed to file a formal written complaint at any time during normal programming hours.**
  - 1.1. Youth are encouraged to resolve issues informally between other youth and with staff, if possible. Informal resolution is not required prior to filing a written complaint.
  - 1.2. Youth will not use an informal grievance process or attempt to resolve with staff an alleged incident of sexual abuse.
  - 1.3. Youth may contact JR Legal Services about a complaint at any time during normal programming hours.
- 2. Information about the complaint and appeals process will be included in the facility handbooks that are provided to youth at intake. Information about the process will also be provided to parents and guardians. (ACA 4-JCF-3A-07)**
  - 2.1. Orientation of youth to each facility must include a review of the complaint and appeals process.

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<sup>1</sup> 11/7/19 Technical Edit: Updated DSHS references to DCYF.

Policy **2.10, Handling Youth Complaints 8/15/2017**

- 3. The youth complaint process must be evaluated annually for its effectiveness by designated Central Office staff. (ACA 4-JCF-3A-09)**
- 4. JR must provide residential youth a means to file complaints and to appeal responses. (ACA 4-JCF-3A-06) and have the process posted.**
  - 4.1. JR facilities will post youth complaint and appeal procedures in each living unit of each JR facility and in common areas such as the school, library, recreation areas and cafeteria.
  - 4.2. Superintendents, Regional Administrators or designees will ensure youth have access to Youth Complaint forms (DCYF Form 20-234), pencil or pen, and secure, locked boxes in which to deposit forms.
    - 4.2.1.Boxes will be placed in each living unit of each JR facility, and in common areas such as the school, library, recreation areas and cafeteria.
    - 4.2.2.Forms must be accessible to youth without having to ask staff.
    - 4.2.3.Sealable envelopes must be available upon youth request.
  - 4.3. If a behavioral incident occurs and youth request a complaint form while in isolation or room confinement, staff will provide the youth with a form and pencil as soon as the youth makes a commitment to be safe.
  - 4.4. Staff may assist youth to write a complaint at a youth's request.
  - 4.5. Staff should not discourage or demean a youth for asking for a form or submitting a complaint.
  - 4.6. Youth must not be discouraged from filing an appeal.
  - 4.7. Giving sanctions or retaliating against youth for filing a complaint or appeal is prohibited.
- 5. JR will maintain a system for review of residential youth complaints and appeals.**
  - 5.1. Each facility will designate a person to collect youth complaints, assign the complaint to staff for response, and track timelines for each step.
    - 5.1.1.Staff who are the subject of a complaint or to whom the complaint may pose a conflict of interest must not be the assigned responder.
    - 5.1.2.Designated staff collecting complaints are responsible for securing complaint forms once they have been collected.
  - 5.2. JR facilities will collect written complaints<sup>2</sup>.
    - 5.2.1.If a complaint is received that suggests that a youth's life, health, or safety is threatened, staff will immediately notify the Superintendent, Community Facility Administrator (CFA) or designee. The CFA will notify the Regional Administrator immediately.

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<sup>2</sup> 5/20/19 Technical Edit: Aligned with PREA standard.

**Policy 2.10, Handling Youth Complaints 8/15/2017**

- 5.3. Complaints will be screened for allegations of sexual abuse or sexual harassment prior to assigning a staff to respond.
  - 5.3.1. If a written complaint alleges sexual abuse or sexual harassment<sup>3</sup>, the local PREA Compliance Manager must be notified immediately, and the PREA Administrator or designee must be contacted within one business day of receiving the complaint.
  - 5.3.2. Complaints alleging abuse and neglect must be reported in accordance with Policy 5.91, *Reporting Abuse and Neglect of JR Youth* and Policy 5.90, *Applying the PREA Juvenile Standards in JR*.
- 5.4. The assigned staff will provide a written response to the complaint within seven calendar days after documented receipt. The response will be reviewed in person with the youth.
- 5.5. If youth are not satisfied with the response from the assigned staff, they may appeal the written response within seven calendar days of receipt. The appeal will be reviewed by a designated Associate Superintendent or Community Facility Administrator. A written response will be provided to the youth within seven calendar days of documented receipt.
- 5.6. If youth are not satisfied with the response from the Associate Superintendent or CFA, they may appeal the written response within seven calendar days of receipt. The appeal will be reviewed by the Superintendent or Regional Administrator. A written response will be provided to the youth within seven calendar days of documented receipt.
- 5.7. If youth are not satisfied with the response from the Superintendent or Regional Administrator, they may appeal the written response within seven calendar days of receipt. The appeal will be reviewed by the Division Director or designee. A written response will be provided to the youth within 14 calendar days of documented receipt.
  - 5.7.1. The Division Director or designee's written response is final.
- 6. JR will ensure that there are no conflicts of interest in reviewing or responding to youth complaints and appeals.**
  - 6.1. If a complaint is received about a community facility administrator, institution or regional program manager, or an associate superintendent, the complaint must be reviewed by the appointing authority.
  - 6.2. The Superintendent or Regional Administrator from the facility or office where the complaint originated will not serve as the Director's designee for responding to a youth complaint that has been appealed.
- 7. JR will document responses to youth complaints and appeals.**
  - 7.1. A copy of the completed complaint form with responses will be provided to the youth and included in the youth's case file.
- 8. JR Parole offices will provide a process for addressing youth complaints from youth on parole. Parole offices must provide notice to youth of the ability to submit a complaint.**

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<sup>3</sup> 5/20/19 Technical Edit: Changed neglect to sexual harassment (typo).

Policy **2.10**, **Handling Youth Complaints 8/15/2017**

- 9. 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.**

**COMPLAINTS REGARDING SEXUAL ABUSE OR SEXUAL HARASSMENT**

- 10. Youth must be allowed to privately report the following items verbally, anonymously, or in writing (PREA Standard 115.351 (a)):**

- 10.1. Incidents of sexual abuse and sexual harassment,
- 10.2. Retaliation by other youth or staff for reporting incidents
- 10.3. Staff neglect or violation of responsibilities that may have contributed to such incidents.

- 11. Staff must accept verbal reports, anonymous reports, written reports and reports from third parties regarding sexual abuse or sexual harassment of youth. <sup>4</sup>(PREA Standard 115.351 (c))**

11.1. Complaints alleging abuse and or harassment must be reported in accordance with Policy<sup>5</sup>5.91, *Reporting Abuse and Neglect of JR Youth* and Policy 5.90, *Applying the PREA Juvenile Standards in JR*.

11.2. Staff will document all reports immediately on an Incident Report in ACT and indicate PREA.

- 12. Youth must be provided a way to report abuse or harassment to Child Protective Services (CPS), allowing the youth to remain anonymous upon request<sup>5</sup>. At their request, youth must be allowed to contact CPS directly at 1-866-END-HARM.**

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

- 14. 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<sup>6</sup>. (PREA Standard 115.352 (c))**

- 15. JR may discipline a youth for filing a complaint related to alleged sexual abuse only where it is demonstrated that the youth filed the complaint in bad faith. (PREA Standard 115.352 (g)).**

- 16. Upon receiving an allegation of sexual abuse perpetrated by JR staff, the Superintendent, Regional Administrator or designee will inform the alleged victim of the alleged perpetrator's status during the impending PREA investigation using DCYF Form 20-293. <sup>7</sup>(PREA Standard 115.373(a))**

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<sup>4</sup> 5/20/19 Technical Edit: Reworded for clarity and removed old form listed in 11.3 no longer being used.

<sup>5</sup> 5/20/19 Technical Edit: Removed statement regarding Children's Administration.

<sup>6</sup> 5/20/19 Technical Edit: Removed "for resolution".

<sup>7</sup> 5/20/19 Technical Edit: Reworded for clarity.

**Policy 2.10, Handling Youth Complaints 8/15/2017**

- 16.1. Following an investigation into a youth's allegation of sexual abuse, the victim must be informed in writing as to whether the allegation has been determined to be substantiated, unsubstantiated, or unfounded. (PREA Standard 115. 373(a))
- 16.2. Except when an allegation has been determined to be unfounded, following a youth's allegation that he or she has been sexually abused by a staff member, the Superintendent, Regional Administrator or designee must inform the youth (DCYF Form 20-293) when: (PREA Standard 115. 373(c))
  - 16.2.1. The staff is no longer employed at the facility.
  - 16.2.2. The staff has been indicted on a charge related to sexual abuse within the facility.
  - 16.2.3. The staff has been convicted on a charge related to sexual abuse within the facility.
- 16.3. Following a youth's allegation that he or she has been sexually abused by another youth, the Superintendent, Regional Administrator or designee must inform the youth (DCYF Form 20-294) whenever either of the following occur (PREA Standard 115.373(d))
  - 16.3.1. The alleged abuser has been indicted on a charge related to sexual abuse within the facility.
  - 16.3.2. The alleged abuser has been convicted on a charge related to sexual abuse within the facility.
- 16.4. The obligation to inform the youth under sections 15.1, 15.2, and 15.3 of this policy shall terminate if the youth is released from JR care. (PREA Standard 115.373(f))

Policy **2.10**, **Handling Youth Complaints 8/15/2017**

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### III. DEFINITIONS

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

**Complaint:** A youth’s expression of dissatisfaction placed formally in writing.

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

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### IV. RELATED JR POLICIES

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Policy 5.90 - *Applying the PREA Juvenile Standards in JR.*

Policy 5.91 - *Reporting Abuse and Neglect of JR Youth*

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### V. FORMS AND DOCUMENTS

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Document Title	Available In ACT	Link to Paper form
Youth Complaint Form		DCYF Form 20-234
Complaint Resolution and Response		DCYF Form 20-263
PREA Notice of Investigation Findings (Staff-on-Youth)		DCYF Form 20-293
PREA Notice of Investigation Findings (Youth-on-Youth)		DCYF Form 20-294

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