

Policy 5.80 – Reviewing and Reporting Staff Assaults by Youth

Summary

- Provides guidelines for reviewing and referring staff assaults.

Background:

In March of 2020, a global pandemic called COVID-19 was declared. JR leadership decided to minimize the number of policy changes so JR staff could focus on the many additional ways they need to protect and support the JR youth and young adults in our care.

The existing policy did not undergo the typical sunset review, but rather was extended until the spring.

Policy Summary

The policy provides requirements for reviewing if a staff assault occurred, and referrals to law enforcement.

Changes from Current Practice

- There are no changes to current practice or timelines.
- The policy sunset review date is extended to May 1, 2021.

Training Required: No

Policy Effective Date: November 1, 2004

*Staff are responsible for reading and understanding the information contained in the full policy.
Review of this summary is not sufficient for full understanding.*

POLICY 5.80 – REVIEWING AND REPORTING STAFF ASSAULTS BY YOUTH

Policy Committee Chair

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Approved

Cheryl Stephani, Assistant Secretary
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11/1/2004

Authorizing Sources

RCW 13.40.280
RCW 13.40.460
RCW 9A.36.100
RCW 72.01.045
RCW 74.04.790
WAC 110-745

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Effective Date (*Technical Edit 9/17/2020*)¹
11/1/2004

Sunset Review Date
5/1/2021

I. PURPOSE AND SCOPE

The purpose is to establish policy and procedure for review and law enforcement referral requirements for incidents where it appears a JR youth or young adult² (referred to “youth” throughout policy) has or may have assaulted staff.

All staff, contractors, volunteers, and interns working in or for Juvenile Rehabilitation (JR) are responsible for reviewing and complying with JR policies.

II. POLICY

1. JR will refer incidents of staff assault to law enforcement.

2. JR will conduct a review when a youth or young adult causes physical harm to a staff or engaged in behavior intended to cause physical harm to a staff.

2.1. The Superintendent, Regional Administrator, or designee will ensure a review is initiated within 14 days of an incident involving a youth. An Assault Review Committee will conduct the review.

This Committee, as determined by the Superintendent or designee, may serve as the Residential Review Committee required for considering transfer to the Dept. of Corrections per Policy 5.51, *Transferring Residential Youth to DOC*. If this is the case, the review must

¹ 12/18/19 Technical Edit: Converted policy into current standard policy format, added hyperlinks, and updated DSHS references and forms to DCYF.

² 9/17/2020 Technical Edit: Added “youth or young adult” clarifying policy also covers JR individuals ages 18+ and removed references to “resident”.

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be conducted as soon as reasonable so Policy 5.51 deadlines can be met.

- 2.2. Regional Administrators or designees will ensure a review is initiated within 14 calendar days of an incident involving an assault on non-residential regional staff.
- 2.3. The review will determine if a law enforcement referral will be made and what internal sanctions and interventions should be initiated or continued.

The Assault Review Committee will consider if the youth should be transferred to another JR program or facility. They may also recommend whether the youth should be considered for transfer to DOC due to behavior that presents a continuing and serious threat to the safety of others in the institution and JR.

The Assault Review Committee will consider mitigating and aggravating factors related to the youth's behavior at the time of the incident in making their decisions. Mitigating and aggravating factors may include but are not limited to, mental health issues including psychotic episodes, self-defense, seriousness of injury, and behavior patterns.

- 2.4. Results of reviews should be documented consistent with case management requirements.

3. JR will refer incidents meeting certain criteria to local law enforcement.

- 3.1. The Superintendent, Regional Administrator, or designee will refer the incident to local law enforcement if:
 - 3.1.1. Without review it is clear the behavior resulted in a staff assault;
 - 3.1.2. The staff against whom the actual or attempted assault was perpetrated requests a referral to law enforcement; or
 - 3.1.3. The review determines physical harm or the attempt to cause physical harm to staff was intentional. This includes if the physical harm was created by an act of criminal negligence, a condition of Assault in the Third Degree.
- 3.2. The Superintendent, Regional Administrator, or designee, based on the results of the review, may initiate a law enforcement referral for reasons other than those described above if it appears there is a law violation.

4. JR will provide information to identified staff when there has been a law enforcement referral for staff assault or a youth has physically harmed the staff.

- 4.1. If the Superintendent, Regional Administrator, or designee makes a law enforcement referral, a designated liaison will ensure the injured staff is given case status updates as information is received from local law enforcement or the court.
- 4.2. If a staff has been physically harmed by a youth, as a result of youth behavior, or as the result of a staff assault, the Superintendent, Regional Administrator, or designee will ensure the staff is provided with information regarding the review process, L & I claims, personnel policy on leave, the Employee Assistance Program, and other relevant resources.

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III. DEFINITIONS

Assault Review Committee: A committee appointed by the Superintendent, Regional Administrator, or designee to review incidents where it appears a youth has or may have committed a staff assault. The Committee is chaired by a JR facility Administrator or designee, and consists of the program manager or designee, the liaison to the court/law enforcement, the physically harmed or attempted to be physically harmed staff member(s) if they choose, and their labor representative if requested. Other people may participate as determined by the chair, including, if a youth has been transferred, a representative from the transferring facility if needed.

Residential Review Committee: A committee appointed by a Superintendent or Regional Administrator to conduct an informal review per Policy 5.51, *Transferring Residential Youth to DOC*. An administrator at the Superintendent / Regional Administrator level or above will chair the Residential Review Committee.

Staff Assault: Behavior by a JR youth or young adult intentionally causing physical harm or, through an act of criminal negligence, results in an injury to state employees, contractors, volunteers, or interns.

IV. RELATED JR POLICIES

Policy 5.10 – Using Physical Restraints with Youth Policy 5.51 – Transferring Residential Youth to DOC

V. FORMS AND DOCUMENTS

Document Title	Available In ACT	Link to Form
DCYF Staff Accident Flow Chart		Flow Chart
Staff Accident Report		DCYF Form 03-133
Application for Employee Assault Benefits		DCYF Form 03-145
