



Office of the Washington State Auditor
Pat McCarthy

Whistleblower Investigation Report
Department of Social and Health
Services

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Cheryl Strange
Department of Social and Health Services

Report on Whistleblower Investigation

Attached is the official report on Whistleblower Case No. 18-019 at the Department of Social and Health Services.

The State Auditor's Office received an assertion of improper governmental activity at the Department. This assertion was submitted to us under the provisions of Chapter 42.40 of the Revised Code of Washington, the Whistleblower Act. We have investigated the assertion independently and objectively through interviews and by reviewing relevant documents. This report contains the result of our investigation.

If you are a member of the media and have questions about this report, please contact Director of Communications Kathleen Cooper at (360) 902-0470. Otherwise, please contact Whistleblower Manager Jim Brownell at (360) 725-5352.

Sincerely,

Pat McCarthy
State Auditor
Olympia, WA

cc: Governor Jay Inslee
Andrew Colvin, Public Disclosure/Ethics Administrator
Kate Reynolds, Executive Director, Executive Ethics Board
Cristopher de la Peña, Investigator

WHISTLEBLOWER INVESTIGATION REPORT

Assertion and Results

Our Office received a whistleblower complaint asserting a Department of Social and Health Services (Department) employee (subject) assigned two cases to a caseworker who was on leave. The initial visits with children were not completed until the caseworker returned to the office after a couple weeks. According to the complaint, because these were not completed in a timely manner, the children were placed at risk and the required notification to law enforcement did not occur.

We found no reasonable cause to believe an improper governmental action occurred.

Background

State law (RCW 26.44.030(4)), requires the Department to report cases involving alleged abuse or neglect to the appropriate law enforcement agency when:

[u]pon receiving a report of an incident of alleged abuse or neglect pursuant to this chapter, involving a child who has died or has had physical injury or injuries inflicted upon him or her other than by accidental means or who has been subjected to alleged sexual abuse[.] In emergency cases, where the child's welfare is endangered . . . within twenty-four hours[.] In all other cases . . . within seventy-two hours[.]

About the Investigation

Our Office reviewed the subject's emails and leave records for the caseworker. With the assistance of a Department subject-matter expert, we reviewed the two cases assigned to the caseworker, to determine whether the appropriate actions were taken.

During our review of the emails and leave records, we found the subject assigned both cases to the caseworker the day before the caseworker went on three days of non-scheduled leave. The initial face-to-face contact did not occur until 14 days after the case assignments.

During an interview, the subject said Department policy required the initial face-to-face contact within 72 hours. She said after this investigation was initiated her office developed processes to prevent similar delays.

According to the subject-matter expert, an intake worker screened the cases and determined they did not meet the criteria in state law that required a report to law enforcement. The case file indicated the intake worker's supervisor agreed with the assessment. The subject-matter expert also agreed with the assessment. Both cases were eventually closed as unfounded by the assigned caseworker.

Because neither of the cases required the Department to report to law enforcement, we found no reasonable cause to believe an improper governmental action occurred.

State Auditor's Office Concluding Remarks

We thank Department officials and personnel for their assistance and cooperation during the investigation.

WHISTLEBLOWER INVESTIGATION CRITERIA

We came to our determination in this investigation by evaluating the facts against the criteria below:

RCW 26.44.030 Reports-Duty and authority to make-Duty of receiving agency-Duty to notify-Case planning and consultation-Penalty for unauthorized exchange of information-Filing dependency petitions-Investigation – Interviews of children – Records-Risk assessment process.

(4) The department, upon receiving a report of an incident of alleged abuse or neglect pursuant to this chapter, involving a child who has died or has had physical injury or injuries inflicted upon him or her other than by accidental means or who has been subjected to alleged sexual abuse, shall report such incident to the proper law enforcement agency, including military law enforcement, if appropriate. In emergency cases, where the child's welfare is endangered, the department shall notify the proper law enforcement agency within twenty-four hours after a report is received by the department. In all other cases, the department shall notify the law enforcement agency within seventy-two hours after a report is received by the department. If the department makes an oral report, a written report must also be made to the proper law enforcement agency within five days thereafter.

WAC 388-15-021 How does CPS respond to reports of alleged child abuse or neglect?

- (1) CPS must assess all reports that meet the definition of child abuse or neglect using a risk assessment process to determine level of risk and response time.
- (2) CPS must provide an in-person response to alleged victims and must attempt an in-person response to the alleged perpetrator of child abuse and neglect in referrals assessed at moderate to high risk