




POLICY STATEMENT
Commonwealth of Pennsylvania • Department of Corrections

Policy Subject: Inmate Abuse Allegation Monitoring		Policy Number: DC-ADM 001
Date of Issue: December 19, 2001	Authority:  Jeffrey A. Beard, Ph.D.	Effective Date: January 14, 2002

I. Authority

The Authority of the Secretary of Corrections to direct the operation of the Department of Corrections is established by Sections 201, 206 and 506 and 901-B of the Administrative Code of 1929, 71 P.S. §§61, 66, 186 and 310-1, Act of April 9, 1929, P.L. 177, No. 175, as amended.

II. Purpose

The purpose of this document is to establish policy and procedures for the reporting and investigation of allegations of inmate abuse.

III. Applicability

This policy is applicable to all persons employed by, incarcerated in, or who have business with the Department of Corrections.

IV. Definitions

A. Abuse

1. Conduct that is prohibited either by law or by Department policy. Such conduct involves:
 - a. the use of excessive force upon an inmate;
 - b. an occurrence of an unwarranted life-threatening act against an inmate; and/or
 - c. an articulated verbal or written threat to inflict physical injury directed toward an inmate.

2. Excluded from this definition are:
 - a. conditions of confinement;
 - b. claims of inadequate medical or intentionally denied medical care;
 - c. harassment or nonperformance of duty by a staff member; and/or
 - d. abuse by another inmate.

B. Abuse Allegation Monitoring

The procedures for collecting and reviewing information regarding complaints and grievances of abuse of inmates.

C. Central Office

The Headquarters of the Department of Corrections.

D. Complaint

An allegation of abuse submitted by an inmate or other person or entity to the Department.

E. Complainant

The person or entity submitting a complaint on his or her own behalf or on behalf of an inmate.

F. Department

The Pennsylvania Department of Corrections.

G. Facility

Any State Correctional Institution, State Regional Correctional Facility, Community Corrections Center, Contract Facility or Motivational Boot Camp operated by the Department.

H. Facility Manager

The Superintendent of a State Correctional Institution, State Regional Correctional Facility, Commander of a Motivational Boot Camp, Regional Director of a Community Corrections Center and/or the Director of the Training Academy.

I. Grievance

An allegation of abuse submitted by an inmate through the Inmate Grievance System.

J. Grievant

The inmate submitting a grievance.

K. Inmate

A person committed to the custody of the Department and incarcerated at any state correctional facility.

L. Office of Professional Responsibility (OPR)

The Office responsible for monitoring inmate abuse allegations.

M. Secretary's Office of Inmate Grievances and Appeals

The office responsible for the review and disposition of all appeals of inmate grievances to Central Office.

V. Policy

It is the policy of the Department to ensure that inmates are not subjected to corporal or unusual punishment, humiliation, mental abuse, or punitive interference with the daily functions of institutional living and that any alleged abuse is thoroughly investigated.¹

VI. Procedures

A. The Department of Corrections has the legislatively delegated responsibility to exercise lawful authority in the administration of the state correctional system. The Department of Corrections is committed to ensuring that the correctional system is administered and operated in a safe secure manner.

B. Four classes of persons and entities can make allegations of inmate abuse:

1. all persons who are employed by the Department;
2. all persons committed to the custody of the Department;
3. all persons and entities having business with or using the resources of the Department; and
4. all persons and entities attempting, establishing, or maintaining contact with persons committed to the custody of the Department.

C. Reporting Of Inmate Abuse Allegations All Persons Who Are Employed by the Department

Any employee receiving written or verbal notification from an inmate or a third party alleging an incident of abuse, or who is a witness to an abuse, is required to complete a **DC-121 Part 3, Employee Report of Extraordinary Occurrence** for submittal to his/her supervisor and the facility's Grievance Coordinator. All reports shall be completed prior to completion of the employee's duty shift.

- D. Reporting of Inmate Abuse Allegations by All Persons Committed to the Custody of the Department
1. Any Inmate who is the victim of an abuse may report the abuse in the following manner:
 - a. filing an inmate grievance in accordance with Department policy **DC-ADM 804, "Inmate Grievance System;"**
 - b. reporting it in writing, or verbally, to any staff member; or
 - c. reporting it in writing to the Office of Professional Responsibility of the Department of Corrections.
 2. Abuse allegations received by other Central Office employees shall be referred to the Office of Professional Responsibility.
- E. Reporting of Inmate Abuse Allegations by All Persons and Entities Having Business With or Using the Resources of the Department and All Persons and Entities Attempting, Establishing, or Maintaining Contact With Persons Committed To The Custody Of The Department.

Any person having knowledge concerning an alleged abuse may make reports of allegations of inmate abuse, verbally or in writing, to any staff member of the facility or of the Central Office of the Department.

VII. Suspension During An Emergency

In an emergency or extended disruption of normal facility operation, the Secretary, or designee may suspend any provision or section of this policy, for a specific period.

VIII. Rights Under This Policy

This policy does not create rights in any person nor should it be interpreted or applied in such a manner as to abridge the rights of any individual. This policy should be interpreted to have sufficient flexibility to be consistent with law and to permit the accomplishment of the purpose(s) of the policies of the Department of Corrections.

IX. Release of Information and Dissemination Of Policy

A. Release of Information

1. Policy

This policy document is public information and may be released to members of the general public, staff, legislative, judicial, law enforcement and correctional agencies and/or inmates upon request.

2. Procedure Manual (if applicable)

The procedure manual for this policy is not public information and shall not be released in its entirety or in part, without the prior approval of the Secretary of Corrections or designee. This manual or parts thereof, may be released to any Department of Corrections employee on an as needed basis.

B. Distribution of Policy

1. General Distribution

The Department of Corrections' policy and procedure manuals (when applicable) shall be distributed to the members of the Central Office Executive Staff, all Facility Managers, and Community Corrections Regional Directors on a routine basis. Distribution to other individuals and/or agencies is subject to the approval of the Secretary of Corrections or designee.

2. Distribution to Staff

It is the responsibility of those individuals receiving policies and procedures, as indicated in the "General Distribution" section above, to ensure that each employee expected or required to perform the necessary procedures/duties is issued a copy of the policy and procedures.

X. Superseded Policy and Cross Reference

A. Superseded Policy And Procedure

1. Department Policy

- a. 1.2.4, Inmate Abuse Allegation Monitoring Process issued October 2, 1992, by former Secretary Joseph D. Lehman,
- b. 1.2.4-1, Inmate Abuse Allegation Monitoring Process issued May 16, 1995, by former Secretary Martin F. Horn,
- c. 1.2.4-2, Inmate Abuse Allegation Monitoring Process issued December 7, 1995, by former Executive Deputy Secretary Raymond E. Clymer, Jr.

2. Facility Policy and Procedures

This document supersedes all facility policy and procedures on this subject.

B. Cross References:

1. Administrative Manuals

- a. DC-ADM 804, Inmate Grievance System
- b. 6.3.1, Facility Security

2. ACA Standards

- a. Administration of Correctional Agencies: None
- b. Adult Correctional institutions: 3-4268
- c. Adult Community Residential Services: 3-ACRS-3D-05
- d. Adult Correctional Boot Camp Programs: 1-ABC-3D-06
- e. Correctional Training Academies: None