



POLICY STATEMENT
Commonwealth of Pennsylvania • Department of Corrections

Policy Subject: Inmate Abuse		Policy Number: DC-ADM 001
Date of Issue: October 27, 2014	Authority: Signature on File John E. Wetzel	Effective Date: November 24, 2014

I. AUTHORITY

The Authority of the Secretary of Corrections to direct the operation of the Department of Corrections is established by Sections 201, 206, 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. APPLICABILITY

This policy is applicable to all facilities operated under the jurisdiction of, or conducting business with the Department of Corrections, Department employees, volunteers, contract personnel, visitors and inmates.

III. POLICY

It is the policy of the Department to ensure that an inmate is not subjected to corporal or unusual punishment, or personal abuse or injury¹

IV. PROCEDURES

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

¹ 4-4281, 4-ACRS-6A-03

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- B. Allegations of inmate abuse may be reported by:
1. an inmate;
 2. an employee, contractor, visitor, volunteer, or any individual who has business with or uses the resources of the Department; and
 3. all persons and entities attempting, establishing, or maintaining contact with persons committed to the custody of the Department.
- C. Any employee who receives written or verbal notification from an inmate or a third party alleging an incident of abuse, or who is a witness to abuse, is required to complete a **DC-121, Part 3, Employee Report of Incident** for distribution to his/her supervisor and the facility's Security Office. All reports shall be completed prior to completion of the employee's duty shift.
- D. Any inmate who is the victim of abuse should report the abuse in the following manner:
1. report it verbally or in writing to any staff member;
 2. file a grievance in accordance with Department policy **DC-ADM 804, "Inmate Grievance System;"** or
 3. report it in writing to the Department's Office of Special Investigations and Intelligence (OSII).
- E. Any person who has knowledge concerning an alleged abuse should notify a staff member at the facility or at the Department's Central Office.
- F. An allegation of abuse that is received by any Central Office employee shall be referred to the OSII.

V. **SUSPENSION DURING AN EMERGENCY**

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

VI. **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.

VII. RELEASE OF INFORMATION AND DISSEMINATION OF POLICY

A. Release of Information

a. Policy

This policy document is public information and may be released upon request.

b. Confidential Procedures (if applicable)

Confidential procedures for this document, if any, are not public information and may not be released in its entirety or in part, without the approval of the Secretary of Corrections/designee. Confidential procedures may be released to any Department of Corrections employee on an as needed basis.

A. Distribution of Policy

1. General Distribution

The Department of Corrections' policy and procedures 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 of confidential procedures to other individuals and/or agencies is subject to the approval of the Secretary of Corrections/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 either in hard copy or via email, whichever is most appropriate.

VIII. SUPERSEDED POLICY AND CROSS REFERENCE

A. Superseded Policy

1. Department Policy

DC-ADM 001, Inmate Abuse Allegation Monitoring, issued March 20, 2013, by Secretary John E. Wetzel

2. Facility Policy and Procedures

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

B. Cross Reference(s)

1. Administrative Manuals
 - a. DC-ADM 804, Inmate Grievance System; and
 - b. 6.3.1, Facility Security.
2. ACA Standards
 - a. Administration of Correctional Agencies: None
 - b. Adult Correctional Institutions: 4-4281
 - c. Adult Community Residential Services: 4-ACRS-6A-03
 - d. Correctional Training Academies: None



PROCEDURES MANUAL
Commonwealth of Pennsylvania • Department of Corrections

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**Signature on File
John E. Wetzel**

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Release of Information:

Policy Document: This policy document is public information and may be released upon request.

Procedures Manual: The procedures manual for this policy may be released in its entirety or in part, with the prior approval of the Secretary/designee. Unless prior approval of the Secretary/designee has been obtained, this manual or parts thereof may be released to any Department employee on an as needed basis only.

DC-ADM 001, Inmate Abuse Procedures Manual
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Section 1 – General Procedures

A. General

1. These procedures have been established to track and monitor allegations of staff abuse of inmates by:
 - a. channeling allegations of abuse to the appropriate investigative authority; and
 - b. providing a review of the quality of the facility investigations and responses to allegations of abuse.
2. The Director of the Office of Special Investigations and Intelligence (OSII) shall develop and maintain a system to monitor information gathered for the purpose of detecting, deterring, and responding to actual and alleged incidents of abuse of inmates.
3. A facility Manager may request that the OSII conduct an investigation at his/her facility, however, the request must be submitted in writing and approved by the Secretary/designee.

B. Reporting of Allegations of Abuse

1. Should a facility staff member receive a complaint or allegation of abuse of an inmate, the staff member shall complete a **DC-121, Report of Extraordinary Occurrence, Part 3, Employee Report of Incident**, for distribution to his/her supervisor and the facility's Security Office.
2. A grievance dealing with allegations of abuse shall be handled in accordance with this procedures manual. This may extend the time for responding to the grievance, but will not alter the inmate's ability to appeal upon his/her receipt of the Initial Review Response. When a grievance is related to an allegation of abuse, the Grievance Coordinator will issue an Extension Notice to the inmate by checking the box "Notice of Investigation." The Initial Review Response will be completed by the assigned Grievance Officer when the results from the OSII are received. If the grievance is not in compliance with Department policy **DC-ADM 804, "Inmate Grievance System,"** the rejected grievance will be forwarded to the facility Security Office so an investigation can be initiated.
3. When an inmate grievance alleging abuse is appealed to the Secretary's Office of Inmate Grievances and Appeals (SOIGA), staff assigned to that office shall contact the OSII for the results of the investigation.
4. Inmate grievances alleging abuse that are sent directly to Central Office shall be forwarded to the OSII.
5. In the event that a complaint alleging abuse is filed directly with Central Office, the staff member who receives it shall refer the complaint to the OSII.

6. When a criminal justice agency or an executive or legislative office refers a complaint of alleged abuse to any staff member of the Department, the complaint will be referred to the OSII.

C. Investigating Allegations of Abuse

1. When an allegation of abuse is received by the facility Security Office/Bureau of Community Corrections (BCC), the following procedures shall apply:
 - a. The facility Security Office/BCC shall report the allegation of abuse via the OSII inmate abuse email account (CR, CEN Inmate Abuse) within five business days of receipt of the allegation. The facility Security Office/BCC shall utilize the **Inmate Abuse Coversheet (Attachment 1-A)** provided by the OSII when reporting the allegation of abuse. The OSII shall respond with an OSII case tracking number within five business days.
 - b. When reporting the allegation of abuse to OSII, the facility Security Office/BCC shall indicate as specified on the **Inmate Abuse Coversheet** whether the inmate and/or staff member received injuries and provide a description of the injuries received.

NOTE: OSII will determine, based on the injuries received, whether the allegations of abuse will be investigated by OSII or the facility Security Office/BCC.

- c. An allegation of abuse shall be investigated and an investigative report shall be compiled. The Security Office/BCC shall:
 - (1) interview the inmate complainant or complainants and obtain an **Inmate written Statement (Attachment 1-B)** following the interview. If the complainant refuses to be interviewed or provide a written statement, said refusal, including date, time and persons present, shall be documented and included in the investigative report;
 - (2) interview all inmate witnesses and obtain an **Inmate Written Statement** from the inmate(s) following the interview;
 - (3) interview all staff member witnesses and/or potential staff member witnesses and obtain a **Staff Written Statement (Attachment 1-C)**;
 - (4) interview all subject staff members and obtain a **Staff Written Statement**;
 - (5) review all available video footage and save the video footage to a DVD to submit with the investigative report; and
 - (6) review and copy all housing unit log books, medical documentation, work related reports, misconduct reports, inmate grievances and all other pertinent documentation, specific to the allegation of abuse, and include the documentation in the investigative report.

- d. The investigative report prepared by the facility shall be prepared in the inmate abuse report format provided by the OSII and should include the following information:
- (1) the inmate's or the third party's written statements or grievance;
 - (2) all **DC-121's** related to the alleged incident;
 - (3) all reports for staff, witnesses and/or inmates;
 - (4) a copy of the complainant's, witness' and staff written statements;
 - (5) all relevant medical reports, to include psychiatric reports, if applicable;
 - (6) any videos or photographs related to the alleged incident;
 - (7) any misconduct reports related to the alleged incident;
 - (8) any other relevant reports or documents;
 - (9) an investigative summary; and
 - (10) an investigative report, containing the inmate abuse investigative report coversheet, attachment pages, predication page, all memorandum of interviews and investigative inserts.
- e. A copy of the completed investigative report shall be forwarded to the OSII for review within 30 business days of receipt of the OSII case tracking number.
- (1) When an investigation is conducted to only address an allegation of an articulated verbal threat of physical injury to an inmate by staff, the facility Security Office/BCC is only required to complete an investigative summary to be submitted to OSII for review within 30 business days of receipt of the OSII case tracking number.
 - (2) All inmate grievances, **DC-121s**, staff reports, written statements, video footage, and all other documentation relative to the allegation of the articulated threat of physical injury will be included with the investigative summary submitted to OSII for review.
- f. If the investigation cannot be completed within 30 business days, the Facility Manager/designee shall notify the OSII, in writing or via e-mail, of the need for additional time. This notification shall contain the rationale for the delay and anticipated date of completion. The Director of the OSII/designee shall approve/disapprove additional time for completion of investigations.

- g. The OSII shall complete its review of the report within 15 business days of receipt and determine whether the facility investigation was completed in a satisfactory or unsatisfactory manner.
 - h. In the event that the OSII raises concerns regarding the thoroughness or integrity of the facility Security Office/BCC investigation and refers it back to the facility Security Office/BCC, the OSII shall inform the Facility Manager of its findings and remand the matter with instructions to review the issues as raised by the OSII. The Facility Manager shall, within 30 business days of receipt of notification, review the matter consistent with the concerns raised by the OSII and notify the OSII of the outcome of his/her review, specifically addressing the issue(s) raised by the OSII. A follow-up investigative report will be completed addressing the areas of concern noted by the OSII.
 - i. ***If the Facility Manager does not agree with the final review by the OSII, the Facility Manager should note his/her objections in a memorandum attached to the investigative report and investigative summary. The Facility Manager should forward the memorandum, investigative report and investigative summary directly to the Secretary of Corrections to arbitrate his/her concerns that conflict with the final review by OSII.***
 - j. A letter acknowledging that the investigation was satisfactory shall be sent to the Facility Manager and the facility Intelligence Gathering Captain/BCC Major.
 - k. When an investigation establishes that inmate abuse occurred, warranting disciplinary action, no administrative action shall be taken until after the OSII reviews the investigative report and notifies the Facility Manager that the investigation was conducted satisfactorily. Following the approval from the OSII, the Facility Manager will then ensure that a copy of the Inmate Abuse Investigative Summary, Investigative Report and/or all relevant documentation, photographs and video records are forwarded to the Secretary, Executive Deputy Secretary, and Regional Deputy Secretary for review and approval for administrative action.
 - l. When an investigation does not establish that inmate abuse occurred, but does establish violations of the code of ethics, policy and/or procedure, other than this procedures manual, warranting disciplinary action, administrative action shall not be taken until after the OSII reviews the investigative report and notifies the Facility Manager that the investigation was conducted satisfactorily.
 - m. Upon notification from the OSII of a satisfactory investigation, the suspect(s) and complainant will be advised of the findings by the Facility Manager/designee.
2. When a complaint is referred to the facility Security Office/BCC for investigation by the OSII, the below listed procedures shall apply.

DC-ADM 001, Inmate Abuse Procedures Manual
Section 1 – General Procedures

- a. The facility Security Office/BCC shall investigate the allegation and a completed investigative report shall be forwarded to the Director of the OSII within 30 business days of receipt of the investigative order.
 - b. If the investigation cannot be completed within 30 business days, the Facility Manager/designee/facility Security Office/BCC investigator shall notify the OSII, in writing to (CR, CEN Inmate Abuse) email address, of the need for additional time. This notification shall contain the rationale for the delay and anticipated date of completion. The OSII shall approve/disapprove additional time for the completion of investigations.
 - c. If the report is not received by the OSII within the granted extension period, the OSII will send a second Notice of Assignment of Investigation, with a copy to the Regional Deputy Secretary.
 - d. The OSII shall complete its review of the report within 15 business days of receipt and determine whether the facility/BCC investigation was completed in a satisfactory or unsatisfactory manner.
 - e. A letter acknowledging that the investigation was satisfactory shall be sent to the Facility Manager and the facility Intelligence Gathering Captain/BCC Major.
 - f. Once notification is received from the OSII that the investigation was satisfactory, the subject(s) and complainant will be advised of the findings by the Facility Manager/designee.
3. When a complaint is investigated by the OSII, the following procedures shall apply:
- a. an investigation assigned to the OSII shall be completed within 30 business days of receipt of the investigative order;
 - b. a letter shall be prepared by the OSII to the complainant advising him/her of the results of the investigation;
 - c. a letter shall be prepared by the OSII to the Facility Manager;
 - d. if the investigation exonerates the accused staff, a letter shall be prepared by the OSII advising the subjects; and
 - e. an executive summary will be completed and provided to the Secretary for approval.
4. The OSII shall notify the Secretary, Executive Deputy Secretary, and Regional Deputy Secretaries on a monthly basis of the status of every investigation conducted by a facility or the OSII within that Regional Deputy Secretary's region.

D. Photographs of Physical Injuries

1. Digital photographic equipment shall be maintained in each facility's medical and security departments for the purpose of photographing physical injuries resulting from an alleged abuse situation.
2. Any physical injuries that are reported by the inmate or otherwise observable by medical personnel pursuant to a claim of abuse or a suspicion of abuse shall be immediately photographed by medical personnel and attached to the copy of the **DC-457, Medical Incident/Injury Report** submitted to the Shift Commander.
3. Photographs shall be marked on the bottom with the name of the facility, the inmate's name and number, the photograph number, and date the photograph was taken, and the photographer's name.
4. At least four complete sets of viable color photographs, (the number of photographs necessary to depict all the injuries) shall be prepared by medical personnel to depict each identified injury, or to depict the absence of physical injury where the inmate alleged physical contact was made on his/her body:
 - a. one set of photographs, shall be appended to the **DC-457** and maintained on file in the medical department;
 - b. in the event that a **DC-121** is required, a second set of photographs shall be appended to the **DC-121**;
 - c. the third set shall be forwarded to the facility's Security Office for retention; and
 - d. the fourth set shall be forwarded to the OSII with the investigative report.

E. Inmate Abuse Allegation Review

1. Each facility's Security Office shall maintain an **Abuse Case Log (Attachment 1-D)** of all inmate abuse investigations conducted.
2. A yearly **review** of the inmate abuse investigations conducted by each facility will be conducted by the OSII.
3. If the OSII determines a pattern of abuse may exist involving an individual or at a specific facility, the OSII shall conduct an independent investigation, if warranted, and shall notify the Secretary and the respective Regional Deputy Secretary of the outcome of the investigation.

F. Repository

The OSII shall maintain a seven-year repository of inmate abuse allegations and investigative reports.

INMATE WRITTEN STATEMENT

LOCATION: _____ DATE: _____ TIME: _____ CASE: _____

LAST NAME: _____ FIRST: _____ MIDDLE: _____

DOB: _____ INMATE NUMBER: _____

FACILITY OF INCARCERATION: _____

I, _____, hereby state that _____
has identified himself/herself to me as a Commissioned Officer employed by the Pennsylvania Department of
Corrections. _____ (initial)

The following statement is being given by me freely and without coercion for official Commonwealth business and will be
considered for all purposes, including actions under the Statutes of this Commonwealth, just as though it had been sworn or
affirmed before a court of law or formal arbitration panel. _____ (initial)

I have read and understand this entire statement or it has been read and explained to me. I have signed this statement
indicating that it is true and correct.

Having read this statement, which was given by me for official Commonwealth business, to be considered for all purposes,
including actions under the Statues of this Commonwealth, just as though it had been sworn or affirmed before a court of law or
formal arbitration panel, I find I have nothing further to add.

(Witness)

Page _____ of _____

(Signature of Person Making Statement) /Date

Abuse

1. Conduct by an employee, contractor, volunteer, or any individual who has business with or uses the resources of the Department that involves:
 - a. the use of excessive force upon an inmate;
 - b. ***the improper use of force upon an inmate;***
 - c. an occurrence of an unwarranted life-threatening act against an inmate; or
 - d. 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, to include sexual contact.

Abuse Allegation Monitoring – The procedures for collecting and reviewing information regarding abuse complaints of an inmate.

Allegation – Any report, complaint or statement saying someone has done something wrong or illegal.

Central Office – The Headquarters of the Department of Corrections.

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

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

Department – The Pennsylvania Department of Corrections.

Excessive Force – ***Force used against an inmate maliciously for the purpose of causing harm.***

Facility – Any State Correctional Facility, Motivational Boot Camp, Training Academy, Community Corrections Centers, and the Central Office Complex as a group and/or individually.

Facility Manager – The Superintendent of a State Correctional Facility or Motivational Boot Camp, Director of a Community Corrections Center, or Director of the Training Academy.

DC-ADM 001, Inmate Abuse Procedures Manual
Glossary of Terms

Grievance – A formal written complaint by an inmate related to a problem encountered during the course of his/her confinement.

Grievant – The inmate submitting a grievance.

Improper Use of Force – Failure to follow the Department’s policy regarding the use of force continuum in a justified manner.

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

Office of Special Investigations and Intelligence (OSII) – The Office responsible for monitoring inmate abuse allegations.