




POLICY STATEMENT
Commonwealth of Pennsylvania • Department of Corrections

Policy Subject: Criminal Violations		Policy Number: DC ADM 004
Date of Issue: June 4, 1999	Authority:  MARTIN F. HORN	Effective Date: August 4, 1999

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, Act of April 9, 1929, P.L. 177, No. 175, as amended.

II. PURPOSE

It is the purpose of this policy to ensure that all alleged criminal acts committed by or to inmates are processed, investigated, referred to the appropriate law enforcement authority and disposed of, by prosecution and/or administrative action.

III. APPLICABILITY

This policy is applicable to all employees and inmates in all facilities under the jurisdiction of the Department of Corrections.

IV. DEFINITIONS

A. Administrative Custody

A status of confinement for non-disciplinary reasons which provides closer supervision, control, and protection than is provided in general population.

B. Department

Pennsylvania Department of Corrections.

C. Liaison

Communication between different units or groups of an organization.

D. OPR

Office of Professional Responsibility.

E. Program Review Committee (P.R.C.)

A committee consisting of three (3) staff members that conducts Administrative Custody Hearings, periodic reviews, makes decisions regarding continued confinement in the Restricted Housing Unit (RHU) and/or Special Management Unit (SMU), and hears all first level appeals of misconducts. The committee shall consist of one staff member from each of the following classifications: Deputy Superintendent, who shall serve as the chairperson, Inmate Program Manager, Unit Manager, School Principal, Drug and Alcohol Treatment Specialist Supervisor, or Inmate Records Officer Supervisor and a Commissioned Officer. The Superintendent may designate other staff as committee members, however, if such designations are made, they must be in writing and the Superintendent must maintain a list of all designees. Whenever a P.R.C. is convened, at least one (1) member of the committee must be a staff member who is not directly involved in the administration of the RHU/SMU in which the inmate is currently housed.

F. PSP

The Pennsylvania State Police.

V. POLICY

It is the policy of the Department to ensure that all alleged criminal acts by inmates and employees are processed, investigated, and disposed of, by prosecution and/or administrative action.¹

VI. PROCEDURES

A. Criminal Complaints By Inmates

1. Each inmate shall be informed, upon reception, and otherwise by notice in the Inmate Handbook of his/her right to make a criminal complaint for any criminal act, threatened or committed against him/her by anyone.
2. Any employee receiving an inmate complaint of the type contemplated by this directive shall notify immediately the senior officer then in charge of the facility concerning the nature of the complaint, and confirm the same in writing.
3. No inmate shall be disciplined for making a good faith criminal complaint. The inmate's custody status shall not be affected unless the inmate requests placement in self-confinement for protective custody or a senior officer determines, after preliminary evaluation, that self-confinement is necessary to protect the inmate or maintain the security of the facility pending investigation. When it is determined that protective measures are necessary, the shift commander shall take appropriate action.
4. Any inmate who makes a criminal complaint which, upon investigation, is determined to be false, may be prosecuted and shall be subject to discipline.

¹ [3-4219](#), [3-ACRS-3C-03](#), [1-ABC-3C-03](#)

5. Inmate contact with District Attorney
 - a. If after investigation of an inmate complaint by the PSP or facility authorities, it is determined that a prosecution will not be instituted by either the PSP or the facility authorities, the inmate-complainant shall be notified in accordance with established facility procedure of (1) the determination not to prosecute; (2) the reasons for the determination; and (3) of his/her right to communicate with the District Attorney to investigate the complaint further.
 - b. Whenever an inmate exercises his/her right to communicate with the District Attorney or PSP, the facility shall promptly forward the communication. All information developed by the facility shall be available if requested by the District Attorney. The District Attorney shall be notified of the availability of PSP investigative assistance, but copies of any PSP reports in possession of the facility or the Department shall not be transmitted to the District Attorney. Requests for PSP reports will be referred to the PSP.

B. Criminal Complaints Against Inmates

1. Whenever the Superintendent, Deputy Superintendent for Facilities Management or designee receives sufficient information, regardless of the source, alleging that an inmate has committed a crime, they shall insure that the disciplinary process in accordance with Department **policy DC-ADM 801, "Inmate Disciplinary and Restricted Housing Procedures"** has been initiated.
2. Staff related procedures for investigation and determination that a crime has been committed are contained in the Procedure Manual for this policy. This procedure manual 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.

VII. SUSPENSION DURING EMERGENCY

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

VIII. RIGHTS UNDER THE 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 so as to be consistent with law and to permit the accomplishment of the purpose of the policies of the Department.

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 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 employee on an as needed basis.

B. Distribution Of Policy

1. General Distribution

The Department's 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

This policy supersedes the previous policy on this subject, by former Secretary Glen R. Jeffes issued May 1, 1984.

B. Cross References

1. Administrative Manuals

- a. [DC-ADM 812, Inmate Visiting Privileges](#)
- b. [DC-ADM 801, Inmate Disciplinary and Restricted Housing Procedures](#)

2. ACA Cross References

- a. Administration of Correctional Agencies: None
- b. Adult Correctional Institutions: [3-4219](#)
- c. Adult Community Residential Services: [3-ACRS-3C-03](#)
- d. Adult Correctional Boot Camp Programs: [1-ABC-3C-03](#)
- e. Correctional Training Academies: None