



POLICY STATEMENT
Commonwealth of Pennsylvania • Department of Corrections

Policy Subject: Inmate Abuse		Policy Number: DC-ADM 001
Date of Issue: April 4, 2022	Authority: Signature on File George M. Little	Effective Date: April 11, 2022

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 5-ACI-3D-08, 4-ACRS-6A-03

- 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.²
- 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 Bureau of Investigations and Intelligence (BII).
- 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.³
- F. An allegation of abuse that is received by any Central Office employee shall be referred to BII.

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.

² 4-APPFS-1C-02

³ 4-APPFS-1C-02

VII. RELEASE OF INFORMATION AND DISSEMINATION OF POLICY

A. Release of Information

1. Policy

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

2. 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 October 27, 2014, by former 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 008, Prison Rape Elimination Act (PREA)
 - b. DC-ADM 804, Inmate Grievance System
2. ACA Standards
 - a. Administration of Correctional Agencies: None
 - b. Adult Correctional Institutions: 5-ACI-3D-08, 5-ACI-3D-19
 - c. Adult Community Residential Services: 4-ACRS-6A-03
 - d. Adult Probation and Parole Field Services: 4-APPFS-1C-02



PROCEDURES MANUAL
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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 Procedures¹

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 **Bureau of Investigations and Intelligence (BII)** 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 **BII** conduct an investigation at his/her facility **following the review of a planned or unplanned use of force incident by the facility Security Office or the Bureau of Community Corrections (BCC) Security Captain. The Facility Manager may make the request directly to the BII Director or Chief of Investigations including a notification to the respective Regional Deputy Secretary (RDS).**

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, 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 **BII** 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 **BII** for the results of the investigation.²

¹ 5-ACI-3D-08

² 5-ACI-3D-19

4. Inmate grievances alleging abuse that are sent directly to Central Office shall be forwarded to **BII**.
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 **BII**.
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 **BII**.
7. **When the facility Security Office finds during the review of a planned or unplanned use of force incident, that an egregious inmate abuse incident may have occurred, the facility Security Office shall immediately notify the Facility Manager/designee. The Facility Manager/designee will immediately review the planned or unplanned use of force incident, then make an immediate notification to their respective RDS and the BII Director or Chief of Investigations. The facility Security Office shall immediately upload the Extraordinary Occurrence Report and video footage to the X or V Drive for review by the RDS and BII staff. BII will determine whether the facility Security Office staff or a BII Agent will conduct the investigation into the inmate abuse incident.**

C. Investigating Allegations of Abuse

1. When an allegation of abuse is received by the facility Security Office/BCC, the following procedures shall apply:
 - a. The facility Security Office/BCC shall report the allegation of abuse via the **BII** 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 **BII** when reporting the allegation of abuse. The **BII** shall respond with a **BII** case tracking number within five business days.
 - b. When reporting the allegation of abuse to **BII**, 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.
 - 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) ***during the interview of subject staff members, a detailed description should be obtained from the staff member to explain why he/she felt the level of force used was necessary during the incident which may or may not have resulted in serious injuries to the inmate;***
 - (6) review all available video footage and save the video footage to a DVD to submit with the investigative report; and
 - (7) 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 **BII** 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; and
 - (9) ***the*** investigative report ***should include all attachments for the investigation.***
- e. A copy of the completed investigative report shall be forwarded to **BII** for review within 30 business days of receipt of the **BII** case tracking number.

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 **report** submitted to **BII** for review.

- f. If the investigation cannot be completed within 30 business days, the Facility Manager/designee shall notify **BII**, in writing or via email, of the need for additional time. This notification shall contain the rationale for the delay and anticipated date of completion. The Director of **BII**/designee shall approve/disapprove additional time for completion of investigations.
- g. **BII** 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 **BII** raises concerns regarding the thoroughness or integrity of the facility Security Office/BCC investigation and refers it back to the facility Security Office/BCC, **BII** shall inform the Facility Manager of its findings and remand the matter with instructions to review the issues as raised by **BII**. The Facility Manager shall, within 30 business days of receipt of notification, review the matter consistent with the concerns raised by **BII** and notify **BII** of the outcome of his/her review, specifically addressing the issue(s) raised by **BII**. A follow-up investigative report will be completed addressing the areas of concern noted by **BII**.
- i. If the Facility Manager does not agree with the final review by **BII**, the Facility Manager should note his/her objections in a memorandum attached to the investigative report. The Facility Manager should forward the memorandum and investigative report directly to the Secretary of Corrections to arbitrate his/her concerns that conflict with the final review by **BII**.
- 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 **BII** reviews the investigative report and notifies the Facility Manager that the investigation was conducted satisfactorily. Following the approval from **BII**, 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 RDS 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 **BII** reviews the investigative report and notifies the Facility Manager that the investigation was conducted satisfactorily.

- m. Upon notification from **BII** 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 **BII**, the below listed procedures shall apply.
 - a. The facility Security Office/BCC shall investigate the allegation and a completed investigative report shall be forwarded to the Director of **BII** 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 **BII**, 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. **BII** shall approve/disapprove additional time for the completion of investigations.
 - c. If the report is not received by **BII** within the granted extension period, **BII** will send a second Notice of Assignment of Investigation, with a copy to the RDS.
 - d. **BII** 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.

NOTE: It is possible for a delay in the review process due to the amount of investigations received for review.

- 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 **BII** 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 **BII**, the following procedures shall apply:
 - a. an investigation assigned to **BII** shall be completed within 30 business days of receipt of the investigative order; ***an extension will be granted based on investigative circumstances and other investigative criminal procedures;***
 - b. a letter shall be prepared by **BII** to the complainant advising him/her of the results of the investigation;
 - c. a letter shall be prepared by **BII** to the Facility Manager;
 - d. if the investigation exonerates the accused staff, a letter shall be prepared by **BII** advising the subjects; and

- e. ***an investigative report will be provided to the Facility Manager with the findings and the facility will appropriately address any violations found to have occurred.***

D. Color Digital Photographs of Physical Injuries or Non-Existent Injuries

1. Digital photographic equipment shall be maintained in each facility's security department 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 **Security Office staff** 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. **Color digital photographs** (the number of photographs necessary to depict all the injuries) shall be prepared by **Security Office staff** 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 **except when physical contact is alleged to have occurred to the inmate's genital areas. Observed injuries to the genitalia, relative to the abuse investigation, may be photographed by medical staff. When taking photographs, follow the proper procedures outlined in Department policy DC-ADM 008, "Prison Rape Elimination Act (PREA)," when it applies. An absence of injury shall be recorded by medical staff on the DC-457:**
 - a. one set of **color digital** 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 **color digital** photographs shall be appended to the **DC-121**;
 - c. the third set **of color digital photographs** shall be forwarded to the facility's Security Office for retention; and
 - d. the fourth set **of color digital photographs** shall be forwarded to **BII** with the investigative report.

E. Repository

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

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.

Bureau of Investigations and Intelligence (BII) – The **Bureau** responsible for monitoring inmate abuse allegations, **investigating, and/or reviewing and approving inmate abuse investigations**.

Central Office – The Headquarters of the Department of Corrections.

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

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

Department – The Pennsylvania Department of Corrections.

Egregious – **Any use of force incident involving serious injuries or could have resulted in serious injuries to an inmate by staff; any use of force incident resulting in serious injury to an inmate by staff that includes use of racial epithets; and/or any planned or unplanned use of force involving the use of racial epithets by staff.**

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

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.

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.