



POLICY STATEMENT
Commonwealth of Pennsylvania • Department of Corrections

Policy Subject: Bureau of Community Corrections Resident Grievances		Policy Number: BCC-ADM 003
Date of Issue: November 23, 2015	Authority: Signature on File John E. Wetzel	Effective Date: January 8, 2016

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 that residents assigned to community corrections shall have access to a formal procedure through which to seek resolution of problems or other issues of concern arising during the course of confinement. For every such issue, there shall be a forum for review and avenue of appeal.

IV. PROCEDURES

All applicable procedures are contained in the procedures manual that accompanies this policy document.

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

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.

B. 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

This document establishes policy and procedures on this subject.

2. Facility Policy and Procedures

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

B. Cross Reference(s)

1. Administrative Manuals

- a. BCC-ADM 002, Resident Safety;
- b. BCC-ADM 005, Resident Legal Services;
- c. BCC-ADM 008, Prison Rape Elimination Act (PREA); and
- d. DC-ADM 804, Inmate Grievance System.

2. ACA Standards

- a. Adult Correctional Institutions: None
- b. Adult Community Residential Services: 4-ACRS-6B-03
- c. Correctional Training Academies: None

3. PREA Standards (28 C.F.R §)

- a. 115.252



PROCEDURES MANUAL
Commonwealth of Pennsylvania • Department of Corrections

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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.

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Section 1 – Grievance Reporting

A. Responsibilities

1. The Facility Director/designee shall serve as the Grievance Officer for his/her respective facility.
2. The Regional Director/designee shall serve as the Grievance Coordinator for his/her respective region.
3. The Bureau Director/designee shall ensure that the quantity and nature of resident grievances is aggregated and analyzed annually to determine the efficiency and effectiveness of the Resident Grievance System. The Bureau Director shall also ensure that at least one level of appeal is available to all residents, as outlined in **Section 3** of this procedures manual.¹
4. Each facility shall provide residents access to a locked box mounted on the wall, clearly identified for “Resident Grievances.” Access to grievances placed in the box shall be restricted to the Grievance Officer.

B. Sexual Abuse, Sexual Harassment, and Physical Abuse Allegations

1. A grievance regarding an allegation of sexual harassment or sexual abuse by a staff member or resident will not be addressed through the Resident Grievance System and must be addressed through Department policy **BCC-ADM 008, “Bureau of Community Corrections Prison Rape Elimination Act (PREA).”**
2. A grievance regarding an allegation of physical abuse by a staff member will not be addressed through the Resident Grievance System and must be addressed through Department policy **BCC-ADM 002, “Bureau of Community Corrections Resident Safety.”**
3. These incidents are taken seriously by the Department and will be investigated to ensure the safety of residents at all facilities.
4. If a grievance related to the above is filed, it will be rejected in accordance with **Section 2** of this procedures manual.

C. Access to Grievances for Special Populations

1. The Department shall ensure that residents with disabilities have an equal opportunity to use the Resident Grievance System, as outlined in Department policy **BCC-ADM 005, “Bureau of Community Corrections Resident Legal,” Section 1.**
2. Timeline extensions may be granted in order to secure these services.

¹ 4-ACRS-6B-03

D. First Steps Before a Grievance

1. The Bureau of Community Corrections (BCC) encourages residents to express their concerns to staff through respectful, constructive, written, or verbal communication so that problems are resolved as soon as possible.
2. The Resident Grievance System is intended to effectively address a wide range of issues, procedures, or events that may be of concern to residents. It is not meant to address incidents of an urgent or emergency nature. When faced with an incident of an urgent or emergency nature, residents shall contact the nearest staff member for immediate assistance.
3. Residents who are on parole may use the Resident Grievance System to address issues specific to the facility or community corrections. Issues related to parole supervision, home plans, or other parole processes must be addressed through the Pennsylvania Board of Probation and Parole (PBPP).
4. Residents are encouraged to attempt resolution of an issue/concern informally through a **DC-935, Request to Staff** or direct conversation with their counselor ***prior*** to submitting an official grievance.
 - a. The staff member who receives an oral or written concern from a resident will attempt to resolve the concern quickly and informally, if possible.
 - b. If the staff member is not the appropriate person to resolve the concern raised by the resident, the resident should be referred to the appropriate staff member.
 - c. The counselor shall document the discussion in the resident's file.
 - d. While a resident should make every effort to resolve his/her issue/concern informally prior to filing an official grievance, failure to attempt to informally resolve a concern will not be cause to reject an official grievance. However, if an attempt was made to resolve the concern informally, this information should be included in the official grievance.
5. An attempt to informally resolve the issue/concern is not required in cases of allegations of sexual harassment, sexual abuse, or physical abuse. **(28 C.F.R. §115.252[b][3])**

E. Filing A Grievance

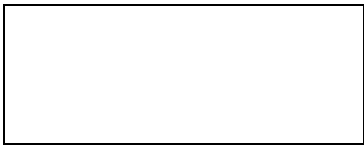
1. The Facility Director/designee shall make **DC-904A Official Resident Grievance (Attachment 1-A)** forms readily available to residents. Pre-printed, pre-numbered snap-sets shall be obtained through the Regional Office.

BCC-ADM 003, Community Corrections Resident Grievances Procedures Manual
Section 1 – Grievance Reporting

2. When a resident has an issue/concern that he/she is unable to resolve, the resident must submit the **DC-904A** to the Grievance Officer within 15 working days after the event upon which the claim is based. The grievance must be filed at the facility where the event occurred.
 - a. There is no time limit on when a resident may submit a grievance regarding an allegation of sexual harassment, sexual abuse, or physical abuse. **(28 C.F.R. §115.252[b][1])**
 - b. Any portion of the grievance that is not specific to sexual harassment, sexual abuse, or physical abuse may be rejected based on the 15-day time frame. **(28 C.F.R. §115.252[b][2])**
3. The resident must sign and date the **DC-904A** with his/her commitment name and number, without reference to any aliases, nicknames, non-recognized names, etc.
4. The text of the grievance must be legible, understandable, and presented in a courteous manner, and the resident must include a statement of the facts relevant to his or her grievance.
 - a. The Statement of Facts shall include the date, approximate time, and location of the event(s) that gave rise to the grievance.
 - b. The resident shall identify the individuals directly involved in the event(s) giving rise to the grievance.
 - c. The resident shall specifically state any and all claims he/she wishes to make concerning violations of Department or facility directives, regulations or court orders, or laws.
 - d. If the resident desires compensation or other legal relief normally available from a court, the resident must request the specific relief sought in his/her initial grievance.
5. The statement of facts must not exceed two pages and must be handwritten or typed on writing paper.
6. Any resident who has been personally affected by a Department or facility action or policy will be permitted to submit a grievance.
7. Any grievances based on separate events must be presented separately, unless it is necessary to combine the issues to support the claim.
8. Grievances related to State Intermediate Punishment (SIP) Expulsion must be filed in accordance with Department policy **DC-ADM 804, “Inmate Grievance System.”**

BCC-ADM 003, Community Corrections Resident Grievances Procedures Manual
Section 1 – Grievance Reporting

9. A grievance directly related to a specific rule violation or a specific sanction will not be addressed through the Resident Grievance System and must be addressed through the violation appeal process.
10. Any grievance issue that has been previously addressed may not be re-submitted in a subsequent grievance. Any concern with the previous grievance, previous grievance decision, or the staff member who rendered that decision must be addressed through the appeal process outlined in **Section 3** of this procedures manual.
11. Each grievance must be presented individually. A grievance submitted by one resident for a group of residents is prohibited and will be rejected.
12. No resident shall be punished, retaliated against, or otherwise harmed for use of the grievance system.
13. Any document(s) attached in support of a grievance becomes part of the official record and will not be returned. The resident should make copies of the supporting documents prior to submitting to the Facility Grievance Officer for use in any subsequent appeals.
14. The resident may give the **DC-904A** to a staff member or place it in the grievance box. The resident should keep the resident copy of the grievance. Staff shall forward any grievances given to them to the Grievance Officer without delay.



Official Resident Grievance

From Resident Name and Number:	Signature of Resident::
Facility:	Date:

A. Provide a brief, clear statement of your grievance. Additional paper may be used. State all relief that you are seeking.

B. List actions taken and staff you have contacted, before submitting this grievance.

Your grievance has been received and will be processed in accordance with **BCC-ADM 003, Section 2.**

Signature of Facility Grievance Officer

Date

I request to withdraw the above grievance: _____
Resident Signature/Date

Request to withdraw reviewed with resident and accepted: _____
Facility Grievance Officer Signature/Date

Resident File (Original)

Grievance Received (Copy to Resident)

Grievance Withdrawn (Copy to Resident)

Section 2 – Grievance Processing and Response

A. Processing Grievances

1. The Grievance Officer shall ensure that grievances are processed upon receipt and that the grievance box is emptied at a minimum of twice weekly (Monday and Thursday).
2. If the grievance alleges sexual abuse, sexual harassment, or physical abuse, the Grievance Officer shall **verbally** notify the Bureau of Community Corrections Management Operations Center (BCC-MOC) without delay and complete the First Responder duties as outlined in Department policy **BCC-ADM 008, “Bureau of Community Corrections Prison Rape Elimination Act (PREA),” Section 4** for allegations of sexual abuse.
3. Grievances related to sexual abuse, sexual harassment, or physical abuse will be investigated by the BCC Security Division. The Grievance Officer will take **no** investigative action unless directed to do so by the BCC-MOC. The grievance will be rejected and notice provided.
4. The Grievance Officer shall:
 - a. determine whether the grievance will be accepted or rejected based on the **DC-904B, Facility Grievance Response (Attachment 2-A)**;
 - b. maintain an electronic Grievance Tracking Log that includes information related to accepted, rejected, and abuse-related grievances; and
 - c. process the grievance pursuant to **Subsection B. below**.
5. A time extension for filing a grievance will be considered on a case-by-case basis. The resident must notify the Grievance Officer of the reason for the delay. The Grievance Officer will consider the reason given and whether or not the request is approved.

B. Facility Grievance Response

1. All responses, including rejections, shall be documented on the **DC-904B**.
2. If the Grievance Officer determines the grievance is not properly submitted according to this procedures manual, it shall be rejected and returned to the resident via the **DC-904B** enumerating the reason(s) the grievance was rejected. The entire grievance packet will be returned to the resident along with any exhibits. The Grievance Officer will retain one copy of the grievance.
3. If a grievance is rejected, the grievance may be re-submitted, using the same grievance number, within five working days of the rejection notice date. A rejected grievance may only be re-submitted one time.

BCC-ADM 003, Community Corrections Resident Grievances Procedures Manual
Section 2 – Grievance Processing and Response

4. The Grievance Officer shall respond directly to the grievant or assign a staff member who was not the subject of the complaint.
5. Grievance responses shall include:
 - a. a brief rationale summarizing the conclusion and any action taken or recommended to resolve every issue raised as well as any requested relief;
 - b. the specific title, number, and section of any policy being cited; and
 - c. one of the following dispositions: Uphold Grievance, Grievance Denied, or Uphold in Part/Deny in Part. If the grievance is deemed frivolous, the response must include a statement stating the reason(s).
6. The written response for non-abuse grievances shall be provided to the resident within 15 working days from the date that the grievance was entered into the Grievance Tracking Log.
7. Abuse grievances shall be answered by the Grievance Officer at the completion of the investigation. This may extend the time for responding to the grievance, but will not alter the resident's ability to appeal upon his/her receipt of the **DC-904B**.
8. The Grievance Tracking Log shall be updated to include the date of response and brief summary of the decision.

C. Withdrawal

1. At any point in the grievance process, a resident may withdraw his/her grievance.
2. To withdraw a grievance, the resident must sign the bottom of the **DC-904A**, in the presence of the Grievance Officer.
3. The Grievance Officer shall ensure that the grievance was resolved and the withdrawal is appropriate.
4. Once a grievance is withdrawn, the resident is not permitted to appeal.
5. The Grievance Officer shall provide a copy of the revised **DC-904A**, to the resident, document the action in the Grievance Log and file the original.

Section 3 – Grievance Appeals

A. General Procedures

1. A resident may appeal the **DC-904B, Facility Grievance Response** (refer to **Section 2** of this procedures manual) to the Grievance Coordinator in writing, within 15 working days from the date of the response or rejection.
2. All appeals must be submitted on the **DC-904C, Resident Grievance Appeal (Attachment 3-A)** form.
3. Only an issue that was raised for facility response may be appealed and only one appeal of any **DC-904B** is permitted.
4. Each appeal must:
 - a. include the grievance number at the top of the document;
 - b. be legible, understandable, and presented in a courteous manner; and
 - c. contain reason(s) for appealing the **DC-904B**.
5. Failure to comply with direction above may result in the appeal being dismissed.
6. Any document(s) attached in support of a grievance appeal becomes part of the official record and will not be returned. The resident should make copies of the supporting documents, including any facility documents, prior to submission to the Grievance Coordinator for any subsequent appeals.
7. The appeal must be addressed to the Bureau of Community Corrections (BCC) Regional Grievance Coordinator. The Facility Grievance Officer may not be designated to address the appeal.
8. The Grievance Coordinator/designee will determine whether the appeal is in accordance with this section. If the appeal is determined to be in accordance with this section, the Grievance Coordinator/designee will notify the Grievance Officer to enter the date that the appeal was received into the Grievance Tracking Log.
9. The Grievance Coordinator/designee shall:
 - a. notify the resident using the **DC-904D, Regional Grievance Coordinator Appeal Response Form (Attachment 3-B)**, of his/her decision within 15 working days of receiving the appeal; and
 - b. include a brief statement of the reason(s) for his/her decision. All appeal points raised by the resident shall be addressed.

10. If a resident is transferred prior to the completion of the appeal process, the resident may continue to pursue the grievance or appeal by notifying the Facility Director/designee of the facility where the grievance was originally filed. Adjustments shall be made to the various time limitations in order to allow for review.

**COMMUNITY CORRECTIONS RESIDENT GRIEVANCE APPEAL
TO THE BCC REGIONAL DIRECTOR**

RESIDENT#:	NAME:	FACILITY:	DATE:	GRIEVANCE#:
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I received my initial response from the Grievance Officer on _____ and have appeal issues. (Refer to BCC-ADM 003, Section 3 for complete instructions.)

Provide a **BRIEF** (no longer than two pages) Appeal Statement.

Resident Signature:

Date:

Mail this appeal and any supporting documents to the: **BCC Regional Office, Attention: Grievance Appeal.**
Documents will not be returned so make copies for your records.

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

Community Confinement Facility – A community treatment center, halfway house, restitution center, mental health facility, alcohol or drug rehabilitation center, or other community correctional facility (including residential re-entry centers), other than a juvenile facility, in which individuals reside as part of a term of imprisonment or as a condition of pre-trial release or post-release supervision, while participating in gainful employment, employment search efforts, community service, vocational training, treatment, educational programs, or similar facility-approved programs during non-residential hours. (All Community Corrections Centers and Community Contract Facilities fall into this category.)

Community Corrections Center (CCC) – A residential correctional facility operated by the PA Department of Corrections.

Community Contract Facility (CCF) – a privately owned and operated residential correctional facility contracted by the PA Department of Corrections.

Complaint – An allegation of abuse or other wrongdoing submitted by a resident or other person or entity to the facility.

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

Contract Agency – Refers to the entity that oversees the financial and procedural operations of a Community Contract Facility (CCF).

Contractor – A person who provides supplies or services on a recurring basis pursuant to a contractual agreement with the Department.

Courteous Manner – The grievance and/or appeal should be written without the use of abusive language, profanities, name calling, etc.

Department – The Pennsylvania Department of Corrections.

Facility – A place, institution, building (or part thereof), set of buildings, structure, or area that is used by the Department for the confinement of individuals. This term may be used interchangeably with “Center” throughout this policy and refers to a CCC or CCF.

Facility Director/designee – The Director of a CCC or CCF or their management designee. This term may be used interchangeably with “Center Director/designee” throughout this policy.

Facility Grievance Officer – The Facility Director or his/her assigned management designee who provides the review and response to the initial resident grievance. This person also manages the tracking process at the facility level.

Frivolous Grievance – When the allegation(s) or relief sought are found to lack any arguable basis in law, fact and/or policy.

Regional Grievance Coordinator – The Regional Director or their assigned management designee who is responsible for the overall administration of the Resident Grievance System in that region. This includes determining whether the grievance was filed in compliance with the policy, as well as the data collection, tracking, and statistical reporting.

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

Grievance Appeal – Formal request for review of the Facility Grievance Officer decision is processed through the regional office. The Regional Grievance Coordinator reviews the decision of the Facility Grievance Officer.

Grievant – The resident submitting a grievance.

Intern – An individual approved by the Department to use experience with the Department to further his/her academic or educational pursuits, programs or credentials. The term does not include employees or contractors.

Liaison – Communication between different units or groups of an organization.

Resident – Any person assigned, confined, or detained in a community confinement facility whose placement is funded by the Department (including parolees).

Retaliation – An act of vengeance or threat of action against an inmate or staff in response to an inmate complaint of a problem. Examples include, but are not limited to, unnecessary discipline, intimidation, unnecessary changes in work or program assignments, unjustified transfers or placements, unjustified denials of privileges and services.

Staff – An employee of the Department or an employee of a Community Contract Facility. The word staff and employee may be used interchangeably throughout this policy.

Volunteer – An individual who donates his/her time and effort on a recurring basis to enhance the activities and programs of the facility.

Working Days – For the purposes of this policy, working days are Monday through Friday, excluding state holidays.