

 <p style="text-align: center;"><b>ALLEGHENY COUNTY BUREAU OF CORRECTIONS</b></p>	<b>APPLICABILITY: All Authorized Personnel</b>	
	<b>POLICY NUMBER: #505</b>	<b>EFFECTIVE: 7/13/15 REVIEWED: 8/7/20</b>
	<b>TITLE: Inmate Complaint Procedures Title 37-95.223(4) ACA: 6B-01 PREA: 115.52</b>	
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**POLICY**

It is the policy of the Allegheny County Bureau of Corrections to provide inmates an internal grievance mechanism for resolving complaints arising from institutional matters, so as to reduce the need for litigation and afford authorized personnel the opportunity to improve jail operations. All inmates can make a request or submit a grievance to the prison administration, the judiciary or other proper authorities without censorship as to substance.

**PURPOSE**

To describe the inmate complaint procedure that will be available to all inmates in the Allegheny County Jail.

**SCOPE**

All authorized personnel and inmates.

**PROCEDURAL GUIDELINES**

The inmate complaint/appeal procedure is an internal administrative means for resolving complaints and identifying potentially problematic management areas. It is designed to supplement, but not replace, the informal communication process or disciplinary procedures. The Jail's Complaint Officer is responsible for the management and operation of this function.

Documents used to file and answer complaints are:

- Inmate Complaint/Appeal Form (attachment 1)
- Complaint Findings Form (attachment 2)
- Return of Inmate Complaint Form (attachment 3)
- Appeal of Complaint Officer's Decision Warden's Finding (attachment 4)

Information regarding complaints are added to a spreadsheet used to track basic information about the grievant, issue being grieved, date grievant filed their issue, and the date it was assigned to jail personnel to investigate. This spreadsheet is maintained on a computer drive accessible to jail personnel (referred to as the K-Drive). Additionally, complaints/grievances and finding forms are uploaded to OnBase for storage and retrieval purposes.

### **SECTION 1: Complaint Provisions**

The jail's complaint mechanism includes provisions for the following:

- Written responses to all complaints, including reasons for the decision.
- Response within a prescribed reasonable time limit, with special provisions for responding to emergencies.
- Supervisory review of complaints.
- Access by all inmates with guarantees against retaliation.
- Applicability over a broad range of issues.
- A means for resolving questions of jurisdiction.

### **SECTION 2: Filing**

- An inmate may file a complaint about their present detainment at any time during their incarceration for the purpose of bringing a problem to the attention of jail personnel.
- An inmate may file a complaint or an appeal only for him or herself, although an inmate may assist another inmate in filing a complaint or appeal.
- No complaint will be entertained from a group or representative of any group.
- An inmate must fill out the Inmate Complaint/Appeal Form (attachment 1) in its entirety and follow the directions outlined on the form for the complaint or appeal to be processed unless the complaint is of an emergency nature.

### **SECTION 3: Basis for Complaints**

- A complaint may be initiated for an alleged violation of civil, constitutional, or statutory rights, or of policy, an alleged criminal or prohibited act by authorized personnel, or to resolve a condition existing within the Jail which deals with the amount of an inmate's bond.
- Matters dealing with institutional disciplinary procedures will be dealt with by the Program Review Committee (P.R.C.). Inmate security status is a classification issue and cannot be grieved.

### **SECTION 4: Return of Complaints/Appeals**

Complaint/Appeal Forms will not be processed if they concern an issue that cannot be grieved or are incorrectly filled-out. Only exception to this are complaints and appeals regarding sexual abuse. The expectation is that these are processed regardless of whether the form is completed correctly. Inappropriately filed complaint/appeal forms along with a copy of a "Return of Inmate Complaint/Appeal Form" stating the reason why the complaint or appeal is being returned to the inmate will be sent to the inmate through the Jail's mail system. For tracking and storage purposes, these documents will be saved on the Jail's K-Drive in the following manner:

- **Returned Inmate Complaints and Releases Folder:** This folder will include inmate complaints that have been returned to inmates due to inmate error and will be categorized by sub-folders indicating what month and year the inmate attempted to file the complaint as well as what day the complaint form was returned to the inmate through the Jail's mailing system. This folder will also include complaints that were not processed due to an inmate being released before the complaint was assigned a complaint number.
- **Returned Inmate Appeals Folder:** This folder will include inmate appeals that have been returned to inmates due to inmate error and will be categorized by sub-folders indicating what month and year the inmate attempted to file the appeal as well as what day the appeal form was returned to the inmate through the Jail's mailing system. This folder will also include appeals that were not processed due to an inmate being released before the appeal was assigned an appeal number. **The Warden shall be advised of all appeals.**

## **SECTION 5: COMPLAINT METHODS**

All inmates' complaints will be classified into one of the three types:

1. Informal
2. Standard
3. Emergency

### **Informal Complaints**

An inmate may voice an informal complaint to any authorized person, at any time. When presented with an informal complaint, authorized personnel may initiate corrective action, if the action is within the normal scope of his/her responsibilities. The ACBOC shall not require an inmate to use the informal grievance process, or to otherwise attempt to resolve with staff, an alleged incident of sexual abuse (See Policy #503 Sexual Assault and Abuse Prevention). If an inmate voices a complaint to authorized personnel that is beyond the scope of that individual's authority and appears to require prompt attention, that person will notify the appropriate Shift Commander and/or immediate supervisor of the complaint as soon as possible. The Shift Commander and/or immediate supervisor, when advised of an inmate's informal complaint, will attempt to resolve the matter or have the inmate initiate a standard complaint.

### **Standard Complaint**

At any time within fifteen (15) days after a potentially standard complaint has occurred, an inmate may file a formal written complaint. There is no time limit on any complaint regarding sexual abuse. If requested, the inmate will be provided with a Complaint/Appeal Form by their unit Corrections Officer. The unit Corrections Officer will instruct the inmate on the basic requirements for filling out the form if the inmate so requests. The inmate will keep the pink copy of the complaint. The Unit Manager or Assistant Unit Manager will gather the complaints from the secured box in the pod daily and forward all complaints to the Jail's Complaint Officer by utilizing the complaint station mail slots located just outside the Shift Commander's Office. The Complaint Officer will assign a complaint number to the complaint using the OnBase program and forward the complaint to the correct staff member and/or department by e-mail. The Complaint Officer shall maintain a ledger in the K-drive and OnBase which will indicate the following information:

- Complaint date
- Complaint number
- Inmate name
- DOC #
- Complaint category
- Complaint sub-category code
- Date complaint was assigned to a Staff member
- Staff member assigned to answer the complaint
- Complaint Findings form due date
- Disposition of the complaint or appeal
- Date the findings form was processed

The Complaint Officer shall have broad flexibility and discretion in dealing with inmate complaints. The staff member or department assigned to the complaint by the Complaint Officer shall investigate the complaint and conduct interviews as he or she deems necessary. Complaints are to be assigned, at most, three (3) days after it was written. All complaints assigned for investigation shall be completed and returned to the Complaint Officer within ten (10) working days using the Complaint Findings Form (attachment 2). The Complaint Officer shall review responses to ensure it is appropriate. If the response is not appropriate, it shall be returned to the author with an explanation and must be corrected within three (3) working days. All inmates must sign and date the bottom of the Complaint Findings Form indicating they have been given a copy (pink) of the disposition to their complaint. The white portion of the Complaint Findings form must be retained for a period of two years in the OnBase program. Any inmate who refuses to sign and/or date the Complaint Findings form will forfeit their right to appeal the disposition listed on the Complaint Findings Form to the Warden or designee. After receiving an inmate's signature, the Complaint Findings Form will be uploaded into the OnBase Program by the Complaint Officer or designee.

### **Emergency Complaints**

Emergency complaints are those involving an immediate threat to the welfare or safety of an inmate. Processing an emergency complaint will begin with the initial determination by authorized personnel that the issue raised is life-threatening. Emergency complaints may be given directly to the Shift Commander and/or immediate supervisor by the

inmate. If the Shift Commander and/or immediate supervisor determine that the complaint is an emergent matter, it will be given immediate attention. If resolved at the shift commander level, a report will be prepared by the supervisor through the chain of command to the Warden's Office, describing the nature of the problem and the resolution achieved. Emergency complaints that cannot be resolved at the shift commander level will be channeled without delay through the chain-of-command until reaching a level where action can be taken including the Jail's Complaint Officer. If, after consideration, the Shift Commander and/or immediate supervisor determine the matter is not an emergency issue, standard processing will apply.

### **SECTION 6: Appealing Complaint Decision**

Inmates who are dissatisfied with the disposition of a complaint will have five (5) days after receipt of the notice of decision to appeal to the Warden or designee in writing using the Inmate Complaint/Appeal Form (attachment 1). The inmate must also enclose the original inmate pink copy of the Inmate Complaint/Appeal Form and the original inmate pink copy of the Complaint Findings Form with the Inmate Appeal Form. The Warden or designee will have fifteen (15) working days after receipt of the documents to make a determination on the appeal and to reply to the inmate. The reply will be in writing and will be provided on the Appeal of Complaint Officer's Decision - Warden's Findings Form (attachment 4). The inmate will be required to sign for the Warden's or designee's response and a copy of the signed response will be retained for two (2) years in the OnBase program. The Warden's decision will be final.

### **SECTION 7: Records**

The Complaint Officer will maintain a log of all complaints and appeals filed under this procedure as to relevant dates, the person filing, categories, and dispositions. He or she will prepare a monthly report for the Warden summarizing all complaints for that month. The Warden will review this report to ascertain patterns of problem areas in the institution and to facilitate intervention in those areas.

### **SECTION 8: Sexual Abuse**

- There is no time limit for an inmate to submit a complaint regarding sexual abuse.
- All complaints regarding sexual abuse will be investigated thoroughly.

- An inmate who alleges sexual abuse may submit a complaint without submitting it to a staff member who is the subject of the complaint. Complaints of sexual abuse shall not be referred to the staff member who is the subject of the complaint.
- The staff member or department assigned to the complaint shall answer the complaint in writing using the Complaint Findings Form (attachment 2) within twenty-five (25) working days of receipt of the complaint.
- The ACBOC may claim an extension of time to respond up to seventy (70) days if the response time is insufficient to make an appropriate decision. In such instances, the inmate will be notified in writing of the extension and provided a date by which a decision will be made not to exceed ninety (90) days from the initial filing of the complaint.
- Inmates who are dissatisfied with the disposition of a complaint will have five (5) days after receipt of the notice of decision to appeal to the Warden or designee in writing using the Inmate Complaint/Appeal Form (attachment 1). The inmate must also enclose the original pink copy of the Inmate Complaint/Appeal Form and the original pink copy of the Complaint Findings Form with the Inmate Appeal Form. The Warden or designee will have fifteen (15) working days after receipt of the documents to make a determination on the appeal and to reply to the inmate. The reply will be in writing and will be provided on the Appeal of Complaint Officer's Decision - Warden's Findings Form (attachment 4).
- If the inmate does not receive a response within the time allotted for reply, including any properly notice of extension, the inmate may consider the absence of a response to be a denial at that level.
- Third parties, including inmates, staff members, family members, attorneys and outside advocates are permitted to assist and file complaints for an inmate on their behalf relating to allegations of sexual abuse.
- If the inmate declines to have the third party complaint processed, the inmate will receive in writing the documentation of the refusal.
- If a third party files a complaint for an inmate, as a condition of processing the complaint, the alleged victim must agree to have the request filed on his/her behalf. Furthermore, the alleged victim is required to personally pursue any appeal in the complaint process.
- When an emergency complaint is made alleging an inmate is subject to a substantial risk of sexual abuse the complaint may be given directly to the Shift Commander and/or immediate supervisor by an inmate or employee immediately

for corrective action. The ACBOC will provide to the inmate in writing an initial response within 48 hours. A final decision will be made in writing within five (5) calendar days. The initial response and final agency decision will document the agency's determination whether the inmate is in substantial risk of imminent sexual abuse and the action taken in response to the emergency complaint.

- The ACBOC may discipline an inmate for filing a complaint related to alleged sexual abuse only when the department can demonstrate in writing that the inmate filed the complaint in bad faith.

### **SECTION 9: Other**

Inmates who have a pending complaint at the time of release lose all standing with respect to any further internal administrative remedy of the matter under consideration. All written complaints will be considered confidential.

**Please see the "Addendum to Policy #505" file for a copy of the forms referenced in the policy.**