

York County Prison Grievance Procedures

3-ALDF-3E-11

INMATE COMPLAINT REVIEW SYSTEM (CRS) OR "801

PURPOSE:

The Complaint Review System (CRS) is intended as a formal and objective review of the complaints by residents at the York County Prison in order to remedy specific situations (where necessary) and to help identify procedural problem areas at this institution. Complaints will be submitted on an "801" form and known as a "Complaint" or "801".

STRUCTURE:

All resident complaints are to be directed (in writing) to the designated "Complaint Supervisor". The Complaint Supervisor is responsible to, and reports directly to, the Deputy Warden for Treatment of York County Prison.

Appeals arising in the CRS shall be reviewed by the Deputy Warden of the York County Prison. If Complainant is dissatisfied with the initial appeal determination, a screening review may be requested. A County Solicitor designated by the York County Prison Board shall perform the screening review, following established guidelines, and may recommend a review of the case by the Complaint Review Board.

GENERAL PROVISIONS:

- A. The Deputy Warden or the Appeals Board outlined in the above section may at any time:
 1. Dismiss or order held in abeyance any complaint involving subject matter which he deems appropriate for consideration only by a court or other established and available form.
- B. No resident shall be disciplined for filing a complaint or otherwise pursuing a remedy in this complaint system, but no immunity is afforded herein to any person from civil or criminal liability for any of his acts or statements.
- C. The CRS will consider all complaints concerning prison conditions, but not those that deal with complaints (801's) in the following area:
 1. Attempts to obtain institutional privileges without first having applied for the privilege through the use of normal institutional procedure. (Request Form)
- D. The procedure described herein shall be followed as closely as possible. However, it is recognized that in particular cases, some reasonable modification of the procedure will be necessary and proper. Priority will be given to emergency cases, where deemed appropriate.

INSTRUCTIONAL LEVEL:

- A. No complaints will be entertained from a group, or representatives of a group. All complaints are to be on an individual basis only.
- B. All Complaints shall be made in writing (legible) on the Complaint form provided for this purpose, which shall be made readily available from Officers or Counselors to all inmates. The signed Complaint form shall be deposited in a slip box, or at the Central Control Desk, and shall be picked up each morning by the Complaint Supervisor at 9:00 A.M. (excluding Saturdays, Sundays, and holidays). Female complaints shall be delivered to the Complaint Supervisor by the Officer at the time the complaint form is received, if during weekdays 8 A.M. to 4 P.m.; others deposited for handling at the next regular business hours.
- C. The Warden of the York County Prison will designate a member of his staff to act as Complaint Supervisor. The Complaint Supervisor is the personal representative of the Warden in complaint matters, and the Warden will take measures to insure the Complaint Supervisor receives full cooperation from the institutional staff.
- D. The Complaint Supervisor: (See – “Complaint Supervisor, Definition of Position” in this section).
- E. RECORD KEEPING AND PROCEDURAL GUIDELINE FLOW CHART FOR PRISONER COMPLAINTS
 - 1. All complaints received are to be written on the designated form. The complaint should be printed or written clearly – an illegible complaint will be returned to the sender with a notation to re-submit. An illegible complaint will not receive a registration number in the CRS. Complaints should be directed to the Complaint Supervisor. All complaints (except those that are illegible) are to be registered. Those complaints not within the realm of the system will be reported to the Complainant as such.
 - 2. Complaints are to be sent daily, at 9 A.M., Monday through Friday, to the Complaint Supervisor through the Central Control Desk. The complaints from female inmates are to be delivered to the Complaint Supervisor’s Office by the Matron upon receipt of the complaint, or as soon as possible thereafter.
 - 3. Upon receipt of a complaint, the Complaint Supervisor will assign a registry number and enter that number, the date received, the name of the Complainant, and the other information requested in the Complaint Register. Once a registry number is assigned, it becomes THE method of identification of the complaint throughout the system, and should be included on every form relating to the complaint.

4. The Complaint Supervisor shall proceed to investigate the complaint (interviews, etc.) and shall provide a form to all staff members or other individuals working in the institution mentioned in the complaint, in order that they may report their involvement with the Complainant. The staff member is to respond to the Complaint Supervisor within forty-eight (48) hours of receipt of the form.
 5. After review by the Complaint Supervisor of all factors that he deems relevant to the complaint, the Complaint Supervisor shall file a written report containing a written summary of the facts as they appear to him, what steps or measures he has taken, the results he has achieved, the conclusions he has formed, and his recommendations. This written summary and recommendations shall be delivered to the Deputy Warden for Treatment, with copies to the Complainant and all staff members mentioned in the complaint, no later than ten (10) working days after receipt of the complaint.
 6. If there is an objection by any party to the recommendation of the Complaint Supervisor, that party may file an appeal within five (5) days of the issuance of the report. If there is no appeal by the party involved, the recommendation is implemented, and, where appropriate, an administrative directive issued on the subject. The Deputy Warden is to reply to all concerned parties and the Complaint Supervisor within twenty-one (21) days of the Appeal Notice.
 7. If any party disagrees with the decision of the Deputy Warden, an appeal to the Solicitor for relief or determination by the Complaint Review Board shall include a statement that the appeal is not being made without valid grounds, and the reasons for granting the appeal and relief requested shall be set forth in writing.
 8. Upon final disposition of a complaint, the packet of forms consisting of: original Complaint, Acknowledgement, staff reports, the report of the Complaint Supervisor, and a copy of the appeal proceedings are to be filed numerically by registry number.
- F. Requests for Administrative Staff Interview: All requests for an interview with an Administrative Staff member must be on the "Request Form" provided, and must include some indication of the reason for the request. Do not use an "801" as a "Request".

APPEALS:

A. Review by the Deputy Warden

1. A request for review must be made in writing on the form provided to the Deputy Warden.

2. The request for appeal shall be delivered to the Complaint Supervisor in the same manner as complaints at which time the request will be recorded and the Deputy Warden will be notified by the Complaint Supervisor.
3. Within twenty-one (21) days of the receipt of a request for appeal, the Deputy Warden shall affirm, modify or reverse the decision of the Complaint Supervisor, or hold in abeyance those matters being litigated in court.
4. The Deputy Warden will provide copies of its decision to the resident Complainant, the Complaint Supervisor, and staff members or departments involved in the Complaint, if requested.

B. Review by County Solicitor¹

1. A request for review of the Deputy Warden's decision must be in writing and shall be forwarded to the County Solicitor within three days.
2. The County Solicitor shall determine whether the request is meritorious within thirty (30) days of receipt of the request for review, or, if additional research or investigation is necessary as soon thereafter as is possible. If investigation or research must be done to make a determination concerning the merit of the appeal, the inmate shall be notified of the need for investigation, and that a written response will be forwarded when the investigation is completed. The solicitor shall provide written notice to the Complainant, the Warden and Deputy Warden, and any other person directed by the York County Prison Board, of the final decision, following these standards:
 - (a) Decisions of the Deputy Warden on "de minimis" matters not involving alleged violations of constitutional rights shall be affirmed unless the decision is contrary to a policy, standard, or directive of the York County Prison Board. If any unusual or potentially harmful matter is raised in such appeal, suggesting that any part of the Prison operation presents a risk of harm to any person, it shall be reported to the York County Prison Board.
 - (b) Decisions involving constitutional rights and 42 U.S.C. § 1983 violations, whether alleged or not, may be recommended to the York County Prison Board for assignment to the Complaint Review Board if the Solicitor finds some evidence to warrant a belief that such a violation has occurred. If the York County Prison Board concurs in the recommendation, the case shall be heard by the Complaint Review Board.

¹ Shall include any duly appointed Assistant County Solicitor.

- (c) Documented, serious bodily injury to any person, not self-inflicted, caused by any means, shall automatically be forwarded by the Solicitor (notice to the Prison Board shall be given promptly) for investigation and finding of responsibility by the Complaint Review Board.
- (d) Reported death of any prisoner or any life-threatening injury, whether the subject of a grievance or not, shall be forwarded to the Complaint Review Board, with notice to the York County Prison Board. The Prison Board may request the District Attorney to assign a County detective to investigate the matter, or some other police agency may be requested, alone, or in conjunction with the District Attorney's Office, to investigate the matter. In general, the Prison Board may, at any time, upon request of the Solicitor or the Complaint Review Board, request assistance from the District Attorney's Office in investigating any matter brought before the Board.
- (e) Grievances dealing with use of unreasonable force, threat of unreasonable force, or commission of any crime, shall be forwarded to the Solicitor for review and reporting to the York County Prison Board, regardless of the disposition.
- (f) Grievances dealing with racial slurs or actual or threatened discrimination shall be forwarded to the Solicitor for review and reporting to the York County Prison Board, regardless of the disposition.
- (g) Any grievance or category of grievance, upon request of the Solicitor, shall be forwarded to the Solicitor for review and reporting to the York County Prison Board, regardless of the disposition.

C. Adjustment and Settlement

1. The Solicitor, with the agreement of the Warden or his designee, and the President of the York County Prison Board, may settle or adjust any valid grievance upon such terms that provides justice and equity to the inmate, and facilitates good order and discipline within the prison. All such settlements shall be reported to the York County Prison Board. Any monetary settlement in excess of \$250.00 shall have prior approval of the County Commissioners and be noted and approved according to law.

COMPLAINT REVIEW BOARD:

A. Composition

The Complaint Review Board shall be composed of a member of the York County Prison Board, the Warden or his designated replacement, and a civilian representative approved by the York County Prison Board, who shall serve for a four-year term. Such a representative may serve successive terms.

B. Legal Support

The County Solicitor shall provide legal support to the Complaint Review Board and shall act as an impartial legal advisor to the Board. The Solicitor shall perform direct examination of witnesses, present such evidence as deemed appropriate, and assist the Complaint Review Board in making findings and recommendations.

C. Practice and Procedure

1. Rules of Evidence

Strict rules of evidence shall not apply. Any item or matter which is relevant and material to the matter under consideration may be considered by the Complaint Review Board.

2. Discovery

The Complaint Review Board's purpose is to obtain as much information concerning the subject matter as possible, and may determine to allow a prisoner or his lawyer to have access to the matters investigated, if such access is approved by the Solicitor, and does not violate any privilege or jeopardize or inhibit any criminal investigation.

3. Right of Counsel

Any Complainant shall have the right to be present before the Complaint Review Board in person, or, at Complainant's expense, by counsel.

4. Record

A verbatim record shall be made of all proceedings.

5. Summary Hearing Procedures

Summary trial procedures shall be followed in making presentations to the Complaint Review Board. Summaries of witnesses' testimony shall be provided either by the County Solicitor or the Complainant or his attorney. Summary Procedures require the use of statements or other evidence to substantiate the summary provided to the Board. The Complainant shall be allowed to make a sworn or unsworn statement. Witnesses shall not be called unless specifically directed by the Complaint Review Board.

D. Jurisdiction

The Complaint Review Board shall have the jurisdiction outlined in these Rules and may make recommendations to the York County Prison Board to rectify any damage or injury determined to be the potential responsibility of the County of York or any of its officials or employees. This section does not waive any governmental immunities of any kind, provided by statute or case law, both Federal and State, and any portion of these Procedures which would in any way limit the immunities provided by law shall, to such extent, be void and unenforceable.

Recommendations shall be based upon the evidence and shall endeavor to provide a just resolution of all grievances or matters investigated, and may include, but shall not be limited to:

1. Monetary damages in a fixed amount
2. Alternative dispute resolution
3. Changes in procedure
4. Disciplinary action
5. Any equitable or legal relief deemed appropriate.

E. Hearings shall be open

The Complaint Review Board shall open all hearings to the public, except that for cause shown, any portion of the hearing or matters that could impair security at the Prison or which involves and could impair or jeopardize a pending criminal investigation may be closed from public view, upon the request of any member of the Board, the Complainant, District Attorney, Attorney General, or other interested persons.

F. Recommendation of the Complaint Review Board

1. The recommendations of the Complaint Review Board shall be made to the York County Prison Board. The Prison Board may accept the findings and recommendations, modify them according to any new evidence or information not brought before the Complaint Review Board, or to examine the matter independently on the basis of the written record, additional information, and arguments of counsel, and thereafter make such findings and recommendations to the County Commissioners, as may be appropriate.
2. The County's risk management and insurance program shall be integrated whenever possible with this grievance procedure.

G. Inmate's Final Review

1. An inmate who is not satisfied with the Solicitor's Review of his case or the decision of the Complaint Review Board shall have the final right to review by the York County Prison Board. The appeal must be filed within thirty (30) days of the receipt of notice of the decision appealed. Such appeal may be in letter form, shall explain the reasons for the appeal, be addressed and mailed to: Chairman, Inspectors of the York County Prison, One West Marketway, Fourth Floor, York, Pennsylvania 17401.
2. The grievance system shall not be "exhausted" within the meaning of the State and Federal law unless all reviews and appeals are timely taken and denied.

H. Discipline for filing Fraudulent Grievances

The integrity and credibility of the grievance system requires every grievance to be evaluated, investigated, and fairly decided. Grievances filed only for fraudulent purposes deprive other legitimate complaints from timely determination. The following procedure is designed to deter inmates from filing fraudulent grievances without "chilling" the right to file valid grievances even on matters that appear trifling, frivolous or unreasonable:

Any inmate who files a grievance that is found to be "fraudulent" after hearing by the disciplinary review officer appointed to determine guilt or innocence of disciplinary infractions may be disciplined as follows:

1. Loss of all prison privileges.
2. Loss of good time accrued.
3. Confinement in the BAU up to 60 days.
4. Such other discipline that may be lawfully imposed subject to the following:
 - (a) "Fraudulent" means any grievance based upon allegations that are demonstrated beyond a reasonable doubt to be willfully dishonest and the product of a desire to abuse the grievance system or embarrass and humiliate an employee of the County or any other person or for any improper reason other than adjust a perceived legitimate complaint.
 - (b) Any discipline imposed shall be determined by the nature of the abuse intended by the inmate, the inconvenience caused, the expense of investigation, the need to deter such conduct, any prior grievances filed by the inmate found to be fraudulent and shall be proportionate to the actual harm caused while balancing the need to permit the filing of valid grievances by other inmates without fear of reprisals.

