

NH DEPARTMENT OF CORRECTIONS POLICY AND PROCEDURE DIRECTIVE	CHAPTER <u>General Administration</u> STATEMENT NUMBER <u>1.26</u>
SUBJECT: CITIZEN COMPLAINTS PROPONENT: <u>Christopher Kench</u> <i>Name/Title</i> <u>Commissioner's Office 271-8016</u> <i>Office Phone #</i>	EFFECTIVE DATE <u>07/01/09</u> REVIEW DATE <u>07/01/10</u> SUPERSEDES PPD# <u>1.26</u> DATED <u>08/15/03</u>
ISSUING OFFICER: <hr/> <i>William Wrenn, Commissioner</i>	DIRECTOR'S INITIALS _____ DATE: _____ APPENDIX ATTACHED: YES _____ NO _____
REFERENCE NO: See reference section on last page of PPD.	

- I. **PURPOSE:**
 To maintain citizen confidence by investigating citizen complaints concerning the operations of the Department of Corrections. The investigation will determine whether the complaint is supported by facts and whether corrective action is appropriate.

- II. **APPLICABILITY:**
 To all Department of Corrections employees.

- III. **POLICY:**
 It is the policy of the Department of Corrections to thoroughly investigate citizen complaints that involve the operations of the Department of Corrections, as well as cases which question the propriety of an employee's action. If the matter is routine and can be resolved by answering a question, the matter should be handled as such.

- IV. **PROCEDURES:**
 - A. All complaints shall be processed in a manner which comports with Administrative Rule COR 201.01 (Attachment 1).
 - B. Upon receiving a complaint from a citizen alleging misconduct or negligence, the complaint will be forwarded to the appropriate Division Director or Commissioner for review and comment.
 - C. The Division Director shall determine whether or not the complaint should be referred to a Departmental Investigator. If so, permission will be sought from the Commissioner.
 - D. The employee who is the subject of the complaint will be notified that the complaint has been filed and will be provided a copy of the complaint, unless doing so would compromise further investigation. Should the allegation be of a criminal nature the complaint will be forwarded to Commissioner for proper referral to the Investigations Bureau and appropriate law enforcement agencies.
 - E. In cases not referred for investigation, the Division Director may contact the complaining party to obtain further information.

- F. Employees who are the subject of the complaint will be interviewed concerning the facts of the case.
- G. Other agency employees, collateral agency personnel, or persons who can provide credible, factual information on the complaint may also be interviewed.
- H. Upon completion of the inquiry, the Division Director will provide a written summary of the findings, the basis for those findings and the recommended action to the Commissioner/designee. Following the Commissioner/designee's review, a copy or summary of approved findings will be provided to the employee who is the subject of the complaint.
- I. Upon receipt of the Division Director's report, the Commissioner/designee shall take action as necessary to resolve the matter. Courses of action may include, for example:
 - 1. Corrective action through a change in policy and procedure.
 - 2. Instructions for an additional investigation.
 - 3. Referral to the Department of Corrections Investigation Bureau.
 - 4. Disciplinary action if applicable.
 - 5. Remedial training for the employee(s) involved.
 - 6. Referral to a law enforcement agency.
- J. In most instances the complainant will be notified in writing of the outcome of the inquiry.
- K. In those instances where a meeting between the complainant and involved employee is held to resolve the issue, a file record will be maintained as to the results of that meeting. The meeting record will be made a part of the report.
- L. In cases referred to a Departmental Investigator or to outside law enforcement agencies, the investigative reports will meet the foregoing requirements and will be processed in a timely manner.

REFERENCES:

Standards for the Administration of Correctional Agencies
Second Edition Standards

Standards for Adult Correctional Institutions
Fourth Edition Standards

Standards for Adult Community Residential Services
Fourth Edition Standards

Standards for Adult Probation and Parole Field Services
Third Edition Standards
3-3030

Other

Administrative Rule COR 201.01

KENCH/pf

Attachment

Cor 201.01 Registering Complaints.

(a) Persons under departmental control shall attempt to resolve complaints or grievances at the organizational level closest to the problem. Prisoners and patients shall use the established internal request process, unless the situation is life threatening or there is a potential for serious bodily harm to irreparable harm may result; and probationers and parolees shall communicate with their assigned probation/parole officer. If a satisfactory response is not received, any person under departmental control or supervision shall file a grievance with the appropriate division director. All adverse decisions may be appealed to the commissioner as the final step in the grievance process. Complaints or grievances received by the commissioner's office which have not first been submitted to the appropriate division director shall be returned to the sender without action unless the commissioner decides that the situation is life threatening or there is potential for serious bodily harm or irreparable harm may result. Returned complaints or grievances shall be with proper routing instructions.

(b) Persons not under departmental control or supervision having complaints or grievances may forward them in writing to the commissioner of corrections or the appropriate division director. Said complaints or grievances shall include sufficient investigation including, but not limited to, dates, times, places and names of the individuals involved. Complaints, grievances or suggestions of a general nature shall be clear as to their intent and shall contain a request for relief desired. If said complaints or grievances cannot be informally resolved then more formal proceedings shall be instituted pursuant to Cor 202.01.