Minnesota Department of Corrections

Policy Number:	**600.210**
Title:	**Review of Complaints, Incidents, and Deaths**
Effective Date:	**11/5/19**

PURPOSE: To ensure the facilities inspected or licensed by the Department of Corrections (DOC) provide a safe living, working, and visiting environment and these facilities follow the applicable promulgated rules.

APPLICABILITY: All (current and former) residents of adult and juvenile facilities and their relatives, employees of adult and juvenile facilities, and visitors to such facilities.

DEFINITIONS: None

PROCEDURES:

A. General

1. The DOC receives, reviews, and evaluates complaints, incidents and death reports as they relate to specific administrative rules, as authorized by Minnesota statutes.

2. The DOC inspection and enforcement unit (IE) staff ensure that complaints, incidents, and death reports are addressed in a legal, timely, impartial, and non-duplicative manner.

3. The IE unit refers all complaints, incidents, and deaths not within its scope of responsibilities for the DOC to the appropriate agencies. When appropriate, the IE unit refers cases to other divisions and units within the DOC.

B. Review process

1. Receipt of complaints and reports of special incidents

a) Complaints must be made in written or verbal form to the IE unit.

(1) Written complaints may include e-mail or hard copy written complaints sent through the United States mail.

(2) The IE unit accepts verbal complaints, although discouraging them. It is recommended that a verbal complaint be put into writing to ensure proper tracking and response.

(3) IE unit staff receive and record the complaint, determine the facility involved, assign a database identification (ID) number, scan the complaint, and assign the complaint to the appropriate inspector or forwards it to the appropriate authority. IE staff must record maltreatment complaints within 24 hours, excluding holidays and weekends. IE staff records all other complaints within five working days.

b) Facility staff must report special incidents to the IE unit via the DOC statewide supervision system (S^3) portal, pursuant to Minn. Stat. §241.021.

(1) IE staff must record maltreatment incidents within 24 hours, excluding holidays and weekends.

(2) IE unit staff review the special incident to determine if there are issues or possible rule violations.

(a) If there are no rule violations, IE staff may close the incident and the inspector must provide proper documentation of the steps taken.

(b) If there are rule violations, the inspector must provide proper documentation of the steps taken and document any necessary corrective action taken on the part of the facility. The inspector must track the necessary corrective action and ensure proper follow-up by facility staff and by the inspector.

c) Deaths

(1) Facilities must report a death to the IE unit via the DOC S^3 portal or an alternatively approved method within ten days of the incident.

(2) The IE unit's assigned inspector receives the death report. IE unit staff must record death incidents within 24 hours, excluding holidays and weekends.

(3) Upon receipt of all related documentation, the inspector must initiate an evaluation of the death according to the appropriate administrative or promulgated rules.

(a) IE unit staff must scan and attach any additional documentation received at a later time.

(b) If there are no rule violations, IE staff may close the incident and the inspector must provide proper documentation of the steps taken.

(c) If there are rule violations, the inspector must provide proper documentation of the steps taken and document any necessary corrective action taken on the part of the facility. The inspector must track the necessary corrective action and ensure proper follow-up by facility staff and by the inspector.

2. Review

During the course of the review, if there is reason to believe the complaint/incident report involves physical or sexual abuse, a criminal act, or maltreatment of a vulnerable adult or minor, the inspector must refer the matter to the appropriate law enforcement agency or adult/child protection agency (see Procedure B.4.).

3. Response

Within a reasonable time frame upon receiving the complaint/incident report, the assigned inspector must review the complaint/incident report and determine whether to initiate further review.

a) If further action is necessary, the inspector must conduct the review and communicate written findings and recommendations to the parties involved within a reasonable time frame after completing the review. At an appropriate time during the course of the review, the inspector may also inform the involved facility that a review was initiated.

b) If no further action is necessary, the inspector must close the complaint/incident file and, as deemed necessary, send written notification of the decision to the complainant or reporting facility and relevant parties.

c) The inspector must keep regularly documented chronological reports on ongoing complaints, reviews, and outcomes in accordance with the Minnesota Government Data Practices Act.

4. Complaints/reports related to allegations of physical or sexual abuse, maltreatment, or criminal acts

a) IE unit staff receive and record the complaint into the DOC S^3 portal, determine the facility from where the complaint may have originated, and inform the inspector responsible for the facility within 24 hours, excluding holidays and weekends.

b) The inspector must immediately refer the matter to the appropriate local law enforcement agency and/or adult/child protection agency.

c) Pursuant to Minn. Stats. §§ 626.556 and 626.557, the appropriate law enforcement and/or adult/child protection agency investigates the allegations.

d) The DOC inspector must maintain periodic contact with the investigative authority and provide appropriate assistance as requested.

e) During the evaluation, the inspector may request/receive information from the investigative authority that would allow the inspector to make a determination if there are any violation of rules governing the involved facility. The inspector must also request the investigative authority to notify the DOC inspector of the final results upon conclusion of the investigation.

f) If there are rule violations, the inspector must evaluate the rule violations in coordination with the local law enforcement or protection agency.

g) The inspector must record data on the reported complaint report, review, and outcome in accordance with the Minnesota Government Data Practices Act.

INTERNAL CONTROLS:

A. Upon entry of incident/complaint activities into the DOC statewide supervision system (S^3) portal, the data entered is maintained and archived automatically. All written responses from the inspector are entered into the DOC S^3 portal, and are automatically maintained and archived within the DOC S^3 portal. All chronological notes and data are also maintained within the automated system.

ACA STANDARDS: None

REFERENCES: Minnesota Government Data Practices Act
Minn. Stat. §§241.021, 626.556, 626.557
Minn. Rules Chapters 2911, 2920, 2945, 2955, 2960, and 2965

REPLACES: Policy 600.210, "Review of Complaints, Critical/Special Incidents, and Deaths, 3/3/15.
All facility policies, memos, or other communications whether verbal, written, or transmitted by electronic means regarding this topic.

ATTACHMENTS: S^3 Special Incident Definitions (600.210F)

APPROVALS:
Deputy Commissioner, Community Services
Deputy Commissioner, Facility Services
Assistant Commissioner, Operations Support
Assistant Commissioner, Facility Services