

Unit Order #5

RISK MANAGEMENT BUREAU - UNIT ORDER



"Mitigate Loss & Control Liability"



SUBJECT: INMATE GRIEVANCES AGAINST STAFF PROTECTED UNDER PITCHESS

PURPOSE OF ORDER

The purpose of this directive is to establish defined guidelines regarding production of personnel records during an in-camera review subsequent to a Pitchess Motion. In addition to the personnel records identified within the Performance Recording and Monitoring System (PRMS), inmate grievances filed against staff will now be considered personnel records and protected under the Pitchess privilege. In Federal cases where Pitchess is not applicable, inmate complaints against staff will be included with the other personnel records obtained from PRMS and submitted under declaration.

SCOPE OF ORDER

All personnel assigned to, or working on a temporary basis at Risk Management Bureau.

ORDER

The Department has determined that inmate grievances classified as "Complaint Against Staff," that contain a deputy's name and employee number, or wherein the employee is identified, will now be tracked in the Custody Automated Reporting and Tracking System (CARTS) by the employee's name and employee number. This additional information will classify the grievances against staff as personnel records, as defined by 832.8 PC. Therefore, inmate grievances filed against staff that are categorized in the CARTS system by the employee's name and employee number will be disclosed during in-camera hearings, subsequent to a Pitchess Motion that has been granted. These "personnel records" will no longer be disclosed in response to a subpoena.

Custodian of Records assigned to the Risk Management Bureau Discovery Unit are tasked with the responsibility to contact Custody Support Services (CSS) prior to the in-camera hearing to obtain information regarding inmate grievances against employees. CSS staff will search or cause to be searched inmate grievances filed within the last five years to determine if any inmate grievances have been filed against the employees identified in the motion. The results of this search will be forwarded to the responsible custodian.

If inmate grievances against the named employee exist, a copy of the inmate grievance and the supporting inquiry will be made available to the custodian for production during the in-camera review. If no records exist, the custodian will be notified that a search was conducted and no records were discovered. If the search cannot be completed prior to the in-camera hearing, the custodian shall advise the judge of the circumstances, and the in-camera shall be continued.

Additional information regarding inmate complaints against staff is detailed in Custody Division Directive 12-003, dated July 25, 2012.

Any questions regarding this bulletin should be directed to the lieutenant overseeing the Discovery Unit at (323) 890-5000.
