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Grievance Mechanisms in State Correctional Institutions and Large-City Jails. GGD-77-63; B-171019. June 17, 1977. 2 pp. + appendix (6 pp.).

Report to Rep. Robert W. Kastenmeier, Chairman, House Committee on the Judiciary: Courts, Civil Liberties and the Administration of Justice Subcommittee; by Robert F. Keller, Deputy Comptroller General.

Issue Area: Law Enforcement and Crime Prevention: Treating Criminal Offenders (503).

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Congressional Relevance: House Committee on the Judiciary: Courts, Civil Liberties and the Administration of Justice Subcommittee; House Committee on the Judiciary; Senate Committee on the Judiciary.

Authority: H.R. 2439 (95th Cong.). H.R. 5791 (95th Cong.).

Information obtained on grievance mechanisms in State correctional institutions and several large-city jails related to the number and kind of institutions covered by mechanisms, type of mechanisms used, and the extent to which mechanisms incorporated design principles devised by the Center for Community Justice. Grievances may be expressed through either formal or ombudsman procedures. The principles developed by the center to serve as a basis for grievance mechanisms are (1) a broad range of issues, (2) universal access without reprisals, (3) written responses with reasons, (4) time limits, (5) inmate and staff participation, and (6) outside review.

Findings/Conclusions: Based on information obtained from officials in 50 states and the 20 largest cities, 43 states have formal inmate grievance mechanisms for adults and 23 for youth institutions. These mechanisms are available to 255,675 of 298,632 adult and youth inmates in State institutions. Of the correctional agencies serving the 20 largest cities, 12 had formal inmate grievance mechanisms for adults. Four of the 20 cities either did not provide information on youth or used State institutions for youths. Of the remaining 16, 11 had formal mechanism for youth. Most of the formal grievance procedures did not include outside review. Plans for implementation of grievance mechanisms were said by officials to exist in some of the other states and cities. The accuracy of information furnished was not verified. (Author/HTW)

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*REPORT OF THE
COMPTROLLER GENERAL
OF THE UNITED STATES*

Grievance Mechanisms In
State Correctional Institutions
And Large-City Jails



COMPTROLLER GENERAL OF THE UNITED STATES
WASHINGTON, D.C. 20548

B-171019

The Honorable Robert W. Kastenmeier
Chairman, Subcommittee on Courts,
Civil Liberties, and the Administration
of Justice
Committee on the Judiciary
House of Representatives

Dear Mr. Chairman:

Your Subcommittee requested that we obtain information on grievance mechanisms available to inmates in State correctional institutions and in several large-city jails. The information was requested to assist the Subcommittee in its deliberations on H.R. 2439 and H.R. 5791.

Specifically, the Subcommittee wanted to know:

- How many and what kind of institutions are covered by the mechanisms.
- What kind of mechanisms are used.
- The extent to which mechanisms incorporate the six design principles devised by the Center for Community Justice as a basis for developing grievance mechanisms in correctional institutions. These principles were developed by the center in a study for the National Institute of Law Enforcement and Criminal Justice of the Law Enforcement Assistance Administration.

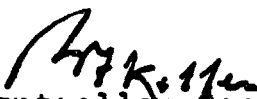
We called officials in the 50 States and in the Nation's 20 largest (population) cities and obtained the information requested. As agreed, because of the urgent need for the information, we did not verify its accuracy.

Of the 50 States, 43 have formal inmate grievance mechanisms for adults and 23 for youth institutions. These mechanisms are available to 255,675 of 298,632 adult and youth inmates in State institutions. Of the correctional agencies serving the 20 largest cities, 12 had formal inmate grievance mechanisms for adults. Four of the 20 largest cities either

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did not provide us with information on youth or used State institutions for sentenced youths. Of the remaining 16, 11 had formal grievance mechanisms for youth. These matters are discussed in detail in the appendix.

Sincerely yours,


DEPUTY Comptroller General
of the United States

GRIEVANCE MECHANISMS IN STATE CORRECTIONAL
INSTITUTIONS AND SELECTED CITY JAILS

INTRODUCTION

A grievance mechanism is an administrative--as opposed to legislative or judicial--means through which inmates may express and resolve their grievances. Reasons for establishing grievance mechanisms in correctional institutions include

- promoting justice and fairness,
- providing opportunities for all inmates to voice grievances and receive official responses,
- reducing the amount of litigation,
- aiding management in identifying institutional problems,
- reducing inmate frustration,
- aiding inmate rehabilitation, and
- reducing violence.

There are two generally used mechanisms through which inmates may express grievances--formal grievance procedures and ombudsmen.

Formal grievance procedures

Within correctional institutions formal grievance procedures involve a multilevel appeal process. Usually at the institutional level, an administrator reviews the grievance and recommends actions to the superintendent/warden. If the grievant is dissatisfied with the response, he can appeal the decision to higher levels, ordinarily within the corrections department. In some instances, the grievant may appeal to an external third party, such as an arbitrator or a commission, which advises the superintendent/warden.

Ombudsman procedures

A government ombudsman is an official responsible for receiving and investigating complaints made by individuals against abuses or capricious acts of public officials. The ombudsman may be placed within or outside a correctional

agency and may handle either a broad range of grievances or only inmate grievances.

DESIGN PRINCIPLES FOR GRIEVANCE MECHANISMS

The Center for Community Justice ^{1/} developed six design principles which it felt provided a basis for developing grievance mechanisms for correctional institutions. These principles, published in September 1975 from a study for the National Institute of Law Enforcement and Criminal Justice, are (1) a broad range of issues, (2) universal access without reprisals, (3) written responses with reasons, (4) time limits, (5) inmate and staff participation, and (6) outside review.

The principles are used in training workshops on grievance mechanisms and are available to others desiring to establish or improve existing mechanisms. The center's rationale for advocating each of the six principles follows.

Applicable to broad range of issues

The mechanism must be applicable to as broad a range of issues as possible. Any design that restricts the definitions of a grievance must also include a provision for challenging application of the definition in a specific instance.

Available to all inmates with guarantees against reprisals

All inmates must have access to the mechanism with guarantees against reprisals. For example, the center recommends that no record of the grievance be placed in the inmate's file, especially the one available to the parole board, because inmates fear that it might affect their chances for parole. In addition, the center said the administrator should prevent harassment of inmates who use the system.

Guaranteed written responses with reasons

The procedure should guarantee written responses to all grievances, and reasons for the responses should be provided.

^{1/}The center is a nonprofit organization and has both research and operational experience in grievance mechanisms.

Only in this way can a grievant know the basis for the decisions and whether an appeal is warranted.

Enforceable time limits with emergency provisions

Brief, enforceable, and realistic time limits are essential at every level in the grievance process because they force all parties to act expeditiously in resolving complaints. If a response at one level is delayed beyond the time limit, a grievance should automatically be forwarded to the next level, unless the grievant has given his written consent to an extension. These limits must apply to both the making and implementing of decisions.

Procedures must also have special provisions for handling emergency grievances.

Inmate and staff participation

Inmates and line staff must participate in the design and operation of a grievance mechanism in order for them to have a vested interest in its success. This participatory approach enables people who must live with solutions to problems to have a role in developing the solutions. Inmate participation makes it less threatening for other inmates to submit legitimate grievances.

Outside review

A grievance procedure must include some form of independent review, that is, a review by a person or an agency independent of the correctional institution. Objective reviews of complaints by impartial outsiders are vital to the establishment of a procedure that is credible to inmates. It is not necessary that the opinion of the outsider be binding on correctional administrators for the procedure to be effective but that the review be independent and fair and that there be the goodwill of the administrators of correctional systems.

INFORMATION ON INMATE GRIEVANCE MECHANISMS IN USE

According to officials we contacted in the 50 States and the 20 largest cities, 43 States have formal grievance mechanisms for adults and 23 for youth institutions. Of the correctional agencies serving the 20 largest cities, 12 had formal inmate grievance mechanisms for adults and 11 for youth

institutions. These officials provided us with the information in the following table on the

- number and kinds of institutions covered by the mechanisms,
- kind of mechanisms used, and
- the extent to which mechanisms incorporate the six design principles devised by the center.

Inmate Population Served With
a Formal Inmate Grievance Mechanism
in State and
Large-City Correctional Institutions (note a)

<u>Type of institution</u>	<u>Institutions</u>		<u>Population</u>		<u>Percent of total with mechanism</u>
	<u>Total</u>	<u>With mechanism</u>	<u>Total</u>	<u>With mechanism</u>	
States:					
Adult	594	522	252,292	229,697	91
Youth	613	412	46,340	25,978	56
20 largest cities:					
Adult	72	39	40,678	20,404	50
Youth (note b)	41	32	4,653	4,207	90

a/Population and institution data provided by State and city officials. We did not verify this data.

b/The data was obtained from 16 cities. Two cities did not provide us with information and two cities used State institutions for sentenced youth.

Types of Formal Grievance Mechanisms Used (note a)

	Formal grievance procedure		Ombudsman		Total
	Without outside review	With outside review	External	Internal	
	States:				
Adult	26	11	5	1	<u>b/43</u>
Youth	13	6	3	1	<u>c/23</u>
20 largest cities:					
Adult	7	3	1	1	<u>d/12</u>
Youth	8	3	-	-	<u>e/11</u>

a/Data provided by State and city officials. We did not verify this data.

b/Four additional States plan to implement a grievance mechanism. Officials in three other States said they did not plan to implement a grievance mechanism.

c/Fifteen additional States plan to implement a grievance mechanism. Officials in 12 other States said they did not plan to implement a grievance mechanism.

d/Seven additional cities plan to implement a grievance mechanism. An official in one other city said he did not plan to implement a grievance mechanism.

e/Officials in five other cities said they did not plan to implement a grievance mechanism. Four cities either did not provide information or they placed sentenced youth in State institutions.

Design Principles Used
In Formal Grievance Procedures
And By Ombudsmen (note a)

	<u>Formal grievance procedure (note b)</u>				<u>Ombudsman (note b)</u>			
	<u>State</u>		<u>City</u>		<u>State</u>		<u>City</u>	
	<u>Adult</u>	<u>Youth</u>	<u>Adult</u>	<u>Youth</u>	<u>Adult</u>	<u>Youth</u>	<u>Adult</u>	<u>Youth</u>
Total number of grievance mechanisms	<u>37</u>	<u>19</u>	<u>10</u>	<u>11</u>	<u>6</u>	<u>4</u>	<u>2</u>	<u>0</u>
Principles contained in mechanisms:								
Broad range of issues	36	19	10	11	6	4	2	0
Access:								
Available to all inmates	37	19	10	11	6	4	0	0
Assurance against reprisal (written or other)	37	19	10	11	6	4	2	0
Response:								
Written	33	15	2	5	6	3	0	0
With reasons	33	15	2	5	6	3	0	0
Time limits:								
Time limits at all levels	<u>c/23</u>	<u>d/8</u>	<u>e/0</u>	<u>e/5</u>	<u>e/1</u>	<u>e/0</u>	0	0
Emergency provisions	9	6	7	4	3	2	1	0
Participation:								
Inmate participation in design	5	7	0	2	2	0	0	0
Staff participation in design	20	11	5	5	2	1	0	0
Inmate participation in resolution	7	2	0	0	0	0	0	0
Staff participation in resolution	16	11	3	6	0	0	0	0
Independent outside review	11	6	3	3	5	3	1	0

a/Based on information provided by State and city officials. We did not verify this data.

b/Includes mechanisms having internal or external review.

c/Six additional mechanisms had time limits at all levels except the independent outside review level.

d/Two additional mechanisms had time limits at all levels except the independent outside review level.

e/One additional mechanism had time limits at all levels except the independent outside review level.