
JAIL BULLETIN

NUMBER 28

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The Jail Bulletin is a monthly feature of the Crime Commission Update. The Bulletin may be used as a supplement to your jail in-service training program if officers study the material and complete the attached "open book" quiz. The Bulletin and quiz may be reproduced for use by your staff. We welcome any jail training materials you would like to contribute to the Bulletin.

CONDUCTING INMATE GRIEVANCE HEARINGS

Part II - Structure of the Grievance Process

Sheriffs and administrators of jails and short-term detention facilities operate under considerable time constraints in the processing and resolution of inmate grievances. Jails and local lockups have, for the most part, extremely transient populations which have no vested interest in promoting long-term stability within the institution. Therefore, immediate solutions generally are demanded for various complaints and grievances. Unlike the long-term prison where the inmates' presence is guaranteed for a reasonable time period, jails must respond quickly and appropriately to the grievance process.

The responsibilities of first-line supervisors in the formal or informal grievance process must be governed by specific operational procedures for maximum effectiveness. The jail administrator must clearly define the grievance process through written policy and procedure in order for supervisors to implement it effectively.

Generally, most jails and short-term detention facilities have a three-step process for the resolution of inmate grievances. The administrator usually appoints a staff person as "grievance coordinator." He is responsible for receiving and investigating grievances, recording and initialing all decisions. If inmates are dissatisfied with the initial response to a filed grievance, under this process they can appeal to the warden or facility commander and ultimately to the sheriff.

Informal Grievance Process

The "grievance coordinator" usually is a supervisor who is responsible for day-to-day operations and who has extensive contact with the inmate population. The "grievance coordinator" must have extensive knowledge of all aspects of institutional operations and have the authority to initiate investigations and recommend changes. The "grievance coordinator" is extremely crucial to the overall grievance process. His ability to function effectively can add credibility to the total process. When the jail has an effective "grievance coordinator" assigned to handle complaints, inmates are encouraged to bring problems to the attention of staff through this informal process. This enables the administration to clear-up frivolous or routine complaints without tying up a lot of staff time.

Case Study 1:

Inmate Larry Michaels had been in the Boondock County Jail for two weeks awaiting trial on armed robbery charges. During his confinement inmate Michaels was being held in administrative segregation as an escape risk due to a previous charge of "escape" from a minimum security facility in another state. Records indicated that the old charge was still open. Inmate Michaels complained that he was being unjustly confined as an "escape risk" because the old charge was in error. Michaels said he had been released for a funeral furlough and was five hours late returning due to a snow storm. The charge was routinely filed and never removed. Lt. Dan Johnson, the jail's "grievance coordinator," checked Michaels' story through central records. The other state was notified and officials there verified inmate Michaels' story. Michaels was then released from administrative segregation and his name was removed from the special handling roster.

The resolution of complaints through an informal grievance process enables the correctional staff to avoid extensive investigations and encourages prompt and fair disposition of minor situations.

Formal Grievance Process

The formal grievance process begins when an inmate fills out the necessary forms and seeks corrective action regarding some aspect of confinement. Correctional supervisors should have a standard form available to expedite processing (see Figure 1 for an example of a standard grievance form). However, a valid grievance exists whenever a request is received from an inmate, even if it is not on a standard form. The supervisor or grievance coordinator should log the grievance with the following information: date, name and number of inmate, subject of complaint, and disposition.

**PINELLAS COUNTY CORRECTIONS BUREAU
REQUEST FOR ADMINISTRATIVE REMEDY**

To: Shift Commanders

From: Last Name, First, Middle Initial Cell No. Institution

<u>Part A - Inmate Request</u>	
Date	Signature of Requestor

<u>Part B - Response</u>		
Date	Signature of Employee Investigating	Shift Commander

ATTACHMENT D

<u>Part C - Receipt</u>		
Return to: _____		
Last Name, First, Middle Initial	Cell No.	Institution
I acknowledge receipt this date of a complaint from the above inmate		
in regard to the following subject: _____		
Date	Recipient's Signature (Staff Member)	

INSTRUCTIONS TO INMATE:

- (1) Request form from Officer.
- (2) Fill out form completely
- (3) Turn form back to Floor Officer and request receipt.

FIGURE 1

The standard grievance form should be designed to allow for the inmate complaint and the grievance coordinator's response on the same sheet of paper in order to expedite processing. In addition, the standard form should allow for a routine appeal to the next level of command if the inmate so desires. The grievance coordinator should retain sufficient copies of the form for future reference. It is also important that the inmate sign a receipt acknowledging acceptance of the processed grievance. If a standard form is used, any complaint received which is not written on the form itself should be attached to a copy of the form and processed accordingly. This is important because inmates can write to elected officials, judges, attorneys, and public administrators to express dissatisfaction with various aspects of their confinement. When this occurs, jail officials should handle the complaint as a formal grievance even though it did not come directly from the inmate. An indirect formal grievance is depicted in Case Study 2.

Case Study 2:

Inmate Calvin Tucker was dissatisfied with the medical treatment he was receiving for a hernia while confined in the Big Sky County Jail. Tucker wanted the medical staff to operate on him and remove the hernia. Dr. Hawkeye Butcher, chief of the medical staff, felt that an operation was not necessary and that inmate Tucker's problem could be controlled through medication. Tucker was awaiting trial on armed robbery and attempted murder charges. Angry that his request for surgery was being denied, Tucker wrote to the judge of record and said he was in severe pain. Because of the pain, he argued that he was unable to prepare properly for his defense. He also stated that he had been denied proper medical care and any conviction he received would be appealed on those grounds. Judge John Paul Justice summoned Jail Administrator Susan O'Connell to his chambers, presented the letter from inmate Tucker to her, and requested an investigation with a response within 24 hours. Jail Administrator O'Connell asked Lt. Enrico Macaroni, Grievance Coordinator, to initiate an investigation. Lt. Macaroni's first step was to attach a copy of the letter inmate Tucker sent to Judge Justice to the standard grievance form. He then gave Tucker a receipt. Lt. Macaroni next interviewed Dr. Butcher and his assistants and examined inmate Tucker's file in the medical unit. The investigation revealed that Tucker was not telling the truth. . . he had received documented medical care and another physician whom Dr. Butcher had called in to examine Tucker agreed with the initial diagnosis that surgery was not necessary. Lt. Macaroni prepared a report for Judge Justice. A copy was sent to inmate Tucker on a grievance form.

Types of Problems Processed

The jail supervisor should permit an inmate to complain about any aspect of incarceration. Certainly, many of the complaints will be routine or frivolous. However, it is more desirable that a formal process be established to give inmates an opportunity to express concerns about problems they may have with their conditions of confinement. If you don't let the inmates tell YOU about their problems, rest assured they will tell the local media or the American Civil Liberties Union (ACLU).

The jail supervisor will handle a wide range of complaints and grievances from inmates which may include, but not be restricted to, the following:

- Medical Care;
- Disciplinary decisions;
- Food services;
- Maintenance problems;
- Leisure time programs and activities;
- Policy and procedure;
- Staff behavior;
- Classification decisions;
- Other inmates;
- Judicial system;

Program or educational opportunities;
Visitation;
Bond-out procedures;
Property complaints;
Overcrowding;
Personal problems;
Good time;
Legal issues; and
Religious issues.

Processing Time

The jail supervisor can add credibility to the grievance process by responding to each inmate's formal complaint in a reasonable period of time. A policy establishing time limits for the resolution of grievances encourages internal problem-solving, rather than having inmates appeal for help to outsiders, such as the media and the ACLU. Additionally, it offers the jail administration a means for continuous review of administrative policy and decisions. And, there is another important benefit for the jail administrators. Such a policy provides a means of acquiring written documentation of an incident for possible subsequent suits which may be filed in court by inmates.

When the jail supervisor receives a complaint or grievance, a process should be set in motion automatically. This process may include the following steps:

1. Properly log and document the grievance.
2. Discuss the issue with the inmate for clarity.
3. Determine if additional staff members, inmates, or others should be interviewed.
4. Conduct a necessary document/report review to support the decision.
5. Notify proper officials that a grievance investigation is in process. This can usually be handled through routine logging procedures if the complaint is not of an urgent nature.
6. If the grievance is a medical emergency or of a life-threatening nature, take immediate corrective action.
7. Make certain that all pertinent information has been gathered.
8. Formulate a conclusion based on the accumulated evidence.

The jail supervisor should make every effort to resolve most grievances within a time frame of three to seven days. The only extensions would be for matters requiring a legal opinion or additional medical tests which have to be scheduled with a specialist. In these cases the inmate should be advised in writing why the delay is necessary. When the complaint is of an emergency nature and threatens an inmate's immediate health or welfare, then a reply **must** be made as soon as possible and within 48 hours of receipt of the complaint.

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QUIZ

Nebraska Jail Standards require that jail staff receive eighteen (18) hours of in-service training each year. The Jail Bulletin may be used to supplement in-service training if an officer studies the Bulletin, completes the quiz, and this process is documented by the jail administrator for review during annual jail inspection.

SUBJECT: CONDUCTING INMATE GRIEVANCE
HEARINGS (PART II)

NAME _____

DATE _____

1. An inmate complaint made to elected officials, judges, attorneys, or public administrators should be treated as a(n) _____ grievance by jail officials.
 - A. Informal
 - B. Formal

2. Inmates should be able to complain about any aspect of incarceration.
_____ TRUE _____ FALSE

3. _____ can be added to the grievance process by responding to each inmate's formal complaint in a reasonable period of time.

4. Most jail grievances should be resolved within _____ to _____ days.

CREDIT: 1/2 HOUR CREDIT FOR JAIL IN-SERVICE TRAINING REQUIREMENT.

ANSWER SHEET SHOULD BE RETAINED BY JAIL ADMINISTRATOR

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2. Inmates should be able to complain about any aspect of incarceration.
 TRUE FALSE

3. CREDIBILITY can be added to the grievance process by responding to each inmate's formal complaint in a reasonable period of time.

4. Most jail grievances should be resolved within 3 to 7 days.

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