
JAIL BULLETIN

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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 III - Organizing the Grievance Board Hearing

The concept of a grievance board can be extremely appealing to jails and short-term detention facilities because it places responsibility for the disposition with a committee of people rather than with the grievance coordinator or jail supervisor alone. The organization of a grievance board is very important; the board should be representative of the entire correctional operation, in so far as is possible. The recommended composition of a jail's grievance board is:

1. The grievance coordinator or a jail supervisor functioning as chairperson;
2. A correctional officer; and
3. A non-security staff person, i.e., a social worker, educator, chaplain, or medical officer.

The chairperson should be responsible for information gathering, scheduling of witnesses, fact-finding, and recording the minutes of the hearings, as well as the board's decisions. The hearings should be conducted on a regularly scheduled basis or whenever necessary, depending upon the amount of complaints which inmates file.

In some jurisdictions citizens in the community are asked to participate, along with staff members. A mixed citizen/staff board allows for opposing points of view and provides an unbiased assessment of the inmate's complaints during the hearing process, it has been argued. But there are problems involved with citizen participation including the fact that citizens who have full-time jobs may not always be available for scheduled hearings; in such cases, the frequency with which hearings are conducted may make the utilization of professional staff more realistic.

The board should have the authority to hear grievances and make decisions regarding disposition of the complaints. However, the board can also advise the jail administrator about other matters arising from the hearings, such as:

1. The clarification of ambiguous policies and procedures;
2. Review of internal procedures;
3. Suggestions for improving relations between inmates and staff members;
4. New program ideas that may reduce inmate tensions and frustrations;
5. Suggestions for more open communication;
6. Improving minority or race relations;
7. Correctional officer training needs;
8. Programs and services for special management inmates; or
9. Trends in inmate behavior.

A sincere effort by the grievance board could substantially contribute to improving the overall management of the inmate population. In an era of jail overcrowding, hostage situations, violence, and inmate rebellion, an atmosphere that promotes "fair play" does much to prevent these types of situations.

APPEALS PROCESS

The jail supervisor's responsibility to the grievance process does not end at the conclusion of the initial response to a formal complaint. One of the most significant aspects of a formal grievance mechanism is the appeals process. This process enables the inmate to disagree with the jail supervisor's disposition and seek redress at a higher administrative level, usually the jail administrator or sheriff. The jail supervisor should be responsible for processing the appeal to a higher authority. This process should take place within a reasonable period of time after the initial grievance has been filed and should include copies of the original complaint and response. If an inmate complaint is of a sensitive nature and possible repercussions are feared, then a direct appeal to the jail administrator should be permitted. However, in routine cases, the jail supervisor should be responsible for processing, monitoring, and recording the appeals of grievances.

The significance of the appeals process cannot be understated. As long as inmates are confident that jail officials will permit them to file complaints or grievances, then the probability of law suits and complaints to outside groups, such as the media and the ACLU will be reduced.

Case Study 4:

Inmate Steven Gibson was confined in the Turkey County jail on bad check charges. He was regarded as a jailhouse lawyer and spent a great deal of time in the law library. Last week Gibson filed a grievance because no typewriters were available for inmate use. He cited, "hindered access to the U.S. Supreme Court." Grievance Coordinator Mary Kay Feathers denied inmate Gibson's request on the basis of: (1) lack of funds, and (2) a

manual typewriter is available for inmate use even though it needs to be repaired. Inmate Gibson appealed to Sheriff Gary Gobble, who consulted with Turkey County's legal offices, Bob Whiplash. Attorney Whiplash said that typewriters should be available to inmates and a lack of funds is no excuse. He also advised that typewriters could be purchased through the inmate welfare fund.

ALTERNATE COMPLAINT CHANNELS

In addition to the grievance mechanisms described earlier in this chapter, there are several alternative methods which jail inmates use to voice their complaints. Among the most common channels are: inmate councils; judicial services; attorneys; public administrators and elected officials; the news media; and family, relatives, and friends.

Inmate Councils

The inmate council is a representative body of inmates chosen by inmate peers. Such councils generally meet on a regular basis to discuss jail concerns and problems under the chairmanship of a jail supervisor. The inmate council can be a valuable forum for orderly discussion of jail problems and concerns.

Judicial Services

Various judicial systems have mandated that inmates be given access to the courts in matters affecting their cases. The courts can be an important resource to help the jail supervisor measure internal tension and frustration. For this reason, it is recommended that the jail administrative staff establish positive working relationships with judges and court administrators for routine feedback on potential problem areas.

Attorney's Legal Services

Attorneys representing inmates in pending trials are primarily concerned with the criminal aspects of a case and not with the internal operations of a jail. However, inmates routinely express dissatisfaction regarding their confinement to their attorneys. Generally, the complaints concern staff misconduct or personal safety. If a jail is maintaining a credible complaint/grievance mechanism, then attorneys may willingly refer most complaints to the jail administrator for investigation before considering any legal action.

Public Administrators/Elected Officials

In most jurisdictions inmates are able to write to public administrators and elected officials without censorship. Because of this, jail administrators should make public officials aware of the jail's complaint/grievance mechanism and encourage immediate contact if the public officials receive a complaint from an inmate. Elected or public officials who are most likely to receive correspondence from inmates regarding some aspect of jail operations would be members of congress, state legislators, the governor, county commissioners or supervisors, city council members, and administrators of human services agencies.

News Media

The news media's interest in jail operations is continuous and on-going. As long as jails have the potential for providing a story that may be of interest to the public, then the news media will closely scrutinize all aspects of jail operations. Perhaps inmate complaints are foremost among the interest of news reporters since journalism thrives on controversy. As with public officials, jail administrators should endeavor to inform the area's media representatives that a complaint/grievance mechanism exists and jail officials will investigate the complaints which inmates have sent to the media. Jail officials should also provide newspaper editors and radio/television station news directors with copies of the following policies:

1. The written policy which governs all facets of inmate complaints or grievances.
2. The written directions for staff and inmates for the processing of complaints and grievances.
3. The written policy which strongly encourages inmates to exhaust internal grievance procedures before seeking external intervention.
4. The written policy governing the process of investigation for correctional officer misconduct.

Family and Friends

When an inmate enters a jail, his immediate supervisors on the staff will be flooded with questions from his family and loved ones. Family members and friends can be an extremely valuable resource for jail supervisors in helping to prevent escapes, suicides, sexual assaults, and improper classification. On the other hand, they also can be a source of aggravation and manipulation. If the jail supervisor establishes proper communications with the families and friends of inmates, these citizens can provide the supervisor with a continuous flow of information about problems involving jail operations. This information may or may not be meritorious, but it is worth receiving in the long run--sometimes an inmate's family members or friends will alert you to problems which, if they are not solved, could result in lawsuits. But, because of the large volume of complaints from families and friends of inmates, it is not recommended that each complaint be sent through a formal grievance process. However, the jail supervisor should have an objective screening process so that each complaint from family members, friends, or relatives can be evaluated on its individual merits.

CRIPA

In order for a complaint/grievance system to be effective, it must have the cooperation of jail employees and the trust of inmates. One way of guaranteeing that this will be accomplished is through an effective training program. Staff members must learn what is expected of them in the complaint/grievance process and how they should explain the mechanics of the process to inmates. Training should include necessary skills, such as methods of investigation, meditation techniques, record-keeping procedures, and the appeals process.

The basic mission of any jail supervisor is to provide for the safe and secure operation of a corrections or detention facility. This entails a wide variety of responsibilities which are overlapping and interconnected. However, it is apparent that the issue of constitutional standards and inmate rights permeates all aspects of correctional operations. With passage of the Civil Rights of Institutionalized Persons Act (CRIPA), 42 U.S.C., Congress in 1980 lent its support to "encouraging the development and implementation of administrative mechanisms for the resolution of prisoner grievances within the institutions."

The jail supervisor should keep in mind that from the perspective of the inmate litigation is seldom an effective or viable means of redress. Despite the fact that correctional systems in the United States are swamped with court orders regarding conditions of confinement, more than 95% of inmate lawsuits are disposed of by summary judgment or motion to dismiss. Therefore, it is clearly in the best interest of everyone for jails to operate an effective inmate complaint/grievance program.

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Authors.

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 III)

NAME _____

DATE _____

1. What is the recommended composition for a Jail Grievance Board?
 - a. _____
 - b. _____
 - c. _____
2. A mixed citizen/staff grievance board allows for opposing points of view and provides an _____ assessment of the inmate's complaint, it has been argued.
3. As long as inmates are confident that jail officials will permit them to file complaints or grievances: (Circle the correct answer)
 - a. They will continue to file frivolous grievances to harass the staff.
 - b. Then the probability of lawsuits and complaints to outside groups will be reduced.
 - c. They will adhere to the theory that if it walks like a duck, looks like a duck and quacks like a duck, it must be a duck.
4. What federal law encourages the development and implementation of administrative mechanisms for the resolution of prisoner grievances within institutions?

5. List the most common alternate complaint channels for inmates.
 - a. _____
 - b. _____
 - c. _____
 - d. _____
 - e. _____
 - f. _____

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

ANSWER SHEET SHOULD BE RETAINED BY JAIL ADMINISTRATOR

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SUBJECT: CONDUCTING INMATE GRIEVANCE
HEARINGS (PART III)

NAME _____

DATE _____

1. What is the recommended composition for a Jail Grievance Board?
 - a. GRIEVANCE COORDINATOR OR JAIL SUPERVISOR
 - b. CORRECTIONAL OFFICER
 - c. NON-SECURITY STAFF PERSON
2. A mixed citizen/staff grievance board allows for opposing points of view and provides an UNBIASED assessment of the inmate's complaint, it has been argued.
3. As long as inmates are confident that jail officials will permit them to file complaints or grievances: (Circle the correct answer)
 - a. They will continue to file frivolous grievances to harass the staff.
 - b. Then the probability of lawsuits and complaints to outside groups will be reduced.
 - c. They will adhere to the theory that if it walks like a duck, looks like a duck and quacks like a duck, it must be a duck.
4. What federal law encourages the development and implementation of administrative mechanisms for the resolution of prisoner grievances within institutions?

CIVIL RIGHTS OF INSTITUTIONALIZED PERSONS ACT

5. List the most common alternate complaint channels for inmates.
 - a. INMATE COUNCILS
 - b. JUDICIAL SERVICES
 - c. ATTORNEYS
 - d. PUBLIC ADMINISTRATORS AND ELECTED OFFICIALS
 - e. NEWS MEDIA
 - f. FAMILY AND FRIENDS

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

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