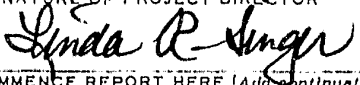
 U. S. DEPARTMENT OF JUSTICE LAW ENFORCEMENT ASSISTANCE ADMINISTRATION		DISCRETIONARY GRANT PROGRESS REPORT		
GRANTEE Center for Community Justice		LEAA GRANT NO. 77-ED-99-0009	DATE OF REPORT 4/15/79	REPORT NO. 7 (Final)
IMPLEMENTING SUBGRANTEE Center for Community Justice 918 Sixteenth St., N.W. #503 Washington, D.C. 20006		TYPE OF REPORT <input type="checkbox"/> REGULAR <input type="checkbox"/> SPECIAL REQUEST <input checked="" type="checkbox"/> FINAL REPORT		
SHORT TITLE OF PROJECT    Prevention and Control of Conflict in Corrections		GRANT AMOUNT		
REPORT IS SUBMITTED FOR THE PERIOD    1 Feb. 1976		THROUGH    31 December 1978		
SIGNATURE OF PROJECT DIRECTOR 		TYPED NAME & TITLE OF PROJECT DIRECTOR Linda R. Singer, Executive Director		
COMMENCE REPORT HERE (Add continuation pages as required.)				
See Section I Attached				
RECEIVED BY GRANTEE STATE PLANNING AGENCY (Official)				DATE

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SECTION I  
INTRODUCTION

ACQUISITIONS

In October 1975, the Center for Community Justice (CCJ) received a grant from the LEAA to aid in the development of model methods of resolving disputes in correctional institutions in four states. Six principles developed by the Center in previous work with the California Youth Authority (CYA) formed the foundation of the program. The principles include:

- ° Access for all inmates with guarantees against reprisals;
- ° Inmate and line staff participation in design and operation;
- ° Written responses, with reasons, to all grievances;
- ° Reasonable time limits at all levels, with provisions for emergencies;
- ° Outside review;
- ° Broad jurisdiction for the procedure, with disputes over what is grievable submitted to the mechanism itself.

The premise of a grievance procedure is that by providing inmates with a formal avenue for challenging departmental and institutional policies and creating a forum in

which individual actions of staff and other inmates can be reviewed, institutional violence and litigation will decrease. The procedures apply the techniques of mediation and conciliation and are designed to achieve the resolution of problems through the cooperative efforts of staff and inmates.

The Center's experience with the California Youth Authority prior to the LEAA grant had produced substantial evidence that a grievance procedure founded on the principles of inmate/staff participation and outside review could fairly and efficiently resolve a large number of institutional and departmental problems. Perhaps more importantly, imprisoned wards (inmates) believed the California procedure was just.

Based on the CYA experience, the Center proposed that LEAA fund a project designed "to recruit citizen volunteers and train them to play key roles in programs designed to prevent and reduce conflict in correctional institutions and agencies." During the past 3 1/4 years this goal has been achieved.

In two of the project states, California and New York, the project contributed to the development and passage of grievance procedure legislation.

Recently both the American Bar Association and the American Correctional Association issued standards for

effective grievance mechanisms based on principles developed and tested by the Center. In addition, the Center's principles served as guideposts to measure the progress of state and local correctional facilities in a report by the Comptroller General of the United States to the Subcommittee on Courts, Civil Liberties, and the Administration of Justice of the House Committee on the Judiciary.

The project has demonstrated the efficacy of alternative forms of dispute resolution within a correctional setting. It is fair to say that inmates in the project states today enjoy a greater measure of justice because of the implementation of grievance procedures. For those interested in the field of dispute resolution, the project represents a significant advance in the state of the art.

## SECTION II

### SUMMARY

In the first year of the grant, the Center for Community Justice sought and received approval from administrators in four states to design and implement model inmate grievance procedures.<sup>1</sup> The key principles forming the framework for the procedures are participation and outside review.

Within each of the project states a pilot institution or parole office was identified and a procedure designed and implemented. In three of the four states, evaluation of the pilot projects led to expansion of the procedures to other institutions or offices. In the fourth state, Colorado, the experimental project was temporarily discontinued along with all other prison activities, when inmates at the pilot institution, the Colorado State Penitentiary, were confined to their cells by order of the governor.

Exchange of information between project states was stressed throughout the project. The Center began the second project

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<sup>1</sup> The original four jurisdictions that provided a regional mix were the adult correctional systems in New York, South Carolina, and Colorado, and the California Youth Authority. Work in the three adult systems concentrated on developing grievance systems for institutional settings. In California, where previous work had resulted in state-wide implementation of grievance procedures in institutions, emphasis was on developing effective monitoring systems and in developing effective grievance procedures for parolees.

year by sponsoring a conference for project states and the evaluation team. The three-day meeting provided an opportunity for officials from the different jurisdictions to meet and discuss common problems and potential solutions. Despite the fact that officials from one of the states (Colorado) did not attend, the conference was a success.

In three of the four original states the success of the pilot procedure allowed expansion of the program to other institutions. During the final 28 months<sup>2</sup> of the project the Center made intensive efforts to promote this expansion and prepare each state to monitor and evaluate its own program.

There was one major deviation from the assigned schedule of activities during the second year: the Center's substitution of the Kentucky Bureau of Corrections for the Colorado Division of Corrections. In Colorado departmental administrators decided that the Division of Corrections was not able to fulfill its commitment to the project and withdrew.

In Kentucky, therefore, the Center's efforts began some 12 months after the beginning of the project. Despite its late start, the Bureau of Corrections installed grievance procedures at three institutions and prepared plans for further

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<sup>2</sup> This period includes November 1977 through December 1978. The Center received several extensions of the original LEAA grant so that it could continue providing technical assistance through December 1978.

state-wide expansion.

Project models in each state, while similar, vary according to the structure of the state bureaucracy, political considerations, the extent of correctional officer labor activity and the condition of the state's corrections system, so that the applicability of the grievance procedures in varying correctional settings was well tested.

Throughout the project, the Center worked closely with the Institute for Mediation and Conflict Resolution(IMCR). In the first year of the grant IMCR was used primarily for the orientation and training of top and middle management in all four states. In the second year of the grant IMCR and Center staff worked closely to bolster the mediation skills of institutional grievance committees. CCJ staff continued to identify and develop training activities to prepare project states for the end of the grant, and to assist the sites in identifying technical assistance and training resources from outside the correctional systems.

The use of citizen volunteers has remained an exciting and important aspect of the grievance procedures. In Kentucky, members of the Young Lawyer's Section of the Kentucky State Bar Association have volunteered their time to participate in the program as outside reviewers and monitors. In New York, professional arbitrators continue to volunteer

their services. In South Carolina, volunteer citizens recruited and trained during the first year of the grant continue to provide the outside review level of the procedure. California has employed citizens as both monitors and outside reviewers for the ward grievance procedure.

Throughout the project, evaluation activities were conducted by the Community Conflict Resolution Program of the University of Missouri (CCRP). Following implementation of the procedure in each state, CCRP collected extensive follow-up data. Surveys were administered, grievance records examined and interviews conducted to measure the overall effectiveness and acceptance of the procedure. A copy of the final report is attached. Results indicate that the grievance procedures appear to have gained inmate, administrative and staff approval in addition to precipitating needed institutional and departmental changes.

This success has been noticed and appreciated by others interested in the peaceful resolution of prison conflict. The principles developed and tested by the Center have served as models for legislators, corrections officials and the legal profession in framing standards for prisons.

An account of the progress at each project site is contained in the following section.



SECTION III  
HISTORY AND DEVELOPMENT OF STATES

CALIFORNIA YOUTH AUTHORITY

The California Youth Authority provided the Center its first testing ground for the principles needed to design and implement an effective inmate grievance procedure. The Youth Authority houses 3,500 inmates, ranging from 13 to 25 years old. Although called wards, these offenders are not truants or runaways; many commitments are from the adult criminal courts.

The first ward grievance procedure in California, jointly designed by wards and staff with Center assistance, began its operation in March 1974 at the Karl Holton School in Stockton. Following a successful trial pilot at an additional institution, the Youth Training School in Ontario, the director of the Youth Authority decided to expand the procedure statewide. Each institution was asked to develop a specific design for a grievance procedure. A 13-month time period for careful implementation was provided.

Similar planning preceded the introduction of the procedure into parole units. In early 1976, after a feasibility study had been conducted, the procedure was carefully activated in all CYA parole regions.

The development of institutional and parole procedures

was carefully monitored by CYA. Following the design process each procedure was reviewed by the administration to ensure that the six design principles were incorporated. Also, at the outset of the procedure the director made a strong commitment to proper training and orientation. Middle management staff were provided with a comprehensive introduction to the basic concepts of conflict resolution and the use of mediation in solving problems. During the implementation phase, CCJ staff trained grievance committee members and clerks at each institution and parole unit and helped orient all wards and staff to the procedure.

Since their inception the CYA procedures have been quite active. Some of the issues included among the more than 18,000 grievances handled to date are:

- ° The wearing of personal and state-issued clothing;
- ° Censorship regulations;
- ° Hair and facial hair policy;
- ° Day pass procedure;
- ° Work and room assignments;
- ° Telephone calls; and
- ° Searching of personal property.

Although approximately 20% of the grievances have related to living unit, institutional or departmental policy, grievances about the application of rules and policies have

accounted for the majority of complaints since the procedure began. The proportion of the latter has increased somewhat over time; once the most unfair or outmoded rules have been changed there are fewer "targets" for policy grievances.

Much of the success of the procedure is based on the continuing effectiveness of ward/staff hearing committees. At this point, where staff and wards work jointly to reconcile differences, the process has the greatest impact on day-to-day institutional life. In the 1977 legislatively mandated evaluation of the CYA procedure by the American Arbitration Association, it was found that "grievance committees continue to successfully resolve, with no further appeal, more than two out of every three grievances which they hear. This indicates fairness."<sup>3</sup>

One of the problems encountered with the operation of the procedure within CYA institutions is the confusion that often occurs among wards between the grievance procedure and the disciplinary system (DDMS). The DDMS system is triggered by a staff member initiating action against a ward. The grievance mechanism is activated by a ward who wishes to com-

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<sup>3</sup> 1977 Annual Evaluation: California Youth Authority's Ward Grievance Procedure. American Arbitration Association, May 1978, Foreword.

plain about policies or their application by staff. Wards sometimes confuse what is appealable under DDMS with what is grievable under the grievance procedure.

There are two fundamental differences between these two procedures: the grievance mechanism provides for outside review and ward participation while DDMS does not. Policy revisions designed to eliminate the confusion have helped but have not solved the problem.

One of the unusual aspects of the CYA procedure is the structure of its outside review level. If the grievant disagrees with the superintendent or director, he or she can appeal to an independent review panel. The panel is tripartite: one member is selected by the inmate; one is selected by the superintendent or director; and the third, a professional arbitrator, is assigned by the American Arbitration Association. In 1976 the director of CYA mandated that the decision of the panel would be binding unless the decision (1) is in violation of law; (2) would result in physical danger to any person; (3) would require expenditure of funds not reasonably available; or (4) in the personal judgment of the director of the Youth Authority, implementation would be detrimental to the public or to the proper and effective accomplishment of the duties of the department. In no other jurisdiction has an administrator expressed such strong

support for the grievance procedure as a viable tool to review corrections departments' policies practices.

The monitoring system developed by CYA is a major underlying strength of the procedure. Information regarding types of grievances, dates filed, appeals, and dispositions are collected and analyzed by the Wards' Rights Section in the central office. Trends and patterns of strength or weakness are identified and reports sent to the various institutions and regional staff. The success of the CYA monitoring system was noted in 1977 by the United States General Accounting Office (GAO).<sup>4</sup> The GAO issued a report on the need for management information systems within state and federal prisons to monitor inmate grievance procedures. In the report, the GAO identifies the CYA system as a model to be followed by others.

Data from the Youth Authority indicate that the grievance procedure in parole is nearly dormant. Since it was implemented in the four regions in mid-1975 fewer than 50 grievances have been filed. Center staff feel that this underutilization may be due in large part to the fact that once wards get paroled they want as little as possible to

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<sup>4</sup> General Accounting Office: "Managers Need Comprehensive Systems for Assessing Effectiveness and Operation of Inmate Grievance Mechanisms," October 17, 1977.

do with the CYA. Center staff feel that the absence of a well articulated Parolee Bill of Rights also may be a problem.

As with most parole authorities, no clear statement exists which spells out entitlements of parolees. A great deal of discretion is left to parole staff in their relations with parolees. As a result parolees may fear that by using the grievance system, they will lose certain favors provided by parole agents. Until a clear statement is developed on the rights of parolees, this part of the CYA grievance procedure will continue to attract few complaints.

In September 1976, nearly 2½ years after the institution of the first pilot grievance project in California, Governor Brown signed legislation providing a statutory foundation for the CYA ward grievance procedure. By the time the legislation was framed the design principles had proven themselves successful as a framework for the development of grievance procedures. Equally important, sufficient time had been allowed for CYA administrators to carefully implement the procedures.

Included in the legislation was a requirement for an annual evaluation of the procedure by an independent agency. The first report analyzing operations in 1977 was issued in May 1978. The evaluation concluded that the ward grievance procedure, the first designed around the six principles,

"continues to provide a simple, accessible, expeditious system for handling ward complaints in a fair and equitable manner. It has stood the test of time as it is now in its fifth year of operation."<sup>5</sup>

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<sup>5</sup> Ibid

COLORADO DIVISION OF CORRECTIONS

In early October 1975, the newly appointed Director of the Colorado Division of Correctional Services, Gerald L. Agee, contacted the Center concerning the project. Mr. Agee and the Center agreed that Colorado would implement an experimental inmate grievance procedure.

As in other states, the Center provided department officials with an introduction to the basic concept of preventative conflict resolution. Early in December Center staff, together with Allen Breed, then Director of the California Youth Authority, met with key administrators from the Canon City Correctional Complex. Following the meeting, the Colorado Penitentiary, a maximum security institution for approximately 400 males with a history of violence and racial turbulence, was selected as the experimental institution.

In late March 1976 staff from the Center and IMCR conducted a 4-day seminar in dispute resolution and mediation for division staff.

One of the exciting possibilities for the project in Colorado was the use of citizens as outside reviewers. Shortly after the division committed itself to the project Center staff began the task of recruiting citizen volunteers



to work with the procedure. Interest was high and one Denver attorney offered to recruit people to be arbitrators and also to administer the procedure's outside review level.

Although the administration of the penitentiary expressed support for the project, design meetings were marked by apprehension on the part of inmate and staff members of the committee. Neither group believed that a grievance committee would be allowed to tackle controversial issues. The inmate group was further troubled by friction between the three major racial blocs; whites, hispanics, and blacks. Distrust continued to surface throughout the design process.

In an attempt to alleviate distrust of the procedure on the part of both the general inmate population and institutional staff, the Center arranged for a visit to Canon City by a team of inmates and staff with experience in correctional grievance procedures in other states. The team, which consisted of two ex-wards from the California Youth Authority and three correctional officers and one inmate from New York, spent an entire day at the penitentiary talking with inmates and staff.

Following a June 1976 training seminar conducted by Center and IMCR staff the procedure was implemented. An early monitoring visit produced mixed impressions. Although staff and inmate committee members were proving adept

at reaching reasonable solutions to problems, administration support for the procedure seemed tenuous. This situation troubled several committee members and Center staff.

Although the committee functioned quite well, the administrative levels of the procedure did not. The Superintendent responded to a number of grievances with answers so unspecific that it was unclear that members of the prison administration were to take follow-up action. In addition, the administration of the prison never made the security staff and inmate population available for proper orientation.

During an August monitoring visit by Center staff, both staff and inmate members of the committee agreed that the grievance procedure had not been given the necessary administrative support. Despite the lack of support, the institutional grievance committee, composed of three staff and three inmates, was operating well. At the time of the visit by Center staff, the committee had heard over one hundred cases. In only two of those grievances had the committee members failed to reach unanimous agreements on their recommendations.

The grievance committee at Canon City also successfully resolved a problem which has plagued the operation of similar procedures in other maximum security prisons: ensuring access to the committee by those inmates segregated from the population for disciplinary reasons. In Canon City, the grievance committee actually held hearings for those in disciplinary

segregation in the living unit where those inmates were confined. The officer in charge of that special housing unit welcomed the procedure, as the appearance of the committee and its resolution of problems eased the pressures he felt from inmates confined in the unit.

By September 1976 two problems had reached critical proportions. The first of these was that even after the first level grievance committee made a recommendation on a grievance, the necessary response from administrators was so vague as to be meaningless. Further, even in those cases in which the administrative response was definite in specifying an action to be taken, no one was directed to perform it, nor was a time specified for completing it.

Finally, implementation of decisions agreed to by the superintendent, or chief of the division, often did not take place. The division's monitoring effort was not effective enough to spot this defect.

All of these problems were ones that administrators in other jurisdictions had coped with successfully. The Center's analysis, which was shared with the superintendent at the time, was that the operational defects of the procedure could have been cured with no additional expenditure of division resources. The Center was willing to commit additional time for training and more intensive monitoring, if management was willing to provide the administrative support necessary for the success of the procedure.

Before the division and the Center could agree on steps to correct deficiencies in the operation of the procedure, a series of events took place which effectively suspended work. In mid-August a series of inmate versus inmate assaults occurred at Canon City. These assaults which apparently stemmed from drug transactions within the institution, so alarmed the governor of the state that he intervened directly in prison operations.

The grievance procedure was suspended along with all other institutional programs. All inmates in the institution, without exception, were confined to their cells 24 hours a day.

In early October the inmates were still confined to their cells. The Center was concerned that unilateral disruption of the procedure, only sixty days after it had begun, would shatter the fragile trust which had been developed in this short period. The inmates at Canon City had been the most distrustful of any with whom the Center had worked, and the decision to suspend operation of the procedure was sure to cause problems, perhaps insurmountable ones, once the general lock-up was ended.

The program suspensions and lock-up were particularly difficult to justify to both inmate and staff members of the grievance committee, since the original assaults were in no way connected with the operation of the procedure, or with

individual members of the committee. To make matters worse, the grievance procedure provided the only avenue available for relieving some of the tensions felt by both staff and inmates at the institution.

In April 1977, with inmates still in lock-up, Commissioner Agee decided that he would be unable to deliver on his commitment and withdrew from the project.

Even with hindsight it is impossible to know whether the grievance procedure could have been successfully reinstated at Canon City. Restoration would have required the inmate population at the penitentiary to resume participation in a program that had been unilaterally terminated by the administration. Whether the general lock-up had so disillusioned the inmate population that they would have refused to participate can only be conjectured.

Restoration of the procedure also would have required Colorado administrators to commit themselves to an effective grievance procedure and to make good that commitment. This they were unwilling to do.

The withdrawal of Colorado was a disappointment to the Center, and staff remain convinced that the grievance procedure could have been effective at resolving disputes at the penitentiary.

A redeeming aspect of the Colorado experience was the citizen component of the project. The procedure at Canon City operated long enough for one arbitration hearing to

be held, and for four additional hearings to be scheduled. The potential of this final level of review was graphically illustrated by the single arbitration award that was written. An excellent example of the arbitrator's art, the award cut through the mist of conjecture and supposition raised both by the grievant and by the administration. The arbitrator identified the core problem, analyzed it, and fashioned a remedy to which both inmates and staff could agree.

## KENTUCKY BUREAU OF CORRECTIONS

The center was approached in January of 1977 by officials of the Kentucky Bureau of Corrections, who asked for aid in their attempt to develop inmate grievance mechanisms in Kentucky. Following a meeting with department administrators, the Blackburn Correctional Institution was identified as the site for initial development of a pilot procedure.

The facility, a pre-release center housing 170 inmates, is a decentralized organization comprised of three individually managed units within one institution. Blackburn provided the Center with the opportunity to experiment with the development of multiple institutional hearing committees resolving problems within self-contained living units.

Another unique aspect of the Kentucky project has been the use of citizen volunteers both as outside reviewers and monitors for the procedure. The Young Lawyers' Section of the Kentucky Bar Association recruited members to sit as arbitrators for grievances appealed to the outside review level. In every case reviewed by the arbitrators the commissioner upheld the decision of the outside reviewer. This neutral oversight has precipitated substantial policy changes in several areas, including furlough eligibility and appearances before the parole board.

A plan is being developed to transfer the monitoring function, currently performed by Center staff, to members of the Kentucky Bar Association's Young Lawyer's Section and the Bureau's Ombudsman. The obligations of the new monitors will include regular site visits to state prisons for the purpose of evaluating responses to grievances, noting adherence to time limits, and assessing training orientation needs through interviews with staff and inmates.

The procedure at Blackburn continues to perform well, handling approximately 20 formal grievances a month. This is a small number by the standards of some institutions, but reflects Blackburn's small size and minimum security status.

The Center was anxious to test the procedure in more complex institutions in the Bureau. In November 1977 the Center's executive director and board chairman met with Commissioner Bland to review the pilot procedure and discuss the advantages and costs of proceeding further. Following this presentation, the decision was made to install grievance procedures throughout the Bureau.

The two institutions chosen for the initial expansion the Kentucky State Reformatory (KSR) and the Kentucky Correctional Institution for Women (KCIW) presented challenges not present at Blackburn.

Although operating under a management structure similar



to Blackburn, KSR is a medium-security institution housing over 1200 inmates. KCIW has a population of only 100 residents, but because it is the only institutional facility in the state for female offenders, its client population is diverse. In addition, an institutional behavior modification plan which permits a great deal of discretion in classifying residents had created an atmosphere of serious distrust among KCIW inmates.

The grievance procedure was implemented at the KSR honor unit, which houses 400 men, and at KCIW in April 1978. Expansion of the procedure throughout the entire institution at KSR was accomplished after a 60-day evaluation period in the honor unit.

The KCIW administration initially did not provide proper or sufficient support for the procedure. The Bureau's ombudsman, noting this deficiency, met with the warden and proposed changes. He believes--as does the Center--that administrative support for the grievance procedure at KCIW will increase.

The ombudsman was designated by the commissioner to coordinate the development of the procedure within the Bureau. His personal support for the grievance process coupled with his efforts in organizing design meetings, training seminars and outside review hearings has aided

the smooth implementation of the inmate grievance procedure in Kentucky.

Strong administrative support for the grievance process is evidenced by rapid expansion. Although work in Kentucky commenced considerably later than in the other jurisdictions, more than one-third of the Bureau's institutions have now implemented the procedure. This progress is also due to the use the Center was able to make of experiences accumulated in the other project states.

## NEW YORK

During the first year of the project the Center devoted a major proportion of its resources to New York. This was due to the fact that legislation, enacted in 1975, required all institutions under the jurisdiction of the state's department of correctional services to establish an inmate grievance procedure by early February 1976. Although supportive of the state's enthusiasm for inmate grievance procedures, Center staff feared that the brief legislatively-imposed time-table for state-wide implementation would create serious management and training difficulties.

The Center agreed to work directly with three maximum-security institutions for men, Attica, Great Meadow and Green Haven, and Bedford Hills, New York's principal institution for women. In addition, the Center would work closely with the Office of Inmate Grievances, newly created to administer the grievance system for the department.

The Center's activities during the first year concentrated on implementation of the procedure at the four facilities. In collaboration with the Institute for Mediation and Conflict Resolution, Center staff conducted training sessions for staff and inmates affiliated with the procedure. Also, training sessions were held in central locations for staff members from institutions other than those with which

the Center was working directly. Thereafter Center staff made regular visits to each institution to identify problems and suggest solutions.

During the design of the procedure the department insisted on requiring central office review of all grievances appealed beyond the institution, prior to outside review or review by the commissioner. In practice this requirement generated a separate level of review in the procedure, the Central Office Review Committee (CORC). The CORC, composed of the executive deputy commissioner, the deputy commissioners and the department's general counsel, proved to be a major impediment in the processing of grievances. The department was not prepared for the enormous influx of grievances when the procedure first began operation state-wide. Subsequent delays at CORC and the Commission of Correction level<sup>6</sup> of the procedure caused the morale of inmate and staff committee members--and grievants--to plummet.

These problems prompted the Center to pursue improvements

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<sup>6</sup> The Commission of Corrections, appointed by the governor, serves as the outside review component of the procedure. When a grievance reaches the Commission it may hear the matter itself and render an advisory opinion, or refer the grievance to a professional arbitrator who holds a hearing at the institution in question and writes an advisory award. The professional arbitrators are volunteers recruited originally by IMCR.

in the department's handling of grievances, besides continuing to monitor the four maximum-security prisons.

In November of 1976 Center staff visited the department's Office of Inmate Grievances to help plan a series of training sessions for grievance committee members from across the state, and to aid in streamlining the operation of the office.

The Center suggested that the training emphasize the necessity for grievance committees to document fully any recommendations for changes in policy. One of the most difficult notions for inmates and line staff to adjust to is that they can make meaningful comments on policy issues. Neither group was accustomed to being consulted about policy matters. As a result committee recommendations were often poorly documented or excessively timid.

In December 1976 Center staff participated in a two-day training session for committee members and grievance coordinators from six maximum-security institutions. The training was held at the Great Meadow facility.

The training session was not without difficulties. The committee members who attended took the opportunity provided by the session to vent their mounting frustration about the unresponsiveness of the higher levels of the grievance procedure at the director of the Office of Inmate

Grievances, who was present. Also, the training setting--50 people using an 1100-seat auditorium--precluded working with small groups in a more relaxed atmosphere.

The training session was valuable, however, in the opportunity it provided both staff and inmates to meet together and discuss common problems. The New York department is huge, housing some 20,000 inmates and employing nearly 4000 staff. The depersonalized atmosphere coupled with early management problems resulted in inefficiency, low morale, and poor communication between levels of the procedure. The seminar clearly served to provide the Office of Inmate Grievances with a dramatic first-hand picture of the state of the procedure in the large, maximum-security institutions. These positive effects encouraged the department to schedule other training sessions for staff and inmates from medium- and minimum-security prisons.

All this activity would be to no avail if the efficiency of the Office of Inmate Grievances was not improved. The office processes all paperwork for those grievances appealed (or referred) to the department level of the procedure (CORC). Besides receiving paperwork and placing grievances on a docket for CORC review, the office often finds itself in the position of researching matters of departmental policy, or further investigating grievances affecting institutional policies. The office also has the responsibility of ensuring

that grievances are forwarded to the Commission of Correction with all necessary papers, and that the Commission's response is sent to all parties to the grievance. Finally, the office maintains card files on all grievances appealed to the department or commission and publishes a quarterly index of decisions.

With the assistance of Center staff the office has substantially streamlined its operations. At the outset of the second year of the grant, several hundred grievances were back-logged at CORC; by December 1977, there were only 35 grievances pending final CORC disposition, the smallest number since the grievance procedure was implemented state-wide in February 1976.

The ability of the Office of Inmate Grievances and CORC to keep current with grievances reaching them signals that effective methods have been devised for managing a large volume of inmate complaints.

The inmate grievance procedure in New York has proven to be a successful means of effecting system-wide change. Since the department's management structure is highly centralized, a grievance filed in one institution can effect policies and practices within all facilities. Among the

more than 15,000 cases processed by the system so far, some of the more significant issues include:

- ° Wearing and supply of personal and institutional clothing;
- ° Right of Indian inmates to wear religious headbands;
- ° Right of Sunni Muslims to wear beards;
- ° Mail and censorship policies;
- ° Allegations of inadequate health care;
- ° A joint staff/inmate complaint about the alleged state practice of confining the criminally insane with the general inmate population;
- ° Institutional shower policies;
- ° Right to personal television sets, stereo equipment and other similar items.

Data provided by the central office reveal other indications of success. Of 799 grievances submitted during February 1978, for example, 41% were resolved without a formal hearing. The speed and finality of informal resolutions is greatly to be desired in large numbers of relatively minor complaints. A substantial proportion of informal resolutions is one mark of a healthy procedure.

The chairpersons of the hearing committees do an excellent job of promoting consensus, as is apparent from the fact that in April 1978 over 71% of the grievances heard by inmate/staff grievance committees resulted in unanimous



recommendations to the superintendents. Over 60% of those unanimous committee recommendations were approved by the superintendent in favor of the inmate. However, of those recommendations appealed to the superintendent because grievant and committee did not agree only six percent were resolved in favor of the inmate. Clearly the committee recommendations are a significant factor as the superintendent makes his or her decision.

The number of inmate grievances appealed to CORC has remained relatively low (around 5%). This figure indicates that the procedure has been effective in settling complaints within the various facilities themselves. Unquestionably, one of the strengths of the grievance committee members has been their ability to resolve many problems close to their source.

Although many improvements have occurred in the New York procedure since its inception, problems do remain that will demand the department's careful attention. The quality of superintendents' responses and of grievance committee recommendations varies from excellent to sub-standard. Increasingly the Commission on Corrections has reviewed all appeals itself rather than refer some to outside arbitrators; this has reduced the credibility of the outside review step with inmates. CORC responses are still occasionally delayed well beyond the time limit or are not tightly reasoned.

The Center does not view any of these difficulties as insurmountable. Rather than being suprised that some problems remain in the New York system, the Center is impressed at the great strides the department has made, and the obstacles it has overcome, in instituting an effective grievance procedure in so large and complicated a correctional system.

## SOUTH CAROLINA

The South Carolina Department of Corrections expressed early interest in participating in the project despite the fact that it already had both a departmental ombudsman and a highly developed structure of inmate self-government. In the spring of 1976, following approval of the department's proposal by the board of corrections, planning began.

The first major activity was a week-long seminar in dispute resolution and mediation conducted by Center and IMCR staff for 20 middle managers of the South Carolina department. The process of designing and introducing an effective grievance mechanism is long and complex. An integral aspect of successful development is an understanding of the problem-solving concept--mediation--on which the procedures are founded. The seminar prepared administrators to participate in future development of mechanisms in the state.

The Commissioner of Corrections, William Leeke, then chose Kirkland Correctional Institution as the site for a pilot procedure. Kirkland, a new medium-security prison designed for 448 men, housed more than 600 inmates soon after its completion. During the design process guided by the Center, Kirkland personnel decided to operate the procedure first in two of the prison's seven dormitories. Expansion would come later when all involved judged that

start-up problems had been solved.

Once the procedure's design was completed, but before implementation, inmate and staff members from New York state visited Kirkland to explain the grievance procedure to the general inmate population and to staff. The pilot procedure then commenced operation at Kirkland in August 1977. Despite difficulty securing sufficient numbers of staff to serve on the committee, and despite an early loss of several inmate committee members (primarily due to transfers), the grievance committee functioned extremely well.

After 90 days of operation the department's research division produced a very favorable evaluation of the pilot procedure. The cost per grievance resolution appeared low, and inmates and staff alike reported that the new method of settling disputes was welcome. Following this report the commissioner decided to extend the procedure to all dormitories at Kirkland.

Even in its embryonic stage the procedure served as a means for settling important institutional issues. One of the initial grievances handled by the mechanism involved alleged fraud and discrimination in the operation of the facility's canteen. Investigative hearings and committee recommendations precipitated significant changes in the canteen's management. Other issues included:

- ° The policy on inmate phone calls;

- ° Contraband lists;
- ° Eligibility requirements for custody changes;
- ° Visiting room regulations.

The commissioner chose to proceed cautiously until a comprehensive review of the procedure at Kirkland had been conducted at the end of 12 months of operation. The results of this evaluation of the Kirkland procedure were excellent. Comparative data collected on the inmate grievance procedure indicated that it resolved a case within an average of six working days. By contrast, the time between filing a complaint and resolution averaged 12.4 working days for the ombudsman, and 73.7 working days for the Legal Advisor's Office. The Kirkland procedure also demonstrated that it can be an effective forum for policy challenges, having resolved policy questions in 36% of the total number of cases.

Encouraged by these results and by Center staff, the commissioner made the decision to expand in July 1977 and chose the Women's Corrections Complex (WCC), the principal women's facility in the state, as the next site.

The procedure at WCC began operating in November 1977. As a result of difficulties encountered during the design process, Center staff watched the operations carefully once the procedure was implemented. During an early monitoring visit it became apparent that the source of the problems was the institutional administration. Unwilling to fully

support efforts at informal grievance resolution, administrators also failed to free the necessary staff to serve in committee hearings. Communications broke down between staff and residents, and all involved became discouraged.

At this point the Director of Inmate Relations and ombudsman for the department took an active role in monitoring the procedure's operations at WCC and Kirkland. With the aid of this office the procedure at WCC not only survived but managed to effectively resolve many resident complaints in spite of the serious problems encountered.

During the spring of 1978 all of the senior administrative staff at WCC were replaced. The newly appointed warden was previously a deputy warden at Kirkland and among her responsibilities had been the administration of the inmate grievance procedure. Center staff believe that the WCC procedure will now operate much more smoothly.

One of the unusual aspects of the South Carolina procedure is the use of citizen volunteers recruited and trained as outside reviewers. Because there is virtually no labor arbitration in the state, professional arbitrators were not available. Center staff sought the services of a highly-respected volunteer agency in corrections, the Alston Wilkes Society, to recruit local citizens to serve as arbitrators. The 25 volunteers were then given an intensive training course by staff from the Center and from

the American Arbitration Association.

Although South Carolina's commissioner has proceeded judiciously, he has remained supportive of the inmate grievance procedure as both a remedy for inmate complaints and as a device to improve management performance. The Center is hopeful that in coming months inmate grievance procedures will be instituted at other South Carolina institutions.

## SECTION IV

### APPLICATION OF PRINCIPLES TO OTHER FIELDS

Thanks to the early support of LEAA and the interest of administrators such as the director of the CYA, inmate grievance procedures employing principles of participation and outside review were instituted on an experimental basis in four states. These procedures have now won the acceptance of guards, inmates, and administrators, and have shown that an equitable process for responding to complaints can benefit an entire institution.

One of the greatest potential benefits of the project is the possibility of applying the design principles to other institutional settings. The Center is currently operating, or proposing, pilot complaint resolution procedures in schools, mental hospitals and the military. Through a grant from the Ford Foundation the Center will seek to apply some aspects of successful prison grievance procedures to the processing of civil rights complaints filed under the Age Discrimination Act of 1975. Finally, the Center is designing a grievance procedure for convicted juvenile offenders participating in a District of Columbia restitution program--again based on the six design principles.

These innovations are timely; as institutions grow more complex, the courts are no longer the most effective



avenue for the resolution of many complaints. The Center believes that experimental efforts to devise new alternatives are essential for citizen access to justice, and that the techniques proven in four correctional settings will help others settle disputes peacefully and efficiently.

**END**