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AN EXAMINATION OF THE GRIEVANCE
MECHANISM AVAILABLE TO
MICHIGAN CORRECTIONAL CLIENTS

By

Wayne Ross Liddell

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ABSTRACT

AN EXAMINATION OF THE GRIEVANCE MECHANISM AVAILABLE TO MICHIGAN CORRECTIONAL CLIENTS

By

Wayne Ross Liddell

The purpose of this study is to provide a detailed examination of the grievance mechanism implemented within the Michigan correctional system which consists of a departmental administrative procedure as well as external review provided by the Ombudsman's Office. In this examination, the primary areas of focus concerned the following; (1) the characteristics of the grievances and entire grievance process, (2) the characteristics of those inmates who submitted grievances, and (3) the impact of grievant characteristics upon the grievance resolution process. The basic design utilized in this study was descriptive with a secondary emphasis upon the exploratory research design. The sample consisted of 963 grievances submitted by 649 individuals confined under the auspices of the State Prison of Southern Michigan between July 1, 1977, and December 31, 1977. Data was collected by content analysis and secondary analysis. The findings indicate that although the grievance mechanism allows inmates to voice grievances, it could be improved upon in several areas to address these complaints in an increasingly responsive manner.

DEDICATION

Alison Marie Liddell

My daughter,
who never had the opportunity
to experience life.
She nevertheless managed
to teach her parents
so much about
the value of life and
how precious a gift
it truly is.
She will live forever
in our hearts.

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Chapter I

The Problem: Review of the Literature

Philosophy of Grievance Mechanisms

The recognition of the need for specific grievance procedures for inmates confined in correctional institutions did not materialize until the early 1970's. The tragic loss of human life and property destruction which occurred at Attica and other prisons throughout the country during this time brought public attention to the demands and complaints of the imprisoned population. It has frequently been asserted by various authors that these riots occurred primarily due to a lack of adequate administrative responsiveness toward inmates' grievances within the institution.¹ The National Advisory Commission on Criminal Justice Standards and Goals has stated,

"A formal procedure to insure that offenders' grievances are fairly resolved should alleviate much of the existing tension within institutions.... Peaceful avenues for redress of grievances are a prerequisite if violent means are to be avoided. Thus all correctional agencies have not only a responsibility but an institutional interest in maintaining procedures that are, and appear to offenders to be designed to resolve their complaints fairly."²

This primary basis for the development and implementation of grievance mechanisms can best be described as a "cooling off" mechanism in which the inmate is able to present his complaints

to prison officials and receive responses without resorting to violent measures. As Singer and Keating have observed,

"Inmates have resorted frequently to violence or litigation to express their complaints because other means³ to do so have not been made available." ←

It has also been contended that the emerging intervention by the courts in cases concerning prisoners' rights has also contributed significantly to the development and implementation of prisoner grievance mechanisms. In order to decrease the amount of cases brought to court, the majority of the complaints could be resolved within the institution, thereby leaving only a small fraction of cases serious enough to require judicial review. ^③ Judge Donald P. Lay, a member of the U.S. Court of Appeals for the Eighth Circuit, has commented on this issue.

"The second and perhaps more immediate solution to many of our problems is to create within the prison system an administrative grievance adjustment policy which will be attractive to the prison population. As prisoners come to realize that their complaints will be processed in an administrative level in a fair, expeditious and impartial manner, and that relief will be afforded where justified, inmates will begin to select their administrative remedy rather⁴ than the delayed process of the courts." X ①

This basis for the implementation of grievance mechanisms suggests that by utilizing the grievance procedure an inmate would likely receive a more timely response than would be possible through litigation in the legal system. However, should alleged civil rights violations remain uncorrected, then the inmate would be in the position to petition the courts, but only in these more serious cases.

The final major argument which favors the implementations of adequate prisoner grievance mechanisms concerns the impact of a fair and equitable "system" on an inmate, sometimes referred to as the "justice model" concept. This argument contends that by providing an inmate an environment which is fair and just, an atmosphere will be created which will be more conducive to attitudinal change than the traditional authoritarian correctional structure. David Fogel, a pioneer of the justice model concept for corrections, presents the basic foundation and premises of this concept in his work, We Are the Living Proof.⁵ Fogel asserts that "justice as fairness" should be the primary aim within the field of corrections if positive changes are desired from the imprisoned population. He succinctly describes the basic theory of the justice model as follows,

"The period of incarceration can be conceptualized as a time in which we try to reorient a prisoner to the lawful use of power. One of the more fruitful ways the prison can teach non-law abiders to be law-abiding is to treat them in a lawful manner. The entire effort of the prison should be seen as an influence attempt based upon operationalizing justice."⁶

One of the major goals of the justice model which Fogel identifies and believes is realizable is that of peaceful conflict resolution or redress of prisoner grievances. He clearly prefers the inmate council grievance mechanism and states, "Men who can negotiate their fates do not have to turn to violence as a method of achieving change."⁷ Allen F. Breed, former director of the California Youth Authority, has also commented on

this justice model concept; "Kids who turn delinquent have a very keen sense of fairness, maybe because they've learned to recognize the lack of justice in how they've been handled before they got to us. Young offenders ask themselves, "why should they act in a law abiding manner when they are constantly treated in a way that doesn't seem fair."⁸ This final justification for the development of grievance procedures differs somewhat from the two mentioned previously. The "justice model" approach stresses the importance of treating the inmate in a humanistic manner which may not only help to resolve complaints within the prison system but may also develop an understanding of appropriate methods of conflict resolution which may be utilized in the community. The other reasons are not concerned with the "human rights" issue but primarily stress the orderly maintenance of the prisons and efficient operation of the judicial system.

The fourth rationale which has contributed to the development and implementation of grievance mechanisms can best be described as a "preserve the status quo" approach. This rationale contends that a grievance mechanism can serve as an effective administrative tool designed specifically to assist in maintaining order and stability within a correctional environment. Virginia McArthur, in her article describing a survey of the grievance mechanisms implemented in state correctional systems, commented on the prison administration's reasons for utilizing these procedures. She reported that,

"The most common reasons in order of frequency were 'to provide all inmates opportunities to voice grievances and receive an official response' (143 respondents), 'to assist management by identifying institutional problems' (136), 'to reduce inmate frustration' (132), 'to aid in rehabilitation of inmates' (126). Reduction of violence and litigation were given far less often - only 60 and 50 times respectively."⁹

These results suggest that the primary motivation for the creation of grievance procedures is to provide a more stable atmosphere within the correctional facility. The only possible exception to this may be the "rehabilitation" response which may be in the interest of the inmate or of the efficient operation of the prison.

The correctional philosophy of a prison administrator would likely have a large impact upon whether a grievance mechanisms is implemented for administrative reasons or the best interest of the inmate population. Bruce Bernstein in his article regarding the grievance mechanism in operation within the federal correctional system, recognizes that prison violence and court intervention are largely responsible for the development of grievance procedures. However, Bernstein suggests that administrators implement such procedures for different reasons. He contends that "progressive officials have welcomed the opportunity to reduce inmate frustrations and to ensure that inmate rights are not violated."¹⁰ He maintains that more conservative officials utilize grievance procedures for selfish motives such as, the reduction of court

surveillance, "defusing potentially explosive situations" and providing for better public relations. Bernstein concludes that,

"It is a combination of these selfless and selfish motives of prison officials, the internal pressure exerted by inmates, and the external pressures applied by the public which has created an environment of formal grievance procedures."¹¹

Based upon the information presented in this section, the basic philosophy behind the development and implementation of correctional grievance mechanisms appears to be twofold. First, fundamental fairness or recognition of the inmates need to have an avenue open to present complaints to the administration and receive appropriate responses. Second, from an administrative standpoint, a grievance procedure could assist in maintaining a stable atmosphere and minimize interference from the judicial system as well as conveying a positive image to the public. For both groups, the underlying purpose is to provide a "cooling off" mechanism in which problems or complaints can be dealt with in a peaceful manner.

Types of Contemporary Grievance Mechanisms

There are three major grievance mechanisms utilized in correctional environments; internal administrative procedures, ombudsman programs, and inmate councils. In addition, there are other grievance mechanisms which are less frequently implemented and include inmate unions, direct mail systems, and legal services - judicial review.

In describing the various grievance mechanisms, the majority of the information will be obtained from a review of the existing literature pertaining to inmate grievance procedures. It should be noted that this literature is comprised of very few empirical studies which evaluate grievance procedures but rather, consists of recommendations for, or explanations of specific mechanisms which the authors favor.

Internal Administrative Procedures

The formal or internal grievance procedure concept consists of those procedures which are implemented and monitored by individual institutional superintendents or, in most cases, administrators of state or federal correctional systems. This mechanism is usually comprised of a graduated "step" process in which an inmate must first voice his complaint to lower level correctional personnel and appeal the grievance to upper echelon officials should the desired relief be denied. The internal administrative procedure is perhaps the most commonly utilized grievance mechanism in corrections. Virginia McArthur commented in her article reporting the results of a survey of this nation's prisons that 77 percent of the institutions surveyed reported that they incorporated this type of grievance mechanism.¹²

The manner in which the inmate population views the administrations support or utilization of a given procedure is an important factor which determines whether the procedure is seen as a viable method of conflict resolution. In their

article on prisoner grievance mechanisms, Singer and Keating¹³ commented specifically on what they termed formal or administrative grievance procedures. The authors cite Illinois, Kansas, and Wisconsin as recently implementing grievance procedures which allow an inmate the opportunity to submit a written grievance through a predetermined series of steps with written responses from those who occupy increasing levels of responsibility until it reaches the prison administrator or director of corrections, if need be. While acknowledging that this type of system may have some merit or usefulness, the authors contend that like other internally monitored grievance mechanisms, this procedure is vulnerable to administrators who would manipulate the system by screening out or squelching potentially legitimate embarrassing complaints. Singer and Keating conclude that the viability of these procedures are severely limited because of the high degree of inmate skepticism which results from the belief that "the administrator retains absolute discretion over whether he will respond to a complaint and what his response will be."¹⁴ The point is made that for a grievance procedure to be viable, the inmate population must believe that their grievances will be examined and acted upon in a fair and just manner by those in power.

In their article on inmate grievance mechanism, Keating and Kolze¹⁵ describe the implementation and the effects of a grievance procedure at the Karl Holton School. This school is under the auspices of the California Youth Authority and has a population of approximately 400 juvenile offenders with an average age of 19 years.

After considering several different types of grievance procedures, the officials at Karl Holton decided to implement a mechanism based upon a participatory model. The participatory model calls for a committee comprised of inmates and line staff which receives complaints and makes recommendations to administrators. In addition, an independent mediator was also selected to assist in decision making policy. The authors report the completed design implemented as:

- "1. A first level mediation committee comprised of inmates and staff and chaired by a non-voting mediator from the institutional administration.
2. Review on appeal of the committee's decision or recommendation by the superintendent (or, where a departmental issue was involved by the director of the Youth Authority).
3. Appeal to a tripartite, outside review panel chaired by a volunteer professional arbitrator with other members selected by the superintendent and the complaining inmate."¹⁶

The authors comment on an evaluation of the program after one year in operation which indicates positive results in its early stages. They indicate that of 277 grievances processed, 107 dealt with individual problems whereas 139 concerned institutional or departmental policy. The remaining 31 cases were complaints concerning specific staff behavior or actions. They note that in 64 percent of the grievances filed, the relief requested by the inmate was granted, either totally or in part. The authors contend that the mediation process utilized in this

mechanism is indeed effective and state that only six grievances usually concerning major policy required external review and arbitration.

Staff attitudes toward the grievance procedure were also measured and the results indicated that "85 percent of those interviewed were either favorable or neutral toward the specific procedure operating in the institution."¹⁷

The authors state that, based upon the positive results obtained at the Karl Holton School, this mechanism was extended to all other institutional facilities within the California Youth Authority. The authors assert that by involving inmates in the grievance resolution process, it is likely that they will become confident in the basic fairness of the institutional programs and thereby attempt bring about institutional change in a more acceptable manner.

The Federal Bureau of Prisons also utilizes this form of correctional grievance procedure. The implementation and operation of this grievance procedure within the federal correctional system has been described by Bruce Bernstein.¹⁸ He cites recent prison disturbances and increased prisoner litigation as being the prime motivators of the new policy. It is also pointed out by the author that the previous system for redress of prisoner grievances used with the Bureau was inadequate and merely provided for ventilation of inmate feelings rather than a system which could grant satisfactory relief to the complainant.

The administrative grievance procedure with the Bureau of Prisons was implemented for the entire system in November, 1974, following a trial period of approximately one year. The author states that the new procedure was designed in such a manner that the inmate would understand its fundamentals and be able to utilize it without difficulty.

The new procedure offers a grievant three stages in which he may pursue the complaint and seek relief. The Bureau stresses the importance of staff and inmate attempting to resolve problems but in those cases in which this attempt fails, the inmate may then file a formal complaint with the prison administrator's office. The warden or his assistant must then respond to the grievance in the form of a written statement to the grievant within fifteen days. The second step in the grievance procedure occurs when an inmate is not satisfied with the administration's decision. If this occurs, the inmate may file an appeal with the Regional Director who supervises federal prisons in this area. After examining the original grievance and decision, the Regional Director is required to respond to the complaint and forward, in writing, this response to the inmate within twenty days. The third, and final step available to the inmate for administrative relief, notwithstanding litigation, occurs when he or she is not satisfied with the Regional Director's response. The inmate may then appeal to the General Counsel's Office of the Bureau of Prisons in Washington D.C. The General

Counsel's Office is required to file a formal reply to the inmate within twenty days and is also responsible for gathering all documents relating to the grievance for judicial review if requested.

The author provided statistics gathered from records and logs kept by the office of the General Counsel which give some indication to what extent the procedure is utilized by the inmates. The following table gives the reader an idea of how the system functioned during the initial 15 months.¹⁹

TABLE 1

Grievances and Appeals Filed

	Prison Level (15 months)	Regional Level (8 months)	National Level (15 months)
Total Grievances . . .	5712	784	951
Number Granted Relief	1111	84	109
Percent Granted Relief . . .	19	12	19
Percent of De- cisions Appealed . . .	20	35	NA

The author suggests that the low number of appeals resulting from decisions made at the prison level may indicate several possibilities. First, the inmates may be satisfied with the responses that are provided. Second, that there exist suitable explanations for the actions of staff. Third, the

nature of the original complaint may have been trivial in nature. Fourth, it is possible that the inmates do not pursue the grievances (appeal) due to fear of retaliation by prison authorities. A fifth issue which the author does not mention but may have merit may be that the inmate can adopt a pessimistic attitude and decide, "What's the use?" thereby terminating the process.

Bernstein also contends that this appeal system is not a "rubber stamp" for the actions of prison personnel by citing that approximately 10 percent of the inmates who appeal decisions made at lower levels are ultimately granted relief in the procedure. However, 10 percent does not appear to be a substantial amount of successful appeals for the inmate. In addition, this statistic may reflect a tendency of lower echelon corrections personnel to force others to make the "hard" decisions as well as preserving in-group loyalty of line personnel.

In other words, corrections personnel with little policy making authority may simply inform a grievant that his complaint cannot be addressed at that level and should be considered at a higher level within the correctional organization. In addition, the low number of successful appeals may indicate an administrative effort to support lower level decisions in an effort to preserve or enhance morale at the lower levels of the organization.

Bernstein concludes that the Federal Bureau of Prisons Administrative Grievance Procedure has demonstrated that it has effectively reduced inmate litigation, provided a system

which allows an inmate to gain satisfactory redress of grievances and has resulted in an improvement in prison policy.

Despite the supportive comments in favor of the implementation of internal administrative procedures, there also exists in the literature specific objections to this type of grievance mechanism. These objections vary widely in strength from those who contend that internal procedures are not viable mechanisms to those who regard them potentially useful when utilized in conjunction with other types of mechanisms. The critical factor involved in these objections revolves around the degree of trust the inmate population has in this procedure.

One major drawback to this form was expressed by Brian Taugher,²⁰ who attacked the credibility of administrative grievance procedures as well as judicial review. In describing the administrative procedures, the author asserts that this system is basically inadequate due to the belief that corrections officials are reluctant to take an inmate's word over that of a guard, or in the case of higher levels of review, overrule a colleague's decision. The inmates distrust of the system may ultimately mean that the majority of complaints are not brought forth. The author asserts that in order for a grievance mechanism to be effective, the inmate population must view it as objective and impartial.

Another author who has advocated the implementation of ombudsman programs in correctional systems is Lance Tibbles. In his article, "Ombudsman for American Prisons",²¹ Tibbles acknowledges that administrative grievance procedures are needed in this nation's prisons.

Despite advocating internal grievance mechanisms, the author points out several limitations of such procedures when used alone. The first argument concerns the integrity of the responses from the parties responsible and subsequently the degree of inmate confidence in the procedure. It is maintained that the response will be viewed with suspicion by the inmates because those people who answer the grievance are frequently the same individuals who are in charge of running the prison. Another limitation that was pointed out was that this type of mechanism rarely is able to examine matters with an objective viewpoint. Instead, reviewers who are prison officials will view the grievance from the perspective of a prison official rather than in impartial critic. Another limitation or hindering factor concerns the morale or loyalty of line staff. It is suggested by Tibbles that a prison official will find it difficult to criticize or investigate the actions of subordinates for fear of lost morale, loyalty and productivity. The final limitation of the internal process concerns the inmates' fear of reprisal from staff after submitting a grievance. Reprisals can include verbal or physical acts of aggression or something more subtle such as consideration of the grievance at parole hearings, or suspension of "good time", etc.

Tibbles stipulates that the internal procedure is not sufficient by itself and should be used in conjunction with an external review process as found in most ombudsman programs in order to adequately respond to inmate complaints. It is suggested that with this system, the ombudsman's role is to review the function or appropriateness of the administrative procedure rather than becoming involved in grievances most easily handled at the institutional or department level. Further, it is asserted that an administrative grievance procedure could benefit from an external review by responding to suggestions for change.

The previous articles reviewed concerning administrative grievance procedures indicate that this type of mechanism is frequently utilized and serves an important function in contemporary corrections. It's proponents maintain that complaints should logically be voiced and resolved within the institution or departmental structure. Others, however, indicate that a strictly internal review of grievances results in adverse effects, not the least of which is a lack of credibility with the inmate population. Therefore, it has been asserted that administrative procedures could be supplemented with an external review process to enhance inmate participation and faith in the procedure.

Inmate Councils

The second major grievance mechanism is the inmate council approach. The oldest of the three major grievance mechanisms, inmate councils have been in existence since the

early 1900's. According to Keating, et al.,²² the Massachusetts Correctional Institution at Norfolk possesses the oldest continuing inmate council program in existence, being implemented in 1927. Currently, there appears to be many such programs in operation. In her survey of 209 American prison systems, Virginia McArthur²³ found that inmate council programs were present in 117 or 56 percent of the institutions surveyed. In 107 of these institutions, inmate representatives are elected by the general inmate population and are responsible for meeting with the administration and presenting the inmates' point of view. These statistics indicate that the inmate council approach is a frequently utilized grievance mechanism in corrections. McArthur found that they were more prevalent than the ombudsman approach but less common than formal administrative procedures.

Inmate councils have evolved primarily as a result of the theory that if prisoners are able to have input into the administration of the facility then the morale and behavior of the inmate population will be more positive in nature. As a result, some prison administrators may view the inmate council concept in the same vein as internal administrative procedures, important in maintaining order within the institution.

Inmate councils are comprised of individuals elected from the general institutional population and chosen by their peers to represent the inmate viewpoint to prison administrators. The function of inmate councils in corrections is purely

advisory in nature. Inmate councils are similar to the ombudsman programs which incorporate an external review process in that they have no real "power" to effect change within the institution. However, the inmate councils are able to make formal recommendations and negotiate with administrators in regard to institutional policy or actions. Keating, et al., have commented on the inmate council concept and the criticism that these councils are powerless. The authors have stated,

"In fact, the "power" of an inmate council, again like that of an ombudsman, depends largely on the responsiveness of administration to its recommendations. When an administration is committed to and supports a council, it can be a useful means of providing inmate input (i.e. point of view) into institutional policy."²⁴

So it would appear that the success or impact of inmate councils depend largely upon the prevailing administrative attitude.

Just as the administrations acceptance of the inmate council is important, it is also imperative that the inmate population view the process as viable. Many of the negative perceptions regarding the inmate council concern the "powerless" concept discussed earlier. Unless recommendations are acted upon favorably by administrators, the inmate population can become easily disillusioned with both the council and administration and refrain from using the procedure. This disillusionment can be exacerbated when council members are

provided special privileges or inclusion in special programs by the administration thereby suggesting that the inmate representatives have joined the administration.

Singer and Keating²⁵ have commented that in most instances inmate councils lack credibility with the inmate population and often receive less than total support by the administration, thereby rendering them ineffective as a grievance procedure. In his article describing the Federal Bureau of Prisons grievance procedure, Bruce Bernstein²⁶ seemed to favor the concept of inmate participation in the form of an inmate council as a supplement to the existing grievance mechanism. However, Bernstein cites the composition of inmate councils as a major area of concern. He contends that the success of the council depends upon the individual characteristics of the inmate representatives specifically in terms of their competency to negotiate in good faith. He warns that because of the election process strong inmate leaders may gain this position largely because of their power in the prison subculture rather than for expertise in negotiation. Keating, et al., have also commented on the inadequacies of inmate councils even though they support the basic concept. They have commented,

"An overall assessment of the effectiveness of inmate councils currently in operation as grievance mechanisms has to be negative. Essential elements for an effective grievance mechanism, such as written, timely responses and outside review, nowhere have been built into a council."²⁷

However, these authors also contend that in one respect, inmate councils far outshine other correctional grievance procedures. Their research indicated that because the council is comprised of other inmates, there is increased confidence in submitting grievances. Responses to their questionnaire indicated that, "inmates were more willing to use inmate councils (as a class or type of mechanism) to resolve grievances than other basic type of mechanism."²⁸

This discussion of inmate councils has indicated that there are convincing arguments for advocating as well as criticizing this form of grievance mechanism. Although there appears to be problems in terms of administrative responsiveness as well as inmate qualifications and the selection process, it also seems that if properly implemented, the inmate council approach may be utilized by a larger percentage of inmates thereby reducing the number of "pent-up" grievances. It is contended that inmate councils could be a desirable supplement to formal administrative procedures and ombudsman programs.

The Ombudsman Concept

The Ombudsman concept was developed in Sweden in 1809 with its basic purpose to receive and investigate citizen complaints regarding governmental or bureaucratic indiscretions and make official recommendations to the governmental agency for change. Other Scandinavian countries duplicated Sweden's efforts to establish an ombudsman in an effort to

oversee governmental actions. This Scandinavian model of ombudsman programs stresses the independence and impartiality of the ombudsman. Keating et al., have commented,

"The Scandinavian ombudsmen are appointed by the legislature; all are entirely independent of the executive; all can make information public at any time; and all must report annually to the legislature."²⁹

The ombudsman is also provided with broad investigatory powers which include access to all files, reports, and records pertaining to the grievance. In addition, the ombudsman is afforded the ability to make public his recommendations.

The Scandinavian ombudsman model gained notoriety in this country during the late 1960's and early 1970's. One of the early proponents for the incorporation of this concept into American society and correctional systems was Walter Gellhorn.³⁰ Years before the riots which occurred at Attica and other prisons, Gellhorn warned that existing channels for grievance resolution were inadequate and could lead to continued violence in correctional institutions. In 1966, Gellhorn stated,

"Very possibly riots and "strikes" in state prisons, where they occur far more frequently than in similar federal institutions, may reflect the inadequacy of the available grievance mechanisms; they seem chiefly designed to draw outside attention to inside problems."³²

Indeed, several years after Gellhorn advocated the adoption of ombudsman programs in correctional systems, a handful of states moved to develop and implement this form of

grievance mechanism. Some of the first states to do so included; Oregon, Iowa, Minnesota, Connecticut, Ohio and South Carolina. However, many states which have thus far implemented ombudsman programs have not assured independence and impartiality by placing them under the supervision of the executive branch of government which also supervises corrections rather than the legislative branch. Keating et al.,³³ have commented on these programs and maintain that for the inmate population to view the ombudsman as a credible resource for conflict resolution, there must not be any dependency by that office upon the corrections department or executive branch. The authors indicate that Minnesota, Iowa, and Connecticut are a few of the states that have attempted to assure such independence in their systems. They further indicate that ombudsman programs can be very useful when used as a supplemental external review of an internal administrative procedure.

The implementation of an ombudsman program for the California correctional system was discussed in an article by Brian Taugher.³⁴ In this article Taugher describes the ombudsman concept of conflict resolution and why it should have been implemented in California. Also discussed is a bill (A.B. 1181) which was introduced before the California Legislature that would have created such a position but was ultimately vetoed by the Governor. In defending the ombudsman concept as valuable in the field of corrections, the

author criticizes the existing administrative and judicial remedies available to inmates who seek redress of their grievances.

Taughner presents data which indicates that issues inmates frequently view as grievable. The data was collected by the California Department of Corrections and represents complaints made by inmates during the month of January, 1971. The data is presented in the table below:

TABLE 2

Prisoner Complaints

Parole Complaints	89	Religion and Race	23
Transfer and Classification	77	Property	17
Legal	73	Mail and Visits	15
Medical	30	Staff Abuse	6
Program Treatment	29	Protections	1

The author states that it is difficult to determine whether the above statistics accurately represent a normal number of complaints. He maintains, however, that based upon personal interviews with inmates, it is likely that the figures would increase if the inmates fear of retaliation (real or imagined) was reduced.

Before describing the ombudsman concept, the author presents a brief discussion of the existing remedies which are available to inmates seeking relief. The two that are

emphasized are, administrative grievance procedures and judicial review. Regarding the administrative procedures, the author asserts that this system is basically inadequate due to the belief that corrections officials are reluctant to take an inmate's word over a guards or in the case of higher levels of review, overrule a colleague's decision. Whether or not this actually takes place is really not the issue. What is important is that this is the way the inmate views the procedure which may ultimately mean that a majority of complaints are not brought forth. The matter of judicial review is also attacked as a viable method for obtaining satisfactory redress of grievances. In this case the primary argument is that only major incidents such as violations of an individual's constitutional rights will find their way to courts. The more numerous and less serious complaints (though perhaps important to the inmate) will, therefore, be dealt with in the traditional administrative procedure described above. The author asserts that another alternative, the ombudsman, could be implemented which might reduce the negative effect of the above grievance mechanisms and offer a more viable option for the grievant.

In this article, an ombudsman is defined as "an official who investigates complaints about government administration."³⁵ The ombudsman must be independent of the agency which he investigates, he must be given full power of investigation and his power is limited to making recommendations to the

administrator making public announcements. Generally, investigation can result from two sources, a citizen's complaint, or the ombudsman's own initiative.

The concept of a prison ombudsman evolved from the concept of citizen's ombudsman and shares many of the same principles and objectives. Taugher maintains that the prison ombudsman could provide an inmate a central source of information and provide prompt and independent investigation of the inmate's grievances. He concludes that the prison ombudsman could provide three major services to the correctional system.

"First, it could be argued that he could aid in the rehabilitative process by demonstrating society's concern for the inmate.... Secondly, the ombudsman could help to reduce the isolation of the correctional system from the public view.... And finally, the ombudsman would help to protect the administrators of the correctional system from unfounded charges."³⁶

In his law review article concerning inmate grievance mechanisms, Lance Tibbles³⁷ describes in some detail the "ombudsman" concept and its applicability to the field of corrections. This specific grievance mechanism is compared with other avenues open to inmates such as judicial review and internal grievance procedures within the corrections department or institution. The author takes the strong position that the prison ombudsman system can be a viable and effective vehicle for redress of prisoner grievances.

Numerous ombudsman programs in this and other countries are examined which provide services to the general citizenry and/or inmates of correctional institutions.

The author defines the term ombudsman as follows: "An ombudsman is an independent, external, impartial, and expert handler of citizens' complaints against governmental agencies who is easily accessible by the citizenry."³⁸ He notes that the concept of an ombudsman originated in the Scandinavian countries, as early as 1809 in Sweden. In this model, the ombudsman was responsible for providing service to prisoners as well as the general public when a state administrative procedure or decision was questioned. Several other countries which utilize this model were also noted including, Finland (1919), Denmark (1954), New Zealand (1962), Norway (1963), and the Canadian Provinces of Canada, Alberta and New Brunswick (1967). In all the above mentioned countries, the ombudsman programs were indicated as being effective in bringing complaints to the proper authorities and providing satisfactory relief for the citizen or inmate.

In commenting on the use of judicial intervention as a redress of inmate grievances, the author appears to take a strong stance indicating displeasure with this avenue of complaint resolution. He suggests that judicial intervention is costly, tends to clog the court dockets, and is likely to take an overly long period of time before resolution. However, it is proposed in this article that the courts could be

utilized as an appeal process when the administrative procedure fails to respond to an individual inmate's complaint satisfactorily.

As mention earlier in the section entitled "Internal Administrative Procedures", Tibbles has asserted that ombudsman programs can compliment an existing departmental procedure by providing an external review of that procedure thereby providing a more balanced avenue for the redress of grievances. It is also contended that the ombudsman should become involved in only those cases which have not been satisfactorily resolved within that procedure. Finally, Tibbles also maintained that as a result of the ombudsman's input and recommendations, the existing administrative procedure could be improved upon and further developed.

Other authors have also commented on specific ombudsman programs and their appropriateness in the field of corrections.³⁹ In general, most authors who have written about grievance mechanisms seem to favor their implementation either as a supplement to an administrative procedure or as the primary vehicle for grievance resolution.

The arguments frequently voiced in opposition to ombudsman programs relate to several factors. First, the argument is made that since the ombudsman may not directly modify departmental policy or grant individual relief and in fact is limited to making recommendations to administrators, his impact is lacking. The second major argument is the ombudsman's inability to effectively handle a large workload

and respond to grievances in a timely manner. This can be minimized if the ombudsman is utilized only after an unsuccessful attempt within an internal procedure. The third argument contends that since many existing ombudsman programs are not independent of the executive branch which also supervises corrections, there remains a lack of inmate confidence that complaints reach an impartial ear. So, although ombudsman programs are viewed by many as potentially beneficial grievance mechanisms, there remain some concerns regarding their apparent handicaps as well.

Secondary Grievance Mechanisms

In addition to the three primary grievance mechanisms described earlier, there also exist other forms of grievance resolution devices which are less frequently found in correctional environments. These secondary grievance mechanisms include, inmate unions, direct mail systems, legal services, and the judicial review approach.

Closely identified with the inmate council approach in the resolution of inmate grievances is the inmate union concept. In this model, the primary focus is to pattern itself after the labor movement in American society during the past century. The proponents of this avenue contend that through the "organization" of the inmate population conflict resolution can be obtained through nonviolent means, such as negotiation, external arbitration, strikes, etc. As a result,

the inmate population would not only have increased participation in the correctional environment but most importantly considerably more power.

As can be expected, this form of grievance mechanism has met with stiff resistance from correction officials and would likely encounter the same hostility from the general public should it be seriously proposed or implemented. In Virginia McArthur's study of grievance mechanisms in 209 American prisons, no existing inmate union was noted but 44 institutions had reported some attempts to organize the inmate population. This study also found that inmate union attempts were the most frequent in prisons with large populations and with a long median length of stay per inmate.⁴⁰

Another form of secondary grievance mechanisms is the direct mail system. The direct mail system has been implemented in several jurisdictions and has been in existence for a considerable length of time. The primary concept of this system is that the prison administrator or director of corrections can be contacted by an inmate with a complaint in the form of a written grievance. In some cases the institution has a special mail system or channel for this purpose. Singer and Keating have commented on the inadequacy of the direct mail system and have stated,

"For one thing, most systems farm out complaints to the officials directly responsible for the condition complained of; the response returned to the inmate usually is a spirited defense of the status quo."⁴¹

The authors also assert that this type of mechanism does not usually contain restrictions on the amount of time taken to respond to complaints or that a response must be provided. Thus, this type of mechanism frequently lacks credibility with inmates.

The final secondary grievance mechanism is the legal services or the judicial review approach to complaint resolution. Legal service programs were included by McArthur⁴² in the nationwide study of grievance mechanisms and were reported in 71 percent of the institutions responding. She found that legal services were provided by law students, paralegals, attorneys, and at times, inmates well versed in the law and deal with miscellaneous legal problems of the inmate as well as specific grievances against the prison administration. McArthur commented that the latter emphasis is infrequent and that these programs are primarily concerned with more general legal problems rather than grievance resolution between inmates and prison administrators.

"Problems with the administration of the department or institution are handled by the smallest number of programs, perhaps because these programs are considered outside the domain of legal services programs, fitting more properly into the work of an ombudsman or a grievance procedure."⁴³

The judicial review process as a grievance resolution mechanism is at least partially responsible for the development of grievance mechanisms in corrections. As noted earlier in this chapter, one of the purposes of grievance

mechanisms was to decrease prisoner litigation. Although inmates continue to have access to judicial review, this system has evolved into primarily a last step appeal process. Earlier in this chapter, Lance Tibbles' remarks regarding judicial review as a grievance mechanism were reviewed. His primary contention was that this process was costly, clogged the court dockets and usually required a lengthy period of time before resolution. This process was seen as certainly having the power to implement its findings, unlike ombudsman or inmate council programs, but it should be acknowledged that the courts remain somewhat reluctant to intervene in prison affairs unless there are obvious civil rights violations.

Summary

This major section of Chapter I entitled "Description of Contemporary Grievance Mechanisms" has presented an in depth explanation of the various avenues currently utilized in the resolution of grievances in correctional environments. A review of the existing literature provided information on the specific types of grievance mechanisms and unanimously indicated the need for such procedures in correctional systems. The primary mechanisms reviewed included internal administrative procedures, inmate councils, and ombudsman programs.

Internal administrative procedures represented a large portion of the grievance mechanisms currently in operation. This procedure was explained as consisting of a graduated step or appeal process in which personnel of the corrections

agency or department would respond to inmate complaints. Several authors were found to support this type of procedure and commented on specific programs in operation. However, other authors argued that internal administrative procedures frequently lack credibility with the inmate population. The overall consensus appeared to be that this type of procedure should be implemented but should also be used in conjunction with an external review process or participatory model.

The inmate council approach was also described in this section as a major grievance mechanism. The major premise of the inmate council approach was stated in terms of the inmates having an investment in the system through their input which would, therefore, improve the morale and behavior of the inmate population. Some criticisms of this mechanism concerned the council's ability to merely make recommendations as well as establishing or legitimizing the formation of an inmate hierarchy. This mechanism was seen as being useful as a supplement to formal administrative procedures.

The final major grievance mechanism discussed was the ombudsman concept which had its origins in nineteenth century Sweden and is becoming increasingly popular in the United States. The true ombudsman program revolves around the concept of independent, impartial review of inmate complaints. This external review process is limited to investigation of the complaint and the submitting of recommendations to the corrections officials by someone not affiliated with the corrections department. Some of the arguments against

ombudsman programs consist of, the inability to effectuate direct change; inability to handle large workloads and the tendency to lose credibility with inmates when supervised by the executive rather than legislative branch. The ombudsman program concept was discussed as a needed supplement to administrative procedures as a final review process.

Other grievance mechanisms were discussed to a lesser degree and included, direct mail systems, inmate unions, legal services, and judicial review. What seems readily apparent from the review of the literature is that there is no single grievance mechanism which is a panacea for inmate grievance resolution.

Need for Evaluation

A review of the literature concerning previous or currently existing grievance procedures indicates that empirical research in this area is virtually non-existent. In fact, very few studies have been conducted which have dealt with specific procedures and their utilization by correctional clients. The majority of the literature in this area takes the form of rhetoric and recommendations advocating grievance procedures rather than methodologically sound evaluation results.

Several authors have commented on the obvious lack of research conducted on the topic of grievance procedures in corrections and encourage such attempts in the future. Virginia McArthur,⁴⁴ in her article which surveyed 209

correctional facilities concluded that although the implementation of inmate grievance mechanisms is in vogue, very many administrators are unsure what exactly these programs should accomplish or how they should be operated. She contends that evaluative research should be conducted in order to assist in the development or refinement of viable grievance procedures which could be made available to the inmate population. In their article on prisoner grievance mechanisms, Singer and Keating⁴⁵ advocate that external review of grievances by an individual or agency not affiliated with the correctional system or inmates is essential to a viable grievance mechanism. They also assert that empirical studies on the viability of certain grievance procedures have not been performed and that researchers will likely continue to neglect this area. The impact of this omission becomes acute when an administrator selects a grievance procedure without significant assurance that it has been empirically shown to be effective in other correctional environments.

This study will provide an examination of the grievance mechanisms implemented within the Michigan correctional system in terms of its design and utilization as an avenue for clients to effectively voice their complaints or concerns to prison administrators and obtain satisfactory relief when justified. More specifically, this project will critically examine the functioning of the entire process itself, the characteristics of the grievances as well as the characteristics

of those clients who have submitted grievances. By doing so, this research project will attempt to partially fill the gap in the literature concerning correctional grievance mechanisms.

Research Questions

This research project concerns itself with the operation of the grievance mechanisms currently available to inmates within the Michigan Department of Corrections. Additional emphasis is also placed upon examining the individual characteristics of those who utilize the grievance process and the impact of those characteristics upon the grievance resolution system and ultimately the grievance itself.

While the majority of the articles reviewed in the previous section were primarily philosophical or theoretical in nature, some incorporated research results in the discussion. These studies have dealt primarily with the first issue investigated in the present study, how a grievance mechanism functions. The major emphasis of these studies concerned the type of grievances presented as well as the eventual disposition of the grievances. This study will also examine these issues but will additionally concentrate on various other factors relative to the grievance and total grievance process which have thus far been neglected in the research in this area.

Unlike the concentration on characteristics relating to the specific grievances and processes in general, previous research has not examined the characteristics of inmates who

submit grievances in the various procedures. This writer contends that omitting such information detracts from a thorough examination of the grievance resolution process.

Prior criminal justice research relating to issues other than correctional grievance procedures has recognized the importance of an inclusion and examination of certain individual characteristics of the selected sample. In this study the inclusion of this type of information is designed to provide a more "personal" examination of the entire process. More specifically, the incorporation of these characteristics may indicate whether an individual's personal characteristics influence official decisions upon grievances.

In order to make an adequate examination or assessment of the Michigan procedure, the focus of this research project will revolve around three broad research questions. These research questions will be presented below in general form and elaborated upon in Chapter II which deals specifically with the design or method utilized in this study. The research questions are as follows:

Research Question 1 - What are the characteristics of the entire grievance procedure and the individual grievances submitted within that procedure.

This question examines the grievance itself and its movement throughout the entire system. More specifically, each grievance is examined in terms of the type of category of grievance, when it was filed, whether the time limits were

followed, eventual resolution, and at which step a grievance is usually filtered out. In addition, the quality of the presented grievance as well as the quality of the administrations' response will also be addressed by this question.

Research Question 2 - What are the demographic and background characteristics of those individuals who submitted grievances examined in this study?

The intended focus of this question will be to glean information regarding each inmates demographic characteristics such as age, race, occupation, educational and reading level, etc. In addition, information will be gathered concerning prior contact with criminal justice agencies specifically in terms of, age at first attention of authorities, adult probation contacts, etc. Finally, this question will seek more recent information concerning the inmate since committing the offense which led to eventual sentencing. Examples of this latter emphasis include type of offense committed, commitment code, minimum amount of time to serve, actual amount of time served to date, parole board classification, and the number of grievances submitted by each individual during the time frame of the study.

Research Question 3 - What, if any, is the impact of the individual characteristics upon the eventual outcome or disposition of the submitted grievance?

The primary focus of this question will attempt to address whether demographic and background factors such as race, education level, commitment code, committing offense, etc.,

have an appreciable effect on the eventual resolution of a grievance and the step at which the grievance was resolved. In addition, the impact of the type of grievance upon the type and step of resolution will also be assessed.

Summary and Overview

This chapter has presented a detailed explanation of the concept of grievance mechanisms in correctional environments. In addition to presenting a broad, philosophical explanation of the precipitating factors instrumental in the development and implementation of these mechanisms this chapter also attempted to present, through the existing literature, a description of those grievance mechanisms currently being utilized in correctional environments. Finally, this chapter presented a description of the focus of this research project specifically in terms of the need for such research, its purpose, and basic research questions to be addressed in the study.

The basic philosophy behind the development of grievance mechanisms was stated as the need to resolve complaints in a peaceful manner or provide a "cooling off" mechanism. Prison officials were described as being motivated by primarily administrative concerns revolving around the smooth operation of the institutions. Although inmates also benefit from stability in the living environment, their primary concern was fundamental fairness and the opportunity to have complaints heard and responded to.

A review of the literature found numerous articles which commented on the desirability of grievance mechanisms in general or provided a description of a specific grievance procedure. Various grievance mechanisms which could bring about the objectives stated above were discussed in the review and included; 1) ombudsman programs, 2) internal administrative procedures, 3) inmate councils and unions, 4) legal services, 5) judicial review, and 6) direct mail communication. Although several authors seemed to favor a specific grievance mechanism to be implemented within a correctional setting, others commented that various mechanisms can be used in conjunction with each other for increased effectiveness. It appears to this writer that this latter viewpoint has considerable merit when suggesting that not one specific procedure should be considered a panacea for all grievances or correctional situations.

The purpose of this study was stated in this chapter as attempting to provide an examination of the grievance mechanism implemented within the Michigan Correctional system. In this examination three areas of focus or basic research questions were defined, 1) the characteristics of the grievance and total process, 2) the characteristics of those inmates who submit grievances, and 3) the relationship between individual characteristics and the grievance process. It was asserted that previous research has failed to examine or assess the potential impact of individual characteristics upon the filing or resolution of grievance and this study will attempt to fill the gap in the literature.

In the next chapter, "Design of the Study" a thorough description of the grievance mechanism currently in operation within the Michigan correction system will be provided. In addition, this chapter will consist of a presentation of the overall design of the study and the methods utilized in the collection of the data. In Chapter III an analysis of the data will be presented in narrative and tabular form in which the research questions will be addressed. Finally, Chapter IV will consist of a summary of the findings or conclusions of this study as well as a discussion of this study's limitations and recommendations for future research endeavors in this area.

Footnotes - Chapter I

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Chapter II

Design of the Study

Introduction

This chapter will be divided into two major areas of focus. First, in order to provide a basic understanding of the grievance mechanism being investigated in this study, the Michigan grievance procedure will be described. In this overview, the historical background and procedural information pertaining to the internal departmental procedure and the external review of the Ombudsman's Office will be specified. The second area of focus to be discussed after the explanation of the Michigan grievance procedure concerns the basic research methodology utilized in this study. This section will contain specific information on how the research was conducted in terms of basic design, sampling, data collection, and research questions investigated.

Description of the Michigan Grievance Procedure

Michigan was among the pioneer state governments which realized following the prison violence in the early 70's that there was a definite need for a mechanism through which prisoners could present complaints without resorting to violent means. The present grievance procedure which is

available to inmates within the Michigan correctional system consists of a combination of the internal administrative procedure (Departmental) and an external review procedure in the form of the Legislative Corrections Ombudsman Office.

The internal grievance procedure was first introduced by the Department of Corrections on March 2, 1973. After some revision and reorganization, the Department of Corrections issued a superseding policy directive on July 1, 1975, establishing the "Administrative Grievance Procedure for Corrections Clients." This policy directive stated the basic objective of the procedure as follows:

"To provide each client with a timely and effective remedy for alleged violation of rights or unsatisfactory conditions of confinement, and to provide the agency with a rational and orderly system for the equitable resolution of client grievances."¹

In addition, the directive specified its application in terms of who it pertained to as well as what issues could be grieved.

"All clients under the care and control of the Department of Corrections with regard to any condition of confinement or supervision, official act or failure to act, or denial of rights excepting institution disciplinary decisions for which there exists a separate system for timely appeal. Charges of racial or ethnic discrimination, brutality, or corruption may bypass institutional steps of the grievance procedure and be brought directly to the attention of the Director of Corrections."²

It is also stated in this directive that no inmate will be penalized in any manner by corrections personnel for submitting and pursuing a grievance. By the same token, inmates

are expected to present grievances in good faith and without untrue statements or allegations.

The Michigan correctional grievance procedure utilized within the state of Michigan is divided into five major steps, the first four being within the departmental structure and the last being an external review independent of the Department of Corrections performed by the Legislative Corrections Ombudsman. The four steps within the department procedure are as follows:

Step 1 - The inmate must complete the standard grievance form (see Appendix A) within ten (10) days of the incident in question. After completing this form he must submit it to his Institution Team Supervisor, Camp Supervisor or District Supervisor in the field. That person must conduct an investigation of the grievance and respond in writing (on the form) within five days informing the inmate of the decision. The inmate may accept the decision or appeal the decision within five days at the second step.

Step 2 - Should the inmate appeal the grievance past Step 1, the individuals responsible for responding to the appeal consist of the head of the institution or deputy director of Field Services. The inmate must be interviewed by this individual within five days of the receipt of the grievance and be afforded a written response within 2 days of the interview. The decision at this step may sustain, reverse or modify the previous decision at Step 1. If the response to the grievance at this step is unsatisfactory to the inmate, he may then appeal to Step 3 for relief, within five days.

Step 3 - The Step 3 response was originally provided by the Deputy Director of Correctional Facilities but at the present time is provided by the Regional Administrator. This individual must review the grievance and within five days provide a written response to the grievant indicating the decision. The Step 2 decision can be sustained, reversed or modified at this step. Once again, the inmate may accept this decision or pursue the matter at the next step.

Step 4 - This is the final step in the departmental grievance procedure and is reviewed in the Director of Corrections office. This individual investigates the grievance and responds in writing to the grievant indicating the final departmental decision. Previous decisions may be concurred with, reversed, or modified. Should the inmate remain unsatisfied with the decision, he may then submit the grievance to the legislative Corrections Ombudsman for further investigation and consideration.

The Legislative Corrections Ombudsman's Office

The Ombudsman's Office was created on May 16, 1975, when the 78th Legislature and Governor of Michigan approved Public Act No. 46 of 1975. This statute established an agency supervised by the Legislature and independent of the Department of Corrections with its purpose to investigate those grievances which were not resolved to the inmates' satisfaction within the departmental procedure. The Ombudsman's Office was granted broad investigatory powers in regard to the appropriateness of departmental actions or policies relating to a specific individual or individuals within the Department of Corrections jurisdiction. The statute proclaims:

Sec. 4 (1) "The ombudsman may investigate, upon receipt of a complaint or upon the ombudsman's own initiative, an administrative act which is alleged to be contrary to law, contrary to departmental policy, unaccompanied by an adequate statement of reason, or based on irrelevant, immaterial or erroneous grounds"³

The investigatory powers stipulated in the statute provide the ombudsman with access to all information, records, and documents which are deemed necessary in the investigation. The ombudsman must also be allowed to enter and inspect any premises under the control of the Department of Corrections without prior notice being required. In addition, the ombudsman may conduct informal hearings and request any person to give testimony or produce evidence relative to the matter under investigation.⁴

Despite the broad, far reaching investigatory powers that it possesses, the power of the Ombudsman's Office is limited to making recommendations for change to the Department of Corrections once it has determined that a grievance has merit and should be acted upon. However, the Ombudsman's Office reports that because these recommendations are documented by investigation and research, the Department of Corrections has in many cases acted favorably upon those grievances. This action has resulted in successful resolution for individual cases as well as revision of departmental policy.⁵ If, however, the Ombudsman's Office receives strong resistance to its recommendations from the Department of Corrections, the matter may be brought to the attention of the Legislative council for further investigation, but this is the extent of the agency's power.

Procedurally, a grievance must progress through the departmental steps before being entertained by the Ombudsman's Office. If, however, the grievant is not satisfied with the decision provided at the departmental level, he may contact the ombudsman by mail, including an explanation of the complaint and all grievance forms or, in emergency situations, telephone the Ombudsman's Office toll free and discuss the grievance in that manner.

When a grievance is received, it is evaluated by the staff and a decision is made whether the grievance appears to have merit. At this point, the Ombudsman's Office may inform the grievant in writing that no action can or will be taken on the grievance or on the other hand decide to pursue the matter further. If the grievance is believed to have merit, the Ombudsman's Office will conduct an in depth investigation of the issue. Should the investigation show the grievance to be valid, the Ombudsman's Office will attempt to resolve the complaint by contacting departmental personnel and discussing the issue. It is important to reiterate that the Ombudsman's Office has the limited power to make recommendations and is unable to force the Department of Corrections to change policy or grant individual relief. Should the Ombudsman be unsuccessful in challenging the Department, the grievant will be given a full written explanation of the reasons as well as alternative avenues that may be pursued.

Research Design

The primary objective of this research project is to gain specific information about the grievance procedure itself as well as those correctional clients who have utilized that procedure. Although the information gained is rather specific, the overall purview of this study is unequivocally broad primarily due to the lack of previous research in this area. The basic design of this study will combine the characteristics and purposes of both descriptive and exploratory research designs although the primary focus is in the realm of descriptive research.

The descriptive aspect of this study concentrates on the presentation of data concerning the characteristics of the grievance procedure in terms of its functions and efficiency. The other primary area of focus concerns the presentation of data describing the characteristics of those individuals who have submitted grievances. Selltitz, Jahoda, Deutch and Cook have described the general research purposes of the descriptive design as,

1. "to portray accurately the characteristics of a particular individual, situation or group (with or without specific initial hypothesis about the nature of these characteristics);
2. to determine the frequency with which something occurs or with which it is associated with something else (usually but not always, with a specific initial hypothesis)."⁶

The focus of this research project clearly fits into the above descriptions by examining both the grievance procedure and the grievants themselves.

In addition to being descriptive in nature, it can also be stated that this study meets the criteria for an exploratory study as well and is, therefore, the secondary focus of this study. One of the basic purposes of exploratory studies is to gain a better understanding of a particular topic and thereby provide a foundation for the development of more specific research questions in that area. Selltitz, et al., have described the purpose of the exploratory design as,

"to gain familiarity with a phenomenon or to achieve new insights into it, often in order to formulate a more precise research problem or to develop hypotheses."7

These authors also contend that in order to fulfill the exploratory goals, this research design must be more flexible than those other designs utilized in research. Due to the scarcity of research conducted in the area of correctional grievance procedures, this research project will incorporate an exploratory focus. It will seek to present data which will provide a base to develop more specific research questions for future study.

Sample

This study examined 963 grievances submitted by 649 male residents confined under the auspices of the State Prison of Southern Michigan (SPSM) located in Jackson, Michigan. All grievances examined were submitted during the time period extending from July 1, 1977, and December 31, 1977.

The State Prison of Southern Michigan was selected as the research site for two basic reasons. First, since a random selection of residents on a state wide basis would have been prohibitively costly both financially and in terms of time necessary to travel to the various sites, one central, nearby location for the data collection was needed and SPSM met that criteria. Second, SPSM has the largest inmate population in the Michigan correctional system as well as having diversified types of correctional programs and/or settings. SPSM is comprised of varying degrees of confinement, maximum security, medium security, minimum security, reception and diagnosis, as well as several parole camps. It is highly probable that a cross section of the Michigan correctional population has been achieved through the selection of this site, specifically in terms of age, race, type of offense, sentence, and level of custody.

The six month time span between July 1, 1977, and December 31, 1977, was selected as the period of examination for several reasons. First, due to the large number of grievances submitted during the entire year of 1977, cost factors in terms of time and financial limitations required that a significantly smaller number of grievances be examined. Second, the period between July and January represented the most current, complete data available on grievances submitted at SPSM and represented approximately one half of all grievances processed during that year. Third, it was believed

that this time period would insure that differing seasonal differences would not be a source of bias in the data collection.

Data Collection

This section will present the various procedures and sources utilized in the collection of the data for this study. In addition, the rationale for using a particular data collection method will be provided as well as a discussion of the limitations or deficiencies of that particular method or procedure.

As stated earlier, this study seeks to describe the characteristics of those grievances submitted during the six month time frame in addition to the demographic characteristics of those individuals who submitted grievances during that period of time. The approach utilized for examining the grievances themselves will consist of a content analysis of each individual grievance submitted during the time frame of this study. The approach utilized in obtaining information regarding the individual grievants will be a secondary analysis of background data routinely collected by the Michigan Department of Corrections on those individuals under its jurisdiction.

Content analysis as a technique of data collection was initially developed for examination of mass media in terms of systematically describing the content of communications. However, content analysis has been adapted to other topics

of research and essentially allows the researcher to quantitatively examine a variety of issues. Selltitz, et al., explain that:

"Although the technique of content analysis has been worked out primarily in relation to the mass media, it is applicable to other materials as well. For example, personal documents, unstructured interviews, protocols of responses to projective tests, records of patient therapist interactions, etc., may all be subjected to content analysis."⁸

They also comment on the procedural controls which must be taken in order for this technique to be viable or accurate. The controls which enable content analysis to be objective and reliable are,

"To increase reliability of content analysis there is no other way but patient experimentation with the refinement of definition and careful training of the person entrusted with their use in classifying the data."¹¹

The following section will describe in detail the manner in which the content analysis approach was used for the collection of grievance data in the present study.

In this study the content analysis of the grievances was conducted by this researcher with the assistance of two undergraduate students from the School of Criminal Justice at Michigan State University. Individual grievances (see Appendix A) submitted during the last six months of 1977, were examined at the State Prison of Southern Michigan in cooperation with the Warden's Office. For those grievances examined, a coding form was developed which was used to

present the information in a more usable form (See Appendix B). The information which was sought from the original grievance form concerned; a) specific descriptive information of the grievance itself and the procedure in terms of adherence to time limitations and eventual disposition, b) the quality of the written responses presented to the inmate by the Department of Corrections or the Ombudsman's Office, c) the actual quality of the grievance as submitted by the inmate in terms of clarity and apparent importance.

Due to the fact that much of the data collected was obtained as a result of judgemental decisions regarding a grievance or response from officials, it was exceedingly important to control for the limitations of content analysis as mentioned earlier in this section. For this reason, a training session was conducted for those individuals who would be responsible for transferring the data from the grievance form to the researcher's coding form. During this training session, the coding form was explained and discussed in terms of what information was being sought by this researcher. In addition, considerable time was spent testing the instrument on a sample of grievances submitted prior to July 1, 1977, in an effort to gain uniformity in coding responses as well as point out definitional problems or similar deficiencies in the form which would require revision. As a continuing safeguard after actual coding commenced, frequent consultations were held between this researcher and the coding team when questions arose or

inconsistent coding became apparent. This training procedure for coders thereby increasing reliability follows the guidelines set forth by Selltitz, et al.

In this section, the data collection process utilized in gaining information about individual residents will be explained. Due to the nature of this project, this researcher was dependent upon the Department of Corrections for obtaining personal and background data on those individuals who submitted grievances during the specified six month time period. This information was not included on the grievance form for obvious reasons. First, such information would have little relevance to most grievances. Second, and perhaps more importantly, information such as race, age, committing offense, etc., may result in biased decisions provided upon the grievances. Finally, since grievance forms are initially filled out by inmates, some of the information may be intentionally or inadvertantly falsified or misrepresented by the inmate.

As stated earlier, the data obtained from the Department of Corrections consists mainly of background and demographic data pertaining to particular residents. Examples of information of this type include; age, race, committing offense, minimum term, education level, occupation, prior offenses, parole status, etc. These will be presented in more depth in the "Research Question" section.

Research Questions

In this section, the basic research questions to be investigated in this study will be described in further detail. In Chapter I, a broad overview and basis for the research questions were presented in conjunction with a review of existing literature. These research questions seek to examine the characteristics of the grievance procedure as well as the characteristics of those who submit grievances. As stated in Chapter I, these questions are crucial if an understanding of the current grievance process is to be obtained. These three basic research questions will be fully stated below and divided into more specific questions or topics of concern.

Research Question 1 - What are the characteristics of the entire grievance procedure and the individual grievances submitted within that procedure?

This research question concerns the specific grievance submitted by the inmate as well as its passage through the grievance mechanism. It will seek to examine the issues which are considered grievable by the inmate population as well as how the grievance process functions in response to those grievances. This research question will be separated into three major areas of concentration. Each area will identify specific questions regarding the grievance resolution process or the grievances themselves.

The first area to be examined concerns specific grievance characteristics. In this section, a major focus will be to determine whether there are particular types of grievances

submitted more frequently than others. In addition to assessing the content matter or type of grievances, this question will also examine when grievances are submitted, i.e., were more grievances submitted in one month than in another.

The second major area to be investigated concerns the eventual disposition or resolution of the grievances submitted. This focus will examine four major areas; 1) whether the disposition was in favor of the inmate or the department, 2) at which step the grievance was resolved, 3) whether there is a relationship between the step resolved and the disposition of the grievance, 4) whether the type of grievance influences the eventual disposition.

The final focus of this research question will be an assessment of the quality or appropriateness of the grievances submitted as well as the quality of the response and procedural requirements provided and adhered to by the Department of Corrections or Ombudsman. The issue relating to the quality or appropriateness of the grievance will be addressed by an examination of; 1) whether the grievance is written in a clear, understandable manner and 2) whether the grievance appears frivolous or not applicable to the grievance procedure. The official responses from the Department of Corrections and Ombudsman will be examined on the following issues; 1) whether reasons are provided for decisions given, 2) whether reasons are supported by references to policy, statutes, etc., 3) whether the response provided simply

reiterates the response at the previous step (rubber stamp), 4) whether responses are provided to the inmate in a clear, understandable manner. In addition, this area of concentration will examine whether the grievant and the responding individual or agency followed the prescribed time limitations.

Research Question II - What are the demographic and background characteristics of those individuals who submitted grievances examined in this study?

This research question seeks to address issues regarding individual characteristics of those inmates who filed grievances under investigation. This question will be divided into three major areas of concentration.

The first area of focus will examine various demographic characteristics or social factors of the inmate. This focus will examine the following areas, 1) age of the grievant, 2) racial background of the grievant, 3) stated occupation, and 4) educational level as evidenced by the last grade completed.

The second emphasis will be an examination of the grievants background in terms of contact with the various components of the criminal justice system prior to the commission of the present committing offense. The factors which will be investigated in this area include, 1) the age at which the individual first came in contact with the authorities, and 2) whether the individual was sentenced to probation for felony or misdemeanor convictions as an adult.

The final area of concentration regarding this research question will examine information concerning the actions of the grievant following adjudication of the committing offense. The information obtained in this area will consist of the following; 1) type of committing offense, 2) departmental commitment code (how the department classified prior record, new commitment, parole violator, etc.) 3) minimum sentence, 4) parole board classification, 5) time served, and 6) number of grievances filed during the time frame of the study.

Research Question III - What, if any, is the impact of the individual characteristics upon the eventual outcome or disposition of the submitted grievance?

This third and final basic research question concerns the relationship between the individual characteristics of the grievant and the characteristics or dynamics of the grievance and procedure itself. More specifically, this question attempts to assess whether demographic factors or background information regarding individuals have an impact upon the passage through the process and ultimate disposition of the grievance.

The grievant characteristics which will be examined in these terms are divided into two areas of focus. The first focus consists of demographic information such as the race of the grievant and the educational level of the grievant. These factors deal primarily with the individual's background prior to official contact with the adult correctional system.

The second group consists of factors which describe the individual characteristics following the inmates adjudication of the committing offense. The characteristics which will be examined include the type of offense leading to commitment and the commitment code assigned when incarcerated.

The above grievant information will be examined in conjunction with the data obtained on the grievance and procedure in an effort to determine if these grievant characteristics have an impact on the system. The primary factors or relationships which will be examined concern the above characteristics and the following grievance characteristics, the ultimate disposition of the grievance, and the final step at which the grievance was resolved.

In addition, the impact of the type of grievance upon the type of resolution and step at which the grievance was resolved will be assessed. In this area, the emphasis will be to determine if different types of grievances are responded to differently than others.

Summary

This chapter began with a brief description of the grievance mechanism currently being utilized by those individuals under the supervision of the Michigan Department of Corrections. A historical and procedural overview of the Departments' procedure was provided. This internal review of grievances was described as a four step process

initiated at the immediate supervisor's level and continuing through the warden's office, regional director and if still unsatisfactorily resolved, to Director of Corrections. The Legislative Corrections Ombudsman's Office was presented as an investigatory agency independent of the Department of Corrections with its purpose described as providing an external review of grievances not successfully resolved within the Department's administrative procedure. It was pointed out that although the Ombudsman's Office has broad investigatory powers, it is limited to making recommendations to the Department of Corrections regarding individual relief or major policy changes. These recommendations were reported to be increasingly respected and acted upon by the Department of Corrections. This form of grievance mechanism combines the internal review process in which a grievant may appeal to the officials who he feels can provide relief. If that effort fails, however, he may seek an impartial investigation by the Ombudsman and hope that such an external review will result in satisfaction.

The remaining portion of this chapter sought to describe the basic design and methodology used in this study. It was stated that the design of this study was descriptive in nature with secondary emphasis on exploratory research characteristics. The sample was identified as those grievances submitted by residents of the State Prison of Southern Michigan (Jackson) during the period of time extending from July 1, 1977, and December 31, 1977. The method utilized

for the collection of the data was defined as the content analysis approach and was discussed in terms of procedural safeguards and limitations. Finally, the basic research questions were presented and were identified as examining the specific grievances and procedure, the individual characteristics of those who submitted them, and the relationship between the individual characteristics and the grievance process.

In the following chapter, Analysis of the Data, the research questions will be addressed and the data presented regarding those questions. The data will be presented in tabular form with a narrative explanation to provide a fuller understanding of the data.

Footnotes - Chapter II

1. Michigan Department of Corrections, Policy Directive, "Administrative Grievance Procedure for Corrections Clients," No. PD-DWA-62.02, July 1, 1975, p. 1.
2. Ibid., p. 1.
3. State of Michigan, Public Acts of 1975, Act No. 46, May 16, 1975.
4. Ibid.
5. Office Legislative Corrections Ombudsman, A Report from the Legislative Corrections Ombudsman, February, 1978, p. 7.
6. Claire Selltiz, et al., Research Methods in Social Relations, (New York: Holt, Rinehart and Winston, 1959), p. 50.
7. Ibid., p. 50.
8. Ibid., p. 335, Footnote 7.
9. Ibid., p. 336.
10. G. C. Helmstadter, Research Concepts in Human Behavior, (New York: Meredith Corporation, 1970), p. 79.
11. Selltiz, et al., Research Methods in Social Relations, p. 341-342.
12. Ibid., p. 405.

Chapter III

Analysis of the Data

Introduction

This chapter will consist of a presentation of the results or findings obtained in this study. The statistical analysis of the data collected in this research project was performed by the program developed by Norman H. Nie, et al., entitled, Statistical Package for the Social Sciences (SPSS).¹ In this analysis, the most basic descriptive statistics were applied to the data. More specifically, the majority of the data are presented in the form of frequency tables and contingency tables indicating measures of central tendency and association.

The Grievances and Grievance Process

The data presented in this section will describe the characteristics of the grievance process as well as individual grievances (Research Question 1) and can be divided into the following three areas. First, the grievances submitted will be described in terms of what issues are most frequently complained about by the inmates. In addition, the months in which grievances were submitted will also be examined to determine whether some months produce more grievances than others. The second area will present data concerning the

resolution of the specific grievance, in terms of the step resolved, disposition, and the amount of time needed to resolve the grievance. The final area will present data concerning the operation of the grievance process in terms of the quality of grievances and responses from officials. In this area, the focus will be to examine whether adequate, clear reasons are provided to the grievant as well as whether the grievant has met the responsibility of submitting sincere and understandable complaints.

Grievance categories and months filed

One of the most obvious areas deserving of attention in a study which investigates an established grievance procedure concerns the type of complaints that are submitted by the inmates for review by the administration. By examining the issues inmates frequently complain about through the grievance system, researchers and administrators have the ability to gain a better understanding of the inmates perception of the system in general and more specifically his priorities while incarcerated and problem areas within the prison. Administrators could ultimately utilize this information by examining departmental policy or conditions and initiating modifications where warranted. The other area which bears attention in this section concerns the time of the year in which grievances are frequently submitted. This also could enable administrators to realize when grievances are likely to arise.

One of the first challenges of this research project was to establish categories or types of grievances. After reviewing categories devised by the Department of Corrections and Ombudsman Office for their "in house" research, a sample of grievances (not included in the study) were examined and as a result, a comprehensive list of grievance types was established. As coding progressed on the actual study sample, it became apparent that other categories needed to be included as well and were added to the list. This comprehensive list of grievance types can be found in Table 3, and will be discussed in detail later in this section. However, to facilitate statistical analysis and a better understanding of the data, the categories on the comprehensive list were consolidated with those which shared a common issue or substance. This procedure enabled the total list of grievance types to be compressed from 28 categories into 12 categories without sacrificing an excessive amount of information. The consolidated list of grievance categories can be observed in Table 4 which will also be described later in this section.

As can be seen in Table 3, there were 28 types of grievances initially selected for examination prior to the consolidation described earlier.

TABLE 3

TYPE OF GRIEVANCE (TOTAL)

N=963

Type of Grievance	Freq.	%	Type of Grievance	Freq.	%
Discrimination	23	2.4	Condition of Facility	20	2.1
Security Classification	18	1.9	Medical/Dental	34	3.5
Property	214	22.2	Religion	11	1.1
Risk Classification	20	2.1	Grooming/Attire	18	1.9
Transfer - Inter	20	2.1	Scip/Money	25	2.6
Transfer - Intra	24	2.5	Discipline	32	3.3
Special Programs	114	11.8	Work	64	6.6
Visitation	23	2.4	Library/Publications	12	1.2
Good Time	8	.8	Access to Courts	10	1.0
Personnel - Harrassment	115	11.9	Access to Records	17	1.8
Phone	16	1.7	Grievance Procedure	16	1.7
Institutional Policy	16	1.7	Parole	6	.6
Hearings	6	.6	Dual Category - Discrimination (second)	10	1.0
Mail	34	3.5	Other	37	3.8

Complaints regarding missing or stolen property comprised the largest number of grievances (214) or 22.2 percent of the total grievances submitted. These grievances largely pertained to situations in which an individual's personal items were either stolen within the prison or on some occasions lost during transfer to other living units within the prison or transfer to another facility. Items which were found missing ranged from clothes, books, television sets and radios. In order for an inmate to be reimbursed for his loss, the department of corrections personnel would have to be found negligent in his or her duties. The high percentage of property grievances suggest two major possibilities, (1) as expected, there exists a great deal of thievery within the cell blocks and an inability or unwillingness to protect ones property (2) when transferring a prisoner to a different living unit or facility, the department may not exercise sufficient care in transporting the personal items.

The personnel harrassment category comprised (115) or 11.9 percent of the total grievances. This category consisted of those complaints lodged against certain correctional employees for perceived misconduct short of discrimination. It should be noted that these complaints usually arose from the denial of privileges, verbal confrontation, etc. but rarely if ever, complaints of physical abuse by the officers. The data indicates that as expected, inmates will utilize the grievance procedure to formally complain about the actions or attitudes of staff members.

The third most frequent category listed in Table 3 is special programs which consisted of 114 or 11.8 percent of the total grievances submitted. This category concerned the inmates inclusion in those programs which include, furloughs, work release, community center placement, camp programs, etc. Inmates frequently utilized the grievance procedure to appeal a decision which restricted them from participating in these programs. Understandably, inmates appeared very intent upon acquiring a less restrictive setting or initiating increased contact in the community.

The final category focused upon in this discussion of Table 3 concerns complaints regarding work assignments or other work related issues. The work category consisted of 64 or 6.6 percent of all grievances submitted. These grievances concerned the jobs to which inmates were assigned, working conditions, pay scales, employee relations, and transfer requests for other assignments. The data suggests that to the inmates within the prison, work is viewed as a moderately important program which is available to them.

The consolidated grievance categories presented in Table 4 enables the reader to gain a better understanding of the trends in grievance content without being too restrictive in nature. As can be seen in this table, the major categories presented in Table 3 continue their prominence as primary grievance topics.

TABLE 4

CONSOLIDATED GRIEVANCE CATEGORIES

N=963

Grievance Category	Frequency	Percentage
Transfer	44	4.6
Discrimination	44	4.6
Property	239	24.8
Classification	152	15.8
Family-Community Contact	73	7.6
Discipline-Release	52	5.4
Personal Care-Conditions	72	7.5
Work	64	6.6
Personnel-Harrassment	115	11.9
Institutional Policy-Actions . .	32	3.3
Library-Personal Access	39	4.0
Other	37	3.8
Total	963	100

Property remained the top category when combined with the "scrip-money" category and constituted 24.8 percent or 239 of the total number of grievances. Scrip is basically a token money system in which an inmate obtains an allowance to spend in the prison store, etc.

The "classification" category comprises the "special programs" category mentioned above in discussing Table 3 and also includes the "risk classification" and "security classification" categories which are factors considered in the determination of inclusion in those programs described earlier. The "classification" category constituted 15.8 percent or 152 of the total grievances.

The "personnel-harrassment" category was not merged with other categories and remained one of the largest categories behind property and classification with 115 or 11.9 percent of the total grievances.

The new category "family-community contact" was created by combining "phone", "visitation", and "mail" categories from Table 3 and as a result consisted of 7.6 percent or 73 of the total grievances submitted. This category concerns those complaints voiced by inmates regarding the restrictions upon communication with family members or friends in the community. Frequent complaints concerned quotas on visits, little or no use of the telephone and censorship or poor delivery of the mail. This data suggests that the inmates link with the community through these communication channels is a very important matter.

A second category which was consolidated and assumed a position as a major grievance category is "personal care-conditions". This category combines the previous categories of "medical-dental", "conditions of facility", and "grooming-attire", and comprises 7.5 percent or 72 of the total grievances.

This broad category encompasses complaints regarding desired or inadequate medical or dental care as well as personal hygiene matters and the cleanliness or safeness of the prison structure. This data suggests that many inmates do take an active interest in the fulfillment of their medical and dental needs as well as petitioning for the improvement of their living environment.

Other categories, including "work" which was discussed earlier comprise a smaller percentage of the total number of grievances submitted. "Discipline-release" consisted of those categories which had a bearing on the inmates prison record or eventual release, "discipline", "good time", "parole" and "hearings". This category comprises 52 or 5.4 percent of all grievances and appears to be surprisingly low. "Transfer" which comprised complaints about transfers or lack of transfers within the institution or with other facilities consisted of 44 or 4.6 percent of all grievances. Also comprising 4.6 percent or 44 of the grievances was the "discrimination" category. This category was merged with the category which covered discrimination as a secondary issue to another complaint. Those categories which consisted of less than 4 percent included "library-personal access", 39 or 4.0 percent, "institutional policy-actions" which also included grievances regarding the grievance procedure, 32 or 3.3 percent and the category which comprised a wide variety of unusual grievances consisted of 37 or 4.8 percent of all grievances.

In addition to recognizing the importance of the type of grievances submitted, it was also felt that the time of the year in which grievances were submitted should also be included. Since the study time frame consisted of the months from July through December, it was contended that seasonal temperature variations would be represented. Table 5 presents the data regarding the months in which grievances were filed.

TABLE 5

MONTHS IN WHICH GRIEVANCES WERE FILED

Month	Number of Grievances Submitted	Percentage of Grievances Submitted
July	181	19.2
August . . .	207	21.9
September .	230	24.3
October . .	161	17.0
November . .	118	12.5
December . .	48	5.1
Total . . .	945	100

According to the data collected, the month of September led all other months with a total of 230 grievances submitted or 24.3 percent of the total grievances. August was the second highest month producing 207 or 21.9 percent of all grievances. July ranked third in this area with 181 or 19.2 percent of the total grievances submitted. Ranked fourth

was the month of October which encountered 161 or 17.0 percent of the grievances. November accounted for 118 or 12.5 percent followed by an extreme drop in December which had only 48 or 5.1 percent of the total grievances.

In looking at Table 5, it appears that the amount of grievances increases steadily from July to September at which point the amount of grievances peak. The grievances then begin a steady decline in October and November and nosedived in December. An obvious observation indicates that the warmer months (July, August, September) accounted for nearly two thirds or 65.4 percent of all grievances whereas the cooler months (October, November, December) accounted for only 34.6 percent. This indicates that grievance activity may be accelerated during the summer months in the same manner that tension and tempers increase within the prison during this period of time.

Another remarkable factor in this data presentation concerns the major decline of grievances for the month of December. Although safeguards were implemented to insure that the research team had access to all grievance forms for the six months, it is possible that some December grievances were unavailable when the coding commenced in April, 1978.

Grievance resolution process

A primary emphasis in this study which investigates grievances would logically be to ascertain the degree of relief provided, the points (steps) at which grievances are

resolved and finally, the time involved in the resolution process. More specifically, this section will present data on the type of decisions provided to the inmate, at which step the decisions are made, the last step petitioned by the inmate, whether the grievance was resolved within the time limits prescribed and an analysis of the total amount of time used to resolve the grievance.

The type of resolution or decisions provided for submitted grievances is shown in Table 6. There are four possible decisions which the Department of Corrections or the Ombudsman's Office could provide. The first type of decision, "What inmate requested", indicated that the grievance was upheld and the inmate was provided the desired relief. The second type of decision, "less than what the inmate requested", indicated that although the inmate was not granted total relief, he was provided with a compromise resolution or partial satisfaction. The third type of decision, "denial or no action taken", consisted of open refusal to accept the validity of the grievance in question or the inability to grant the appropriate relief in which case the inmate was referred to appeal to the next step. The fourth type of resolution, "inmate terminated grievance", was extremely vague and could be construed as relief was granted or the inmate decided to give up.

TABLE 6

RESOLUTION OF GRIEVANCES

Type of Resolution	Number of Decisions	Percentage of Decisions
What Inmate Requested . . .	167	17.6
Less Than What Inmate Requested (partial satis- faction)	53	5.6
Denial or No Action Taken .	601	63.4
Inmate Terminated Grie- vance	127	13.4
Totals	948	100

The results which are presented in Table 6 indicate very strongly that unfavorable responses to the grievances occur much more frequently than those which are favorable. The category of "denial or no action taken", comprised 63.4 percent or 601 of the grievances submitted or nearly two thirds of the grievances denied relief. In contrast, inmates were granted the relief they requested in only 17.6 percent or 167 of the cases. The gray area of compromise or "partial satisfaction" accounted for 5.6 percent or 53 grievances of those submitted. The very vague, indistinguishable category of, "inmate terminated grievance", comprised 13.4 percent or 127 of the grievances submitted.

The results indicate that the overwhelming amount of grievances (63.4%) are denied relief in this procedure. However, should the "client terminated grievance" category be viewed as the inmate giving up on the procedure without gaining any degree of the desired relief, then the "denial" percentage would be 76.8 percent of the total dispositions. The assertion could be made that either the inmates might be submitting frivolous grievances or the grievance procedure may be unresponsive to the inmate complaints.

Table 7 provides a description of the breakdown of decisions which were provided at the various steps within the grievance procedure. As can be seen in this table, the decision possible within the administrative procedure consists of grievance approved, grievance denied, and client terminated grievance.

TABLE 7
DECISIONS BY STEPS

Step	Approved		Denied		Client Terminated Grievance		Total
	f	%	f	%	f	%	
Step 1 .	130	13.9	795	84.8	13	1.4	938
Step 2 .	94	15.4	412	67.7	103	16.9	609
Step 3 .	22	7.8	258	91.8	1	.4	281
Step 4 .	10	6.0	157	94.0	0	0	167
Totals .	256	12.8	1622	81.3	117	5.7	1995

The data presented in Table 7 indicates that over the four steps utilized in the grievance procedure, each step disapproves considerably more grievances than it approves although some steps have higher percentages of denials. The totals for all steps combined yield 256 approvals, 1622 denials, and 117 client terminated grievances. These statistics strongly suggest, at least on the surface, that the inmate submitting a grievance has very little chance of receiving a favorable response within this procedure.

The decisions at Step 1 indicate that 795 or 84.8 percent of the total number of grievances were denied at this level whereas only 130 or 13.9 percent were approved. Client terminated grievances consisted of only 1.4 percent or 13 of the total number of grievances. As expected, Step 1 possesses the highest numerical representation of both approvals and denials as a result of its entry level status.

Step 2 appears to be the most balanced of all the other steps in terms of percentages of denials, approvals and client terminations. Approvals at this step demonstrated the highest percentage of all internal steps, 15.4 percent or 94 of the total grievances decided at this step. Denials on the percentage basis were the lowest at this step than any other, 67.7 percent of 412 of the total grievances at this step. Once again, that nebulous category of client terminated grievances appears, and at this step it far exceeds all other steps with

a total number of 103 such terminations which constitute 16.9 percent of the Step 2 decisions. Whether these terminations are identified with approvals or denials is not known.

Steps 3 and 4 indicate an extremely high percentage of denials, 91.8 and 94.0 respectively. In addition, the amount of client terminations decrease to 1 for both steps combined indicating that perhaps the negotiation occurs more frequently at the institutional level. Based on the approval rates for these last two steps, the outlook for an inmate receiving a favorable response from Step 3 or Step 4 is rather grim.

TABLE 8

DECISIONS BY OMBUDSMAN

Grievance Merited Success f %		Grievance Merited-No Success f %		Not Merited f %		No Action Can Be Taken f %		Total f
18	23.1	8	10.3	10	12.8	42	53.8	78

Table 8 presents the Ombudsman's Office decisions on the merits of grievances submitted to that office. The Ombudsman Office reviews grievances and although it cannot grant relief, it can decide whether or not the grievance appears to have merit. Should the Ombudsman Office decide that the grievance has merit, it may challenge the Department of Corrections' position on the issue.

The data presented in Table 8 shows that in 26 or 33.4 percent of the cases, the Ombudsman felt that the grievance had merit and challenged the Department of Corrections' position. In 23.1 percent of all cases submitted to this office, the Department accepted the Ombudsman's recommendations and represented successful challenges regarding grievances. The Ombudsman found that 12.8 percent or 10 of the grievances submitted did not have merit. In addition, the Ombudsman found that in 53.8 percent of 42 of the grievances presented, no action could be taken on the grievance due to clearly established policy such as eligibility for special programs, work assignments and compensation, as well as proof of staff negligence in property cases. Although it appears that many grievances are not challengeable to the Department of Corrections, it should be noted that in many instances (23.1%), the Department responded favorably to the Ombudsman's recommendations.

Just as the decisions and steps at which the decisions are reached is important, it is also important to determine specifically at which step the grievance halts whether by successful resolution or the last appeal. Table 9 illustrates the various steps at which grievances are filtered out of the system.

TABLE 9

STEP AT WHICH GRIEVANCE TERMINATES

Step Grievance Resolved or Terminated	Number of Grievances	Percentage of Grievances
Step 1 - Immediate Supervisor Level	339	35.4
Step 2 - Warden's Office	328	34.3
Step 3 - Deputy direc- tor or Regional admin- istrator	126	13.2
Step 4 - Director of Corrections Office	87	9.1
Legislative Corrections Ombudsman	77	8.0
Total	957	100

The data presented indicates clearly that the majority of the grievances progress no further than Step 2. The Step 1 level was the most frequent "termination" step consisting of 339 or 35.4 percent of all grievances submitted. Not far behind, Step 2 comprised 328 or 34.3 percent of the final steps. It is extremely important to note at this point that both Step 1 and Step 2 are the institutional review forums. Therefore, 667 or 69.7 percent of all grievances never leave the institutional level for upper echelon departmental or external review.

When this research project was in its planning stages, one of the concerns which was considered important and deserving of inclusion was the time factor in the resolution of grievances. Especially sought was information which indicated whether or not the grievant and responding officials functioned within the time limitations set forth in the grievance procedure. Unfortunately, the data which was gathered regarding the time limits between the steps was largely incomplete and useless due to the inconsistent record keeping and marking of dates on the grievance form. However, dates filed and dates of resolution were frequently recorded and as a result, the data which is useful for this study's purpose concerns the total length of time needed to resolve the grievances (see Table 10). In addition, through statistical analysis, it was also possible to determine whether or not a grievance was resolved within the prescribed time limits (see Table 11) by computing the maximum number of days allowed for each step and comparing the actual time used with that figure.

TABLE 10

TOTAL TIME USED TO RESOLVE GRIEVANCE

Number of Days From Filing of Grievance To Resolution	Frequency N=817	Percentage
1 - 10 Days	249	30.4
11 - 20 Days	136	16.5
21 - 30 Days	107	13.0
Over 30 Days	325	40.0

Table 10 indicates the length of time expended in the pursuance of grievances. The category comprising from 1 to 10 days from the filing date to the date resolved accounted for 30.4 percent or 249 of the grievances studied. The 11 to 20 day span accounted for 16.5 percent or 136 of those grievances. The period of time between 21 and 30 days comprised 13.0 percent or 107 grievances. The largest category, however, was "over 30 days" which consisted of 40.1 percent or 325 grievances. The implications of these results indicate that many grievances are resolved rapidly (1-10 days) while even more grievances require more than a month (over 30 days). The inference can be made that the majority of grievances are easily resolved and filtered out of the system early or are more complex and need a longer period of time to be reviewed by higher levels of the system. This information

should be taken merely as an indicator of the general time frame of the grievance process with consideration being given to determining factors such as the amount of steps utilized, holidays, etc.

The second table regarding the time element in the grievance procedure presents data regarding whether time limits have been honored. The method for computing the time required was described earlier.

TABLE 11

GRIEVANCES RESOLVED WITHIN TIME LIMITS

Within Limits		Over Limits	
N	%	N	%
495	60.6	322	39.4
N=817			

This table indicates that the majority of grievances 60.6 percent or 495, are resolved within the time frame prescribed in the grievance procedure. However, some legitimate concern can be expressed concerning the fact that nearly 40 percent (39.4) or 322 grievances are not resolved within the proper time limits. Ideally, the percentage for those grievances taking more time than is set forth should be considerably lower. The delay may be the responsibility of either the grievant, Department of Corrections or Ombudsman but nevertheless should

be the rare exception to the rule since the timely resolution of a grievance has been noted in the literature as an important factor in the inmates view of the entire procedure. It should also be noted, however, that a large amount of data is missing on this issue (146) and should be taken into consideration.

Quality of the response and grievance

The basis for including such a focus in this study emanates from the idea that not only is it important to learn about what types of grievances are submitted and how they are resolved but also to examine how those grievances are presented as well as how the responses are presented. More specifically, the official responses to the grievances will be investigated in terms of whether reasons or reference to policy are provided to inmates, whether the official response is merely a reiteration of the previous step (rubber stamp), and whether the narrative response is understandable to the grievant. The main interest in terms of the quality of the grievance seeks to determine whether the grievance is presented in a clear, understandable manner and also whether or not it appears, on its face, to be a frivolous grievance. Although objectivity and consistency were a constant concern, it should be noted that the data was obtained by a subjective evaluation of each grievance and response and these results should not be considered definitive.

The first major issue confronted in this area concerned the basic reasons for decisions provided to the grievant by the Department official or the Ombudsman. Tables 12 and 13 indicate the frequency in which these reasons were provided for the decisions which were tendered upon the grievances.

TABLE 12

REASONS PROVIDED TO GRIEVANT

Step	Yes		No		Unsure		Total f
	f	%	f	%	f	%	
Step 1 . .	846	92	55	6	19	2.1	920
Step 2 . .	494	95.7	17	3.3	5	1.0	516
Step 3 . .	271	95.4	11	3.9	2	.7	284
Step 4 . .	159	97.5	4	2.5	0	0	163
Ombudsman.	67	97.1	1	1.4	1	1	69

Table 12 indicates that the responding agents to a submitted grievance do provide some type of rationale or basis for their decision. In fact, at each of the four steps and the Ombudsman level as well, over 90 percent of the decisions were accompanied by some explanation rather than merely the comment, "grievance denied". Step 1 possessed the highest percentage of "no reason" responses with 55 or 6 percent of the total grievances. As the table shows,

there existed a gray area (unsure) in which a specific yes or no response could not be given. However, this column had very few responses and would make very little difference in the overall findings either positively or negatively. The assertion can be made based on this data that grievants are provided explanations for decisions.

Although Table 12 indicates that reasons are generally provided, another area of focus concerned the substance of the reason. The major concern was whether the reasons included a reference to departmental policy, operating procedures, etc. thereby providing the inmate with a better understanding of the situation. Evaluating and coding this information was difficult and it became apparent that more classifications were needed than the previously used, yes, no, unsure. It was found that indeed some reasons specifically stated the policy and regulation number for the grievant (yes, stated) but it was also discovered that the policy reference was much more subtle in nature commenting on the policy or procedure without being specific (yes, implied). In addition, a very few grievances were found to be somewhere in between the two categories and were categorized as yes, unsure. In addition to the above categories suggesting that policy references were provided, the previously used "no" and "unsure" categories were also used to describe responses which clearly did not refer to policy or those in which it could not be determined either way.

TABLE 13

REASONS BACKED BY POLICY

Step	Yes- Stated f	%	Yes- Implied f	%	Yes- Unsure f	%	No f	%	Unsure f	%	Total f
Step 1 . . .	207	23.7	303	34.7	6	.6	311	35.6	47	5.4	874
Step 2 . . .	151	30.3	225	45.1	4	.8	107	21.4	12	2.4	499
Step 3 . . .	76	27.8	116	40.3	3	1.1	78	28.6	6	2.2	273
Step 4 . . .	40	25.0	58	46.2	1	.6	56	35.0	5	3.1	160
Ombudsman .	44	65.7	13	19.4	0	0	9	13.4	1	1.5	67

Table 13 indicates a moderately high percentage of references to policy in those decisions which provide reasons to grievants. The Ombudsman's Office included specific references to policy in 65.7 percent of its responses to grievants followed by Step 2 which stated policy in 30.3 percent of its decisions. Step 2 also referred to policy by implication in 45.1 percent of the cases. Step 1 and Step 4, however, accounted for the largest percentage of responses which did not refer to established policy, 35.6 and 35 percent respectively.

The data presented in this table suggests that references to policy are frequently included in the reasons provided to grievants. However, it could also be stated that these figures could be improved raising the percentages even higher at each step.

The issue of the reiteration or "rubber stamp" of the decision provided at the previous step is presented in Table 14. The major question to be addressed sought to determine whether higher steps tend to follow the decisions of the lower steps and more importantly, restate the very same reasons. A "rubber stamp" response was identified as one which reiterates the previous steps response using the same language or simply stating something such as "This step agrees with the previous steps response". In other words, a "rubber stamp" response indicated a blanket approval of the previous answer and lacked originality.

TABLE 14

RUBBER STAMP

Step	Yes		No		Unsure		Total f
	f	%	f	%	f	%	
Step 2 . . .	58	11.5	423	83.8	23	4.6	504
Step 3 . . .	111	39.1	139	48.9	34	12.0	284
Step 4 . . .	95	57.6	49	29.7	21	12.7	165
Ombudsman .	15	22.1	53	77.9	0	0	68

The data presented in Table 14 indicates a general progression in the percentage and number of "rubber stamp" responses in proportion to the step hierarchy. Step 2, for example, exhibited the lowest percentage of "rubber stamp" responses with 11.5 percent or 38 such responses. Step 3 "rubber stamp" accounted for 39.1 percent or 11 of the total responses at that level. Step 4 continued the escalation in "rubber stamp" with 57.6 percent or 95 of the responses at that step being judged as "rubber stamp" in nature. The Ombudsman's Office surprisingly enough demonstrated "rubber stamp" tendencies in 22.1 percent of its responses.

Although the above statistics suggest very strongly that decisions at previous steps are frequently reiterated, several points should be considered. First, the "unsure" column consisted of up to 12.7 percent of the responses

which could have lessened or enhanced the occurrence of "rubber stamps". Another point to consider is that as a grievance passes through Steps 1, 2 and 3, and reasons are provided at those steps, it could be a natural tendency to agree with the reasons provided previously. In addition, the prior stated reasons may be entirely correct and unique to the grievance and unable to be rephrased adequately. The results of this data are inconclusive at best but do raise some questions about the tendency of higher steps to "rubber stamp" the lower steps' decisions.

Another issue which was addressed in this portion of the study concerned the manner in which the response was provided to the grievant. The principal questions centered around whether the written responses were presented in a clear, legible and understandable manner. The results of this inquiry can be seen in Table 15.

TABLE 15

CLARITY OF THE RESPONSE

Step	Yes		No		Unsure		Total f
	f	%	f	%	f	%	
Step 1 . . .	677	73.1	175	18.9	74	8.0	926
Step 2 . . .	469	91.6	32	6.3	11	2.1	512
Step 3 . . .	253	90.0	18	6.4	10	3.6	281
Step 4 . . .	155	96.3	5	3.1	1	.6	161
Ombudsman .	65	92.9	2	2.9	3	4.3	70

Table 15 indicates that in a large majority of the cases, the responses provided were expressed in a clear manner. At steps 2, 3 and 4 as well as the Ombudsman Office, the percentage of clear responses exceeded 90 percent of the total. The lowest percentage was found at Step 1 where 73.1 percent of the responses were considered to be adequately presented.

The results indicate that for the most part, the responses provided to the grievant are presented in a clear comprehensible manner. However, Step 1 officials did not appear to be as interested in providing clear responses to the grievant as other steps within the process. These results suggest that the Department of Corrections officials and the Ombudsman realize the importance of clearly communicating their decisions to the inmates.

This section will discuss the data presented regarding the quality of the grievance in terms of its appropriateness for the procedure. In addition, the manner in which the grievance was presented will also be examined in the same context that the responses were evaluated in the previous section.

Table 16 presents the data concerning the overall appropriateness of the grievances submitted. In this context, frivolous grievances were defined as those which were blatantly not grievable issues for the process or those which were presented with obvious insincerity and requesting outrageous compensation or relief. It should be noted that only the most obviously frivolous complaints were categorized as such, thereby granting the inmate the benefit of the doubt that the issue being grieved was truly important. As such, this data should be taken at face value and should not be considered conclusive.

TABLE 16

FRIVOLOUS GRIEVANCES

Do Grievances Appear Frivolous or Inappropriate for the Procedure?					
Yes		No		Unsure	
Frequency	Percent	Frequency	Percent	Frequency	Percent
83	8.6	738	76.9	139	14.5

The data in Table 16 indicates very strongly that the majority of grievances were not considered frivolous in this evaluation. The not frivolous evaluation accounted for 76.9 percent or 738 of the total number of grievances submitted. On the other hand, 8.6 percent or 83 of the total grievances were considered to be blatantly frivolous grievances. The remaining 14.5 percent or 139 grievances comprised the "unsure" category in which no certain evaluation was possible.

This data indicates that although some obviously frivolous grievances are submitted, the majority appear to be sincerely presented. Once again, however, these results should not be considered definitive.

Table 17 presents the data concerning the clarity of the grievance. The primary questions relate to whether the grievance is presented in a clear, legible and understandable manner.

TABLE 17

CLARITY OF GRIEVANCES

Are Grievances Presented in a Clear Understandable and Legible Manner?					
Yes		No		Unsure	
Frequency	Percent	Frequency	Percent	Frequency	Percent
829	86.4	84	8.6	47	4.9

The data in Table 17 indicates that like the responses provided to the grievants, the vast majority of the submitted grievances are clearly presented. In 86.4 percent or 829 of the grievances, the indication was that the grievance was understandable. In only 8.6 percent or 84 grievances was it decided that the presentation was inadequate. This data parallels the findings concerning the clarity of the responses discussed earlier in this section.

The Grievant Characteristics

This second major division of Chapter III will present data which describes the personal and background characteristics of those inmates who have utilized this procedure during the time frame of this study. This data which addresses Research Question 2 was obtained from the Department of Corrections and can be divided into three major areas. The first area of focus will consist of an examination of the basic demographic factors concerning the grievants such as age, race, and educational level. The second focus will concentrate on the grievant's involvement with the criminal justice system prior to his present incarceration or supervision by the Department of Corrections. This focus will present data pertaining to the individual's age at first attention of authorities, probation history and prior record as stated in the commitment code data. The final area to be examined concerns the factors which have occurred following the committing offense. This information will consist of a

description of the committing offense, commitment code, minimum sentence, amount of time served, and the number of grievances submitted per inmate.

Demographic characteristics

The age of the grievants is one of the demographic factors examined in this study. Table 18 presents the data describing the age breakdown of those individuals who submitted grievances examined in this study.

TABLE 18

AGE OF GRIEVANTS

Age in Years	Frequency N=637	Percentage
18-25	170	27
26-33	318	50
34-41	103	16
42-49	30	5
50-57	11	2
58 or Over	5	0

Table 18 illustrates that the vast majority of the grievants are between the ages of 18 and 41. This group comprised 93 percent or 591 of the total number of grievants. The largest category consisted of those grievants between the ages of 26 and 33 years of age and accounted for 50 percent

or 318 of the total number of grievants. The next largest category is the youngest group ranging from 18 to 25 years of age. This group comprised 27 percent or 170 of the total number of grievants. The 34 to 41 year old bracket accounted for 103 or 16 percent of the grievants. The remaining 7 percent or 46 grievants represented the 42-49, 50-57, and over 58 age brackets.

These results indicate that the primary grievance submitting group is between the age of 26 and 33. Likewise, very few grievants were over the age of 41 years. However, this may be indicative of the age composition of the total prison population rather than a tendency for one age group to submit more grievances than another. Although this latter concept is conceivable, the data presented does not provide conclusive results to that effect.

The race of the grievants was also considered to be a factor worth examination in this study to determine whether a given racial group dominated the grievance process. It was believed that with a predominantly black prison population, the majority of complaints would emanate from black grievants. Should white grievants submit more complaints, then questions regarding black grievants' knowledge or faith in the system would surface. Table 19 presents the racial breakdown of those inmates who submitted grievances examined in this study.

TABLE 19

RACE OF GRIEVANTS

Race	Frequency N=638	Percentage
Caucasian	239	37
Black	387	61
Mexican	11	2
American Indian . . .	1	0
Oriental	0	0
Other	0	0

As expected, the data presented in Table 19 clearly indicated two major racial groups involved in the grievance process. Sixty-one percent or 387 of the grievants were black while 37 percent or 239 of the total number of grievants were white. Mexicans accounted for only two percent or 11 of the total in addition to one reported American Indian.

This data clearly indicates that Blacks account for the majority of grievants. However, as was stated in the previous section concerning the age of the grievants, these results may merely be indicative of the overall racial composition of the prison population. As a result, this data should be taken at face value and should not be considered definitive.

The final demographic characteristic examined in this section concerns the educational level of the grievants. In this regard, the focus was to determine the last grade completed by the individuals included in this study. Table 20 presents the educational background of these grievants.

TABLE 20

EDUCATION LEVEL

Last Grade Completed	Frequency N=649	Percentage
Grade 0-6	270	42
Grades 7-11	323	50
High School	16	2
Some College	3	0
College Graduate	0	0
Unknown	37	6

The data presented in Table 20 indicates that the majority of grievants have less than a high school education. The category which included grades 0 through 6 accounted for 42 percent or 270 of the total number of grievants. The second category which covered grades 7 through 11 was the largest group comprising 50 percent or 323 grievants. A total of 16 grievants or two percent of the total had completed high

school. Even fewer grievants had a college background with only three individuals reported to have some college experience and not one grievant in possession of a college degree.

This data indicates that the majority of the grievants included in this study did not have extensive educational backgrounds. The amazing results identify very few grievants as gaining a high school level of achievement. These results indicate that even though the educational level is low among grieving inmates, they still find themselves able to utilize a grievance procedure in which great emphasis is placed upon written communication between the participants.

Previous contact with criminal justice system

This section will present the background data regarding the grievants prior involvements with the criminal justice or correctional system preceding the present commitment order. Table 21 presents the data concerning the age at which the grievant had initial contact with this system i.e., police, courts, etc.

TABLE 21

AGE AT FIRST ATTENTION OF AUTHORITIES

Years of Age	Frequency N=649	Percentage
10 or Under	31	5
11 Years Old	66	10
12 Years Old	116	18
13 Years Old	125	19
14 Years Old	101	15
15 Years Old	43	7
16 Years Old	91	14
17 Years Old	5	1
18 or Over	12	2
Unknown	59	9
Mean = 13 years old		

Table 21 indicates that a large percentage (52%) of initial contacts occurred between the ages of 12 and 14 years. The 12 year old bracket accounted for 18 percent or 116 of the total initial contacts. The 13 year old bracket comprised 19 percent or 125 of the total and also represented the mean age for initial contact with the authorities. Fourteen years of age represented the first contact for 101 or 15 percent of the grievants included in this study followed closely by the 16 year old bracket which accounted for 91 or 14 percent of the total.

This data indicates that the vast majority of grievants had some form of official contact with the police or other criminal justice agencies prior to their eighteenth birthday and that many were 12 to 14 years old when this occurred. This suggests that the majority of the grievants examined may have gained an early understanding of the official functions and limitations at an early age. Furthermore, this knowledge may have facilitated an understanding of the functions of the adult "system" and, therefore, the grievance procedure allowing them to easily utilize the procedure.

Table 22 presents the data concerning the probation history for those grievants included in this study. This information includes misdemeanor and felony sentences to probation.

TABLE 22

ADULT PROBATION HISTORY

Misdemeanor N=613			Felony N=629		
Number of Sentences	Freq.	Percent	Number of Sentences	Freq.	Percent
0	455	74	0	344	55
1	121	20	1	206	33
2	27	4	2	61	10
3	3	0	3	10	2
4	5	1	4	5	1
5	2	0	5	0	0
			6	3	0

Regarding misdemeanor probation sentences, Table 22 illustrates that the majority of grievants, 74 percent or 455 individuals had never been on probation for a misdemeanor offense. However, this table also shows that 20 percent or 121 of the total number of grievants were, at one time, sentenced to probation for a misdemeanor. A total of approximately six percent or 37 individuals received two or more sentences to probation for these types of offenses.

Regarding the probation history for felony convictions, Table 22 indicates that although a large segment of the grievants included were not previously sentenced to probation,

some had served between 1 and 6 felony probation sentences. Those who did not possess a felony probation history accounted for 55 percent or 344 of the total number of grievants. Individuals who received one felony probation sentence represented thirty-three percent or 206 of the total number of grievants. A total of approximately 12 percent or 78 individuals were recipients of two or more felony probation sentences.

This data illustrates that the majority of the grievants did not have a misdemeanor or felony probation history prior to the present committing offense. However, it is also recognized that a considerable number did have such prior contact, 25 percent for misdemeanors and 45 percent for felony violations.

The final data which described the grievants prior involvement with the criminal justice system was obtained from the Department of Corrections "commitment code" classification. The commitment code indicates the status of the individual entering the system in terms of whether he is on a new commitment, violator of probation or parole, etc. Table 23 presents this data concerning the commitment codes of those grievants included in this study.

TABLE 23

COMMITMENT CODE

Commitment Code	Frequency N=649	Percentage
Technical Violator of Probation	10	2
Probationer with New Sentence	73	11
New Commitment	353	54
Parole Violator with New Sentence	93	14
Escaper Committed Another Felony	8	1
Additional Sentence Imposed	99	15
Out of State into Michigan for Parole	13	2
Total	649	100

The information presented in Table 23 indicates that the majority of grievants are new commitments. This category represented 54 percent or 353 of those total number of grievants. Those individuals who were classified as violators of probation or parole accounted for 27 percent or 176 of the total number of grievants. The remaining categories included those who committed another felony while an escapee (1 percent), or had an additional sentence imposed (15 percent) and finally those who entered the Michigan correctional system on parole from another state (2 percent).

This data indicates that although the majority of grievants were considered new commitments, a large number were committed to the Department of Corrections as a result of failure on probation or parole. This indicates that a large number of grievants had some history of probation prior to eventual incarceration.

Current grievant information

This section will present information concerning the type of committing offense, parole board classification, minimum sentence, time served, and number of grievances submitted per inmate. This information will provide a further description of the individuals who have utilized the grievance procedure.

One of the primary areas which was viewed as being important to examine concerned the type of offense the grievant committed to warrant incarceration. The comprehensive

list of committing offenses was collapsed into three major categories, (1) assaultive, (2) non-assaultive, and (3) unknown (offense could either be assaultive or non-assaultive).

The assaultive category is comprised of the following offenses; homicide, rape, abduction-kidnapping, assault, robbery, offenses against children, and weapons violations. The non-assaultive category consists of the following offenses; drugs, burglary, larceny, auto theft, forgery, fraud, interfering with legal process, conspiracy, malicious destruction, and prostitution. The final category "unknown" represents offenses which may or may not be considered assaultive depending upon the specific circumstances of the crime. These include sex, arson and a category which the Department of Corrections termed miscellaneous.

Table 24 presents the data regarding the general type of offense committed.

TABLE 24

COMMITTING OFFENSE

Type of Offense	Frequency N=637	Percentage
Assaultive	414	65
Non-Assaultive	211	33
Unknown	12	2

This data indicates that a majority of grievants were committed for assaultive offenses. The assaultive category accounted for 65 percent or 414 of the total number of grievants. The non-assaultive category was comprised of 33 percent or 211 of the total whereas the unknown category consisted of two percent or 12 individuals.

This data could be reflective of the general composition of the prison population which may be comprised of primarily assaultive commitments. On the other hand, the data may indicate that grievants with assaultive offenses simply utilize the grievance procedure more frequently than their non-assaultive fellow inmates.

Table 25 presents the data regarding the parole board classification of those individuals who submitted grievances examined in the study. The information in this table illustrates the categories into which the parole board places inmates pending further action.

TABLE 25

PAROLE BOARD CLASSIFICATION

Parole Board Classification	Frequency N=649	Percentage
First Offender	171	26
Repeating Offender	186	29
Parole Violator with New Sentence	95	15
Technical Violator of Parole . .	33	5
Concurrent Sentences	62	10
Escaper	20	3
Lifer Law Case	26	4
Murder First	42	6
Unknown	14	2

This table indicates that a substantial proportion (26%) of the grievants are considered first offenders by the parole board. Similarly, the category of repeating offender accounted for 186 or 29 percent of the total number of grievants. The parole board also identified 20 percent or 128 individuals as being parole violators. The final important issue presented in this table concerns the classifications which signify life sentences. The "lifer law case" classification accounted for 26 or 4 percent of the total grievants. Likewise, the "murder first" category consisted of 42 or 6 percent of the total. By combining these classifications, it is discovered that approximately 10 percent of the grievants face extremely lengthy or life-long prison sentences.

This data indicates that a large number of grievants have been in the system before (49%) as indicated by combining parole violators and repeating offender categories. In addition, it also appears that a significant number of grievants (10%) are certain to be within the system for a long period of time. This information may also suggest that those who are very familiar with the system and know they will be there for some time are aware of the grievance process and utilize it.

Table 26 presents further data relating to the grievants projected length of stay in terms of the minimum sentence imposed by the committing court.

TABLE 26

MINIMUM SENTENCE

Minimum Sentence in Years-Months	Frequency N=649	Percentage
0 - 2 years	130	19
2 years 1 month - 4 years	149	21
4 years 1 month - 6 years	87	15
6 years 1 month - 8 years	75	12
8 years 1 month - 10 years	72	11
10 years - 20 years	56	8
20 years 1 month - 66 years	18	4
99 years	62	10

As can be seen in this table, the majority of sentences (55%) range from 0 to 6 years in duration. The minimum sentence of between 2 and 4 years accounted for 21 percent or 149 of the total sentences followed closely by the 0 to 2 year category which comprised 19 percent or 130 of the total. Other minimum sentences represented between 4 and 15 percent of the total with the "life" category or 99 years minimum accounting for 10 percent of the total sentences.

The data indicates that not only are long term residents (over 10 years) utilizing the procedure but also those who receive relatively short (0-6 years) minimum sentences.

Table 27 presents the data regarding the actual amount of time the grievant has already served on his sentence.

TABLE 27

TIME SERVED

Amount of time Served	Frequency N=642	Percentage
0 - 2 years	369	57
2 years 1 month - 4 years . .	146	22
4 years 1 month - 6 years . .	62	10
6 years 1 month - 8 years . .	38	6
8 years 1 month - 10 years .	16	3
Over 10 years	11	2

As can be seen in this table, the majority of grievants have served between 0 to 4 years comprising 79 percent of the total number of grievants. The category of 0 - 2 years served accounted for 57 percent or 369 of the total number of grievants. Those who had served between 2 and 4 years represented 22 percent or 146 of the total grievants followed by the 4 to 6 year category which accounted for 10 percent or 62 of the total. The remaining categories representing over 6 years of actual time served comprised 11 percent or 65 of the total number of grievants.

This data suggests several possible conclusions. First, this data may suggest that grievants with small amounts of time served are not afraid to submit grievances for fear of lengthening their stay. On the other hand, this data may also suggest that the large number of grievants with less than two years served could represent a naive viewpoint toward the grievance process whereas those with more institutional experience may feel that it is futile to utilize the procedure. Finally, the discrepancy may result from the inmates general understanding of the existence and purpose of the grievance procedure. This argument suggests that increased information regarding the grievance procedure is provided to the inmate in the orientation process than is presented to inmates already in the system.

The final factor to be examined regarding current information on the grievants concerns the number of grievances submitted per inmate. Not only was it believed

important to gain information about what types of individuals utilized the grievance procedure but also how often an inmate did so. Table 28 presents the data regarding the frequency in which inmates utilized this procedure.

TABLE 28

NUMBER OF GRIEVANCES PER INMATE

Number of Grievances Submitted	Number of Inmates Who Submitted Specified Amount of Grievances	Percentage
1 Grievance	490	76
2 Grievances	106	16
3 Grievances	26	4
4 Grievances	7	1
5 Grievances	7	1
6 Grievances	5	1
7 Grievances	2	0
11 Grievances	1	0
12 Grievances	2	0
13 Grievances	1	0
15 Grievances	2	0

The data in Table 28 indicates that the vast majority of inmates did not submit more than one grievance during the six month time frame of this study. Individuals who submitted one grievance during this period of time accounted for 76 percent or 490 of the total number of grievants. Grievants who raised complaints on two occasions during the six month time frame constituted 16 percent or 106 of the total. The other major category consisted of those individuals who submitted three grievances and represented 4 percent or 26 of the total grievants. The remaining 27 or 4 percent of the grievants submitted between 4 and 15 grievances during this period of time.

These results suggest that although there are some inmates who submit numerous grievances within the system, the majority submit a small amount. One of the issues entertained in the planning stages of this study concerned the potential abuse of the grievance procedure by inmates who either submit frivolous grievances or submit a huge amount of grievances in an effort to demonstrate their defiance of the system. The issue of frivolity was discussed earlier but the data presented in this table tends to refute the premise that the procedure is abused by those who wish to denigrate the system. However, it should also be noted that five individuals averaged over 2 grievances per month and it is unknown whether or not their grievances were sincere.

The Impact of Grievant Characteristics
Upon the Grievance Resolution Process

This third and final division of Chapter III will present the data which describes the effect of individual characteristics upon the eventual resolution of the grievance as well as the step at which it is resolved. This data will address Research Question 3 through an examination of the pertinent grievant and grievance characteristics available and will concentrate on three major areas. First, the grievance characteristics which specify the step of resolution for the grievances will be examined with individual characteristics consisting of, race, type of committing offense, commitment code, and education level. Second, the type of resolution will be examined with the same individual characteristics. Finally, the step of resolution and type of resolution will be examined in conjunction with the type of grievance submitted. Although this latter emphasis does not specifically address the question of the impact of individual characteristics upon grievance resolution, it was believed by this writer to be worthy of consideration in this study.

The grievant characteristics and
the last step resolved

In this section, the data concerning the impact of specific grievant characteristics upon the step at which grievances were resolved will be examined.

The impact of the grievants' race upon the step of resolution was the first such relationship to be examined. The major question sought to determine whether certain racial groups differed in terms of where their grievances stopped in the procedure. Table 29 presents the data concerning this issue.

TABLE 29

IMPACT OF RACE UPON STEP RESOLVED

Step of Resolution (N)	Race of Grievant N=944			
	White N=352 (%)	Black N=580 (%)	Indian N=1 (%)	Mexican N=11 (%)
Step 1 (337) . . .	38.4	34.7	0	18.2
Step 2 (325) . . .	34.4	34.5	0	27.3
Step 3 (124) . . .	10.2	14.7	100	9.1
Step 4 (82) . . .	8.2	8.8	0	18.2
Ombudsmann (77) .	8.8	7.4	0	27.3

As can be seen in Table 29, there is very little difference between the two major groups, black grievants and white grievants, in terms of the final step of resolution. The Step 1 resolution percentage for the white group was slightly larger than the black group, 38.4 percent compared to 34.7 percent. Correspondingly, black grievants tended

to have their grievances resolved at Step 3 on a slightly more frequent basis than the white group, 14.7 percent compared to 10.2 percent. The other two racial groups represented a very small percentage of the total number of grievants which renders a comparison with the two major groups rather meaningless.

This data suggests that race has no appreciable effect upon the step of resolution for the grievances. The differences that exist on Step 1 and Step 3 levels are slight and should not be considered indicative of any significant racial impact.

The second issue to be discussed in this section concerns the impact of the type of committing offense upon the step resolved. The primary question examined in this respect concerns whether or not grievances submitted by assaultive grievants are resolved at different steps than those whose committing offenses were non-assaultive in nature. Table 30 presents the data concerning this issue.

TABLE 30

IMPACT OF TYPE OF COMMITTING
OFFENSE ON STEP RESOLVED

Step of Resolution (N)	Type of Committing Offense N=945		
	Assaultive N=611 (%)	Non-Assaultive N=318 (%)	Unknown N=16 (%)
Step 1 (337) . .	36.5	34.9	18.8
Step 2 (325) . .	34.5	32.7	62.5
Step 3 (124) . .	11.9	15.1	18.8
Step 4 (82) . .	8.2	10.1	0
Ombusdman (77) .	8.8	7.2	0

Table 30 indicates that there is very little difference between the assaultive and non-assaultive groups in terms of the eventual step of resolution. The largest difference was noted between the two categories at the Step 3 level in which 11.9 percent of the assaultive grievants' complaints were resolved compared to 15.1 percent of the non-assaultive. The remainder of the differences between the two categories were slight which indicates that the impact of the type of committing offense has minimal or non-existent impact upon the step at which a grievance is resolved.

The third issue to be discussed in this section concerns the impact of the grievants commitment code classification upon the step at which the grievance was resolved. The commitment code data categorizes grievants in terms of their prior involvement with the criminal justice system and current status within the correctional system. The primary question is whether certain commitment code categories have grievances resolved at differing steps. This data is presented in Table 31 below.

TABLE 31

IMPACT OF COMMITMENT CODE UPON STEP RESOLVED

Commitment Code (N)	Step of Resolution				Ombuds. N=76
	Step 1 N=338	Step 2 N=325	Step 3 N=124	Step 4 N=80	
Technical Violator of Probation (11)	45.5	0	45.5	9.1	0
Probationer W/New Sentence (98)	40.8	35.7	15.3	3.1	5.1
New Commitment (552) . .	34.8	34.6	12.1	9.1	9.4
Parole Violator W/New Sentence (134)	35.8	34.3	15.7	8.2	6.0
Escaper W/New Felony (11)	27.3	27.3	27.3	0	18.2
Additional Sentence (137)	36.5	32.8	13.1	10.9	6.6

Table 31 illustrates that there exist some differences in the step resolved between the types of commitment codes. However, by only examining the four major commitment code categories, probationer with new sentence, new commitment, parole violator with new sentence, and additional sentence, the percentages for each step are very similar. The breakdown for the Step 1 resolutions ranged from 34.8 percent for new commitments to 40.8 percent for probationers with new sentence. The Step 2 responses were similarly evenly distributed and ranged from 32.8 percent for the additional sentence category and 35.7 percent for the probationer with new sentence category. Step 3 consisted of a range between 12.1 percent for new commitments to 15.7 for parole violators with new sentences. Step 4 and the Ombudsman levels demonstrated some difference in that the probationer with new sentence category possessed lower percentages than the other major categories.

This data indicates that there is very little difference between the various commitment codes in terms of the step at which the grievances are resolved. However, it could be asserted that the probationer with new sentence category had the tendency to have grievances resolved within the first three steps of the procedure. Likewise, the new commitment category tended to utilize the entire process (including Ombudsman) slightly more. The results suggest that commitment codes, or more specifically, the grievant's

prior history and current status in the correction's system have very little impact upon the ultimate step of resolution.

The fourth and final issue discussed in this section concerns the impact of education upon the step at which grievances were resolved. The education level is described as the last grade completed by the grievant. The primary question was whether those with specific amounts of education have grievances resolved at particular steps. The data pertaining to this issue is presented in the following table (Table 32).

TABLE 32

IMPACT OF EDUCATION LEVEL UPON STEP RESOLVED

Education Level (N)	Step of Resolution				
	Step 1 N=329	Step 2 N=314	Step 3 N=120	Step 4 N=76	Ombuds. N=75
Grades 1 - 6 (407)	34.1	35.6	13.2	7.6	9.5
Grades 7 - 9 (351)	36.4	35.0	12.8	9.1	6.5
Grades 10 - 11 (134)	39.5	30.6	14.1	9.7	6.0
Grades 12 and Over (21)	42.8	23.8	9.5	0	23.8

Table 32 indicates that educational levels of the grievants have very little impact upon the step at which a grievance is resolved. By examining the three major categories, Grades 1 - 6, 7 - 9, 10 - 11, the percentage of resolutions at each step are comparable between the three categories with only minor variation. The category comprising high school graduates or above contained only 21 responses and should not be included when comparing percentages between groups.

At Step 1, the percentage of resolutions ranged from 34.1 percent for Grades 1 - 6 to 39.5 percent for those who completed tenth or eleventh grade. Similarly, there was minimal variation at the Step 2 level with the range between 30.6 percent for Grades 10 - 11 to 35.6 percent for Grades 1 - 6. At Step 3, percentages of resolutions ranged from 12.8 percent for Grades 7 - 9 to 14.1 percent for Grades 10 - 11. Step 4 figures continue to indicate similarity between categories with a range from 7.6 percent for Grades 1 - 6 to 9.7 percent for Grades 10 - 11. Finally, at the Ombudsman level, the figures range from 6.0 percent for Grades 10 - 11 to 9.5 percent at Grades 1 - 6.

The above figures indicate that the various education levels do not appreciably affect the step at which grievances are resolved. Had there been major differences between categories in the percentages of resolutions at each step, it would have indicated that an impact was present. Therefore,

educational level can be considered a non-biasing factor in the determination of where grievances are resolved in the system.

This section has presented the data concerning the impact of inmate characteristics upon the step at which grievances were resolved. The general findings indicate that these characteristics have very little effect upon the step of resolution. The following section will examine the same individual characteristics but in terms of the type of resolution rather than the step at which the grievance was resolved.

The grievant characteristics
and the type of resolution

As stated above, this section will present the data concerning the impact of specific grievant characteristics upon the type of relief granted in the grievance process. Once again, the grievant characteristics consist of the individual's race, type of committing offense, commitment code, and educational level. The types of resolution are divided into three major categories, (1) partial or total satisfaction, (2) denial, and (3) client terminated grievance. The first category includes those responses which grant total relief as requested by the grievant as well as those responses which provide the inmate some relief but not entirely what is being requested. The second category consists of those responses which deny the inmate the relief requested or comment that

no action can be taken on the matter. The third category consists of those grievances which merely indicated that the "client terminated at this step" with no indication whether the grievance was resolved in the inmates favor or whether the grievant was convinced he would not obtain the desired relief and merely acquiesced to the department's position. As stated earlier, this type of response is extremely vague and ill-defined and should be taken into account when examining this data.

The first grievant characteristic examined in terms of its impact upon the eventual resolution was the individual's race. The primary focus was to determine whether members of a certain race were provided different types of relief than other racial groups. Table 33 presents the data pertaining to this issue.

TABLE 33

IMPACT OF RACE UPON FINAL RESOLUTION

Type of Resolution (N)	Race of Grievant			
	White N=353	Black N=570	Indian N=1	Mexican N=11
Partial or Total Satisfaction (218) . . .	23.2	23.1	0	36.4
Denial (593)	65.4	62.1	100	45.5
Client Terminated Grievance (126) . . .	11.3	14.7	0	18.2

The data presented in Table 33 indicates that race did not appear to have an impact upon the eventual type of resolution provided in the process. In examining the two major racial categories, it was discovered that for the "satisfaction" category, 23.2 percent of the white grievants received some relief compared to 23.1 percent for black grievants. In the "denial" category, the percentages were again very similar, 65.4 percent of the white grievants were denied relief and 62.1 percent of black grievants received negative responses. In the "client terminated grievances" category, black grievants tended to have a slightly higher percentage (14.7%) compared to white grievants (11.3%). This difference is marginal as in the denial category and should not be considered a major area of differentiation. In summary, race does not appear to influence the ultimate type of relief provided to the grievant.

The second issue to be discussed in this section concerns the impact of the type of committing offense upon the relief provided. The type of offenses were categorized as assaultive, non-assaultive and unknown (either assaultive or non-assaultive). The primary question seeks to determine whether assaultive offenders differ from non-assaultive offenders in the type of resolution to their grievances. Table 34 presents the data regarding this issue.

TABLE 34

IMPACT OF TYPE OF COMMITTING
OFFENSE UPON FINAL RESOLUTION

Type of Resolution (N)	Type of Committing Offense		
	Assaultive N=608	Non-Assaultive N=312	Unknown N=16
Partial or Total Satisfaction (217) .	23.7	22.8	12.5
Denial (593) . . .	63.0	63.8	68.8
Client Terminated Grievance (126) . .	13.3	13.5	18.8

This data in Table 34 indicates that there is virtually no difference between the relief provided to assaultive and non-assaultive offenders. The "satisfaction" category accounted for 23.7 percent of resolutions for the assaultive offenders compared to 22.8 percent for the non-assaultive category. In the "denial" category, the assaultive offenders had 63.0 percent of their grievances denied compared to 63.8 percent for non-assaultive offenders. Finally, assaultive offenders had 13.3 percent of their grievances end in "termination" compared to 13.5 percent for non-assaultive offenders. The "unknown" category accounted for only 16 cases but indicated a general tendency to follow the trend of the other two categories even though there existed less

evidence of approved grievances. Once again this data suggests very strongly that the type of committing offense does not influence the amount of relief provided to the grievant.

The third issue to be discussed in this section concerns the impact of commitment code classifications upon the eventual resolution. As stated in the previous section, the commitment code categorizes inmates in terms of prior contact with the criminal justice system as well as their current status within the correctional setting. The primary question sought to determine if inmates with certain types of commitment codes were more likely than others to obtain desired relief in their grievances. Table 35 presents the data pertaining to this issue.

TABLE 35

IMPACT OF COMMITMENT CODE
UPON FINAL RESOLUTION

Commitment Code (N)	Type of Resolution		
	Partial or Total Satisfaction N=217	Denial N=591	Grievance Terminated N=126
Technical Violator of Probation (11)	27.3	54.5	18.2
Probationer W/New Sentence (96)	25.0	57.3	17.7
New Commitment (545)	21.1	65.3	13.6
Parole Violator W/New Sentence (135)	25.9	60.0	14.1
Escaper W/New Felony (11) . . .	36.4	63.6	0
Additional Sentence (136) . . .	26.4	63.2	10.3

The data in Table 35 suggests that there is very little difference between the major commitment codes (over 90 cases) in terms of the eventual resolution of the grievances. The "technical violator of probation" and "escaper with new felony" categories consisted of only 11 cases each and should not be considered in this analysis. The other categories, although showing some variation, tended to resemble each other in terms of the percentages of denials, approvals and terminations. The "additional sentence" category was the group which had the highest percentage of approvals or "satisfaction" comprising 26.4 percent of its totals. The "new commitment" category led all other groups in the "denial" resolutions with 65.3 percent of those grievances being rejected by the Department or Ombudsman. The "probationer with new sentence" category had the highest percentages of grievances resolved as "terminations" than any other group with 17.7 percent of its total falling into this nebulous category.

This data illustrates that there are slight differences between commitment code groups in terms of eventual resolution of the grievances. However, it can also be asserted that all groups follow basically the same trend experiencing successful resolution to their grievances in approximately 25 percent of the decisions, denial in approximately 62 percent of the decisions and nearly 13 percent resulted in termination by the grievant. Thus, it would appear that commitment code does not influence the type of resolution obtained in the grievance process.

The fourth and final issue presented in this section concerns the impact of the grievants educational level upon the type of resolution obtained in the grievance process. As stated in the previous section, the education level is defined as the last grade completed by the grievant. The topic of focus will be to determine whether individuals with varying amounts of education have their grievances resolved in a different manner than those with other amounts of education. Table 36 presents the data pertaining to this issue.

TABLE 36

IMPACT OF EDUCATION LEVEL UPON FINAL RESOLUTION

Education Level (N)	Type of Resolution		
	Partial or Total Satisfaction N=213	Denial N=572	Grievance Terminated N=121
Grades 1 - 6 (405)	21.7	65.4	12.8
Grades 7 - 9 (348)	24.1	62.1	13.8
Grades 10 - 11 (133)	27.1	58.6	14.3
Grades 12 and over (20)	25.0	65.0	10.0

An examination of Table 36 indicates that a grievant's educational level may influence the type of resolution eventually provided to a grievance. However, it should also be stated that the differences noted in the table regarding each category's record of resolution are marginal and should not be considered as conclusive. Rather, these figures indicate a trend in which those individuals with less education receive less favorable responses to their grievances than those with higher levels of education. For instance, Grades 1 - 6 had 21.7 percent of their grievances approved (partially or totally) compared to Grades 10 - 11 which had 27.1 percent of their grievances similarly resolved. The difference may not be substantially large but could nevertheless raise questions regarding what factors may contribute to resolving a grievance in a given manner. Perhaps those inmates with higher educational levels are able to express their grievances more clearly to officials and, therefore, receive more favorable responses than those who lack sophisticated communication skills.

The Impact of Grievance Types upon the Step and Type of Resolution

This section will present the data which concerns the impact of the various categories or types of grievances upon the type of resolution provided to the grievant as well as the steps at which the grievances were resolved. The primary question seeks to investigate and determine whether certain types of grievances are more or less likely to be

resolved in favor of the grievant in addition to determining whether certain types of grievances are filtered out of the system at different decision levels more frequently than other types of grievances.

Table 37 presents the data concerning the impact of grievance type upon the step of resolution. In this table the reader is able to observe which types of grievances are filtered out of the system at specific steps.

TABLE 37

IMPACT OF GRIEVANCE TYPE UPON STEP RESOLVED

Type of Grievance (N)	Step of Resolution				
	Step 1 N=337	Step 2 N=328	Step 3 N=126	Step 4 N=87	Ombuds. N=77
Transfer (44)	29.5	38.6	11.4	9.1	11.4
Discrimination (43)	37.2	30.2	9.3	7.0	16.3
Property (237)	30.4	48.1	10.5	5.1	5.9
Classification (152)	17.8	28.3	19.1	20.4	14.5
Family-Community Contact (73)	37.0	34.2	13.7	4.1	11.0
Discipline-Release (52)	51.9	13.5	15.4	13.5	5.8
Personal Care-Conditions (71)	52.1	25.4	9.9	5.6	7.0
Work (63)	36.5	34.9	12.7	9.5	6.3
Personnel Harrassment (114)	51.8	21.9	14.0	8.8	3.5
Institutional Policy- Action (30)	36.7	43.3	3.3	10.0	6.7
Library-Personal Records (39)	38.5	35.9	17.9	2.6	5.1
Other (37)	27.0	45.9	16.2	8.1	2.7

The data presented in Table 37 illustrates that there is considerable variation between the grievance categories in terms of the step of resolution for the submitted grievances. At the Step 1 level, the "personal care-conditions" category had 52.1 percent of its resolutions at this point compared to the "classification" category which only had 17.8 percent of its decisions at this step. Similarly, the "property" category had 48.1 percent of its resolutions decided at Step 2 compared to only 13.5 percent for the "discipline-release" category at this level. At Step 3, the variation in percentage of resolutions ranged from 19.1 percent for the "classification" category to 3.3 percent for the "institutional policy-action" category. The "classification" category led all others in total percentage of resolutions at Step 4 also with 20.4 percent while the "library-personal records" category had the fewest resolutions at this level with 2.6 percent. Finally, the number of resolutions at the Ombudsman level was led by the "discrimination" category with 16.3 percent of its decisions returned at this step. The "personnel-harrassment" category accounted for the lowest percentage of resolutions at this level with 3.5 percent of its grievances resolved at this step.

The results indicate that the type of grievance does have an impact upon the step at which it is resolved. Clearly, grievances in the "personal care-conditions" category are more likely to be resolved at Step 1 than the majority of other categories. The same holds true for "property" at

Step 2, "classification" at Steps 3 and 4, and "discrimination" at the Ombudsman level. While it is agreed that there may be other explanations why specific types of grievances are frequently resolved at certain steps, there remains this general pattern of resolution based on the category of the grievance.

Table 38 presents the data concerning the relationship between the type of grievance and the resolution which was ultimately provided to the grievant. The categories remain the same as in the previous table while resolution is divided into three categories, "total or partial satisfaction", "denial", and "grievance terminated".

TABLE 38

IMPACT OF GRIEVANCE TYPE UPON FINAL RESOLUTION

Type of Grievance (N)	Type of Resolution		
	Partial or Total Satisfaction N=220	Denial N=599	Grievance Terminated N=127
Transfer (44)	27.3	54.5	18.2
Discrimination (43)	23.3	60.5	16.3
Property (236)	28.8	50.4	20.8
Classification (149)	17.4	79.2	3.4
Family-Community Contact (73) .	20.5	67.1	12.3
Discipline-Release (51)	9.8	80.4	9.8
Personal Care-Conditions (71) .	33.8	57.7	8.5
Work (63)	11.1	82.5	6.3
Personnel Harrassment (110) . .	16.4	69.1	14.5
Institutional Policy-Action (30)	33.3	46.7	20.0
Library-Personal Records (39) .	30.7	64.1	5.1
Other (37)	35.1	37.8	27.0

The data presented in Table 38 indicates that there is some variation between categories of grievances in terms of the type of resolution provided. By examining the "partial or total satisfaction" category, it becomes evident that the type of grievances which were most likely to be resolved in favor of the grievant were those in the "personal care-conditions" category which had 33.8 percent of its grievances resolved in such a manner. In contrast, the "discipline-release" category of grievances represented the opposite end of the spectrum with only 9.8 percent of its grievances resolved in favor of the grievant. In the "denial" category of resolution, grievances in the "work" category were denied in 82.5 percent of the cases indicating that those who complain about work assignments or conditions were the least likely to be successful in their grievances. On the other hand, those who were in the "institutional policy-action" category were denied relief less frequently than any other category or in only 46.7 percent of the total resolutions. Finally, the category of resolution in which grievants were reported to have voluntarily "terminated" the process was led by the "property" category or grievances with 20.8 percent of its grievances resolved in this fashion. The "classification" category of grievances had the smallest percentage of resolutions in the "termination" category with 3.4 percent of the decisions defined as such. The above results suggest that the type of grievance does have an impact upon the eventual resolution of the grievance.

Those individuals who submit grievances regarding personal care and conditions are more likely to obtain the desired relief than those who complain about work or discipline. Further, those who complain about issues relating to property concerns could expect a negotiation phase which may culminate in a "terminated" grievance. The primary issue is that even though all types of grievances are more frequently denied than they are approved, there remain differences between the categories which suggests that some types of grievances may be looked upon more favorably than others.

Summary

This chapter has presented the results or findings of this study. The data was presented and described in both narrative and tabular form to acquaint the reader with the specific results obtained. This chapter presented data regarding three major areas of focus, (1) the characteristics of the grievances and grievance process, (2) the characteristics of the grievants, and (3) the impact of grievant characteristics upon the resolution of grievances.

The first research question which was addressed in this chapter concerned the characteristics of the submitted grievances and the dynamics of the process utilized to resolve those grievances. The first area examined the various categories or types of grievances as well as the months in which they were submitted. The data collected indicated that grievances regarding property issues were the most

prevalent complaints followed by "classification" issues. The month of September led all other months in terms of the number of grievances submitted as well as indicating a general tendency for grievances to be submitted more frequently during the warmer months (July, August, September).

The second area of focus regarding this research question concerned the grievance resolution process itself, specifically in terms of the type of resolution provided, the step of resolution as well as the amount of time expended to resolve the grievance. Regarding the decisions provided to grievants on their complaints, the data showed that 63.4 percent of all grievances were denied by the responding officials. Additionally, nearly 70 percent of the grievances were resolved at the institutional level (Step 1 and 2) leaving 30 percent of the submitted grievances subject to review by upper echelon corrections officials or the "external" investigation by the Ombudsman. In terms of the time needed to resolve the grievances, nearly 60 percent of the grievances were resolved within 30 days. In addition, 60.6 percent of the grievances were resolved within the time limits required by the Department of Corrections. It should be pointed out that both the grievants and departmental officials were responsible for the nearly 40 percent figure of grievances not resolved within the time limits.

The final major area of focus addressed in this research question concerned the "quality" of the individual grievances as well as the responses provided to the grievances by the

various steps. The responses to the grievances were found to present reasons for the decisions to the grievant in over 90 percent of the cases. However, the data also indicated that a somewhat smaller number of responses were accompanied by references to policy or established procedure. The responses were also generally categorized as having been presented clearly and legibly to the grievant in nearly 90 percent of all cases. The final issue examined regarding the quality of the response concerned the "rubber stamp" question. The data indicated that there was a tendency to restate the previous steps response to a grievance rather than providing an original explanation for the decision. Step 4 accounted for the largest percentage of "rubber stamp" responses with a total of 57.6 percent followed closely by Step 3 in which 39.1 percent of its decisions appeared to be "rubber stamps". The quality of grievances question examined two major areas, frivolous grievances and clarity of grievance presentation. The data indicated that although there were some grievances obviously frivolous in nature (8.6 percent) the overwhelming majority (76.9) percent appeared to be presented with sincerity. In addition, the grievances appeared to be presented clearly and legibly in 86.4 percent of the cases which compared favorably to the clarity issue regarding responses provided to the grievances by officials.

The second research question addressed in this chapter concerned the demographic and background characteristics of those individuals who submitted grievances investigated in

this study. The demographic information included data concerning the grievant's age, race, and educational level. The background characteristics encompassed the grievant's previous contact with the criminal justice system prior to commitment to the Department of Corrections such as age at first attention of authorities, probation history, etc. The background characteristics also included data concerning information which pertained to the grievant at the time of commitment and afterward such as committing offense, minimum sentence, time served, number of grievances submitted, etc.

Regarding the demographic characteristics, the ages of the grievants were largely under the age of 42 (93 percent) with the largest single category consisting of the 26 to 33 year olds which represented 50 percent of the total number of grievants. The information indicating the racial background of the grievants found that the majority (61 percent) of grieving individuals were black. White grievants represented 37 percent of the total followed by Mexican and Indian individuals who accounted for the remaining 2 percent of the total. The data pertaining to the educational level of the grievants indicated that very few individuals (2 percent) had completed high school. Those who completed their education between the grades of 1 and 6 consisted of 42 percent of the total compared to 50 percent who completed grades 7 to 11. This data indicates that academic achievement has not been a priority for those grievants and perhaps the general inmate population.

The grievant data concerning the individual's prior history of contact with the criminal justice system found that the majority of grievants (62 percent) came into contact with the system between 11 and 14 years of age. However, regarding the issue of prior sentences of probation on misdemeanor or felony charges, the majority of grievants had no such history. Seventy-four percent of the grievants were without prior misdemeanor probation sentences compared to 55 percent who had not been sentenced to probation for a felony. This data suggested that those with prior felony probation sentences were more likely to later find themselves incarcerated.

The final type of background data examined the most current information concerning the grievant. The general type of committing offense was examined and it was discovered that the majority of grievants were committed on assaultive offenses comprising 33 percent of the total. The minimum sentence imposed by the courts was also examined and the results indicated that 55 percent of the sentences were for terms of less than six years. Life sentence or 99 year minimums accounted for 10 percent of the total cases. The amount of time served on the sentences indicated that the majority of the grievants (57 percent) had spent less than two years in the institution serving their sentences. In fact, only two percent of the total number of grievants had over 10 years serving time on their sentences. Information regarding the inmates tendency to submit multiple grievances

was also examined in this section. The results indicated that the vast majority (76 percent) of the grievants submitted one grievance during the six month time frame of the study. Sixteen percent of the total number of grievants submitted two grievances during this period of time. Although it was discovered that some individuals submitted numerous grievances, the indication was that the general grievant population did not bombard the procedure with complaints.

The third and final research question addressed in this chapter concerned the impact of specific grievant characteristics upon the eventual outcome or disposition of the grievance. The outcome measures examined included the step at which the grievance was resolved and the type of resolution provided. The grievant characteristics examined in this regard included, race, type of committing offense, commitment code, and educational level. In addition, the type of grievance was examined in this section in terms of its impact upon the grievance resolution process.

Regarding the impact of grievant characteristics upon the step at which grievances were resolved, the data indicated that these characteristics had very little to do with the eventual termination point of the grievance. Race, commitment code, educational level and type of committing offense were not noted as having impact upon the step of resolution.

Similarly, the data presented concerning the impact of grievant characteristics upon the type of resolution indicated that these characteristics had very little impact upon the relief provided to the grievant. Race, commitment code, and type of committing offense, although varying to some degree within categories, did not appear to noticeably affect the ultimate resolution of the grievance. Educational level, however, did appear to have some potential impact on resolution.

However, when the type of grievances were examined in terms of their impact upon the step and type of resolution, the results differed greatly from those described above concerning the inmate characteristics - resolution relationship. The data concerning the impact of grievance type upon the step of resolution indicated that different types of grievances were indeed filtered out of the system at varying steps in the procedure. Grievances in the "personal care-conditions" category were most frequently resolved at the Step 1 level, "property" grievances at Step 2, "classification" issues at Steps 3 and 4 and "discrimination" complaints at the Ombudsman level. There appeared to be a definite pattern in terms of the types of grievances and the step of resolution indicating that the impact is present. Similarly, the impact of the type of grievance upon the eventual resolution was also noticeable. The results indicated that those grievances in the "personal care-conditions" category were most likely to be resolved in favor of the

grievant compared to "work" or "discipline" related grievances which had noticably fewer resolutions of this type. In addition, the "property" category of grievance appeared to result in a large percentage of "client terminated" resolutions indicating that this type of grievance is more conducive to negotiation to achieve final resolution. In summary, the type of grievance appears to have an impact upon the step and resolution of the grievance that the individual grievant characteristics fail to have.

The following chapter will provide an overall summary of this study and the implication of the results obtained. In addition, the limitations of this study will be discussed as well as presenting recommendations for future research endeavors in this area.

Footnotes - Chapter III

1. Norman H. Nie, et al, Statistical Package for the Social Sciences, (New York: McGraw-Hill, 1975).

Chapter IV

Summary and Conclusions

Summary

In Chapter I the philosophy behind the development and implementation of grievance mechanisms in correctional environments was described. The emergence of grievance mechanisms in correctional settings was presented as a direct result of the violence in this nation's prisons during the early 1970's which brought public attention to the need for a "cooling off" device to facilitate peaceful conflict resolution. This basic philosophy was considered to be twofold in nature. First, fundamental fairness or the humanitarian recognition of the inmates need to have avenues open to present complaints to the administration and receive appropriate and sincere responses. Second, from a management perspective, a grievance procedure was described as a potential administrative tool which could assist in maintaining a stable atmosphere (preserving the status quo) and minimizing interference from the judicial system as well as conveying a positive image to the public. The two differing philosophical perspectives have precipitated the development and implementation of grievance mechanisms in correctional environments.

A review of the existing literature provided a thorough description of the various types of grievance mechanisms which included, internal administrative procedures, inmate councils, and ombudsman programs. In addition, secondary grievance mechanisms consisting of inmate unions, direct mail systems, legal services and judicial review were also described in less detail. This review of the literature suggested that there is no single grievance mechanism which is a panacea for inmate grievance resolution.

Internal administrative procedures represented a large portion of the grievance mechanisms currently in existence. This procedure was explained as consisting of a graduated step or appeal process in which personnel of the institution or department respond formally to inmate complaints. While several authors were in support of this procedure, others argued that a major inadequacy of internal procedures revolved around the frequent lack of credibility it has with the inmate population. The general conclusions favored implementation of this procedure in conjunction with an external review process or participatory model.

The inmate council approach was also described as a primary grievance mechanism utilized in the field of corrections. The major premise concerning the inmate council approach stated that if inmates had an investment in the "system" through their input, the morale and behavior of the inmate population would therefore improve. Some criticisms of this mechanism concerned the council's ability to

merely make recommendations as well as establishing or legitimizing the formation of a formal inmate hierarchy. However, inmate councils were seen as being useful as a supplement to formal administrative procedures.

Ombudsman programs were described as originating in nineteenth century Sweden and becoming increasingly popular in the United States. In the past, the true ombudsman programs revolved around the concept of independent, impartial review of inmate or citizen complaints. This external review process is limited to investigation of the grievance and issuance of recommendations for action by the corrections department. Some of the arguments presented in opposition of ombudsman programs consist of, the inability to effectuate direct change, inability to handle large workloads, and the tendency to lose credibility with inmates when supervised by the executive branch of government. Despite some of the criticisms, an ombudsman program was viewed as a worthwhile complement to internal administrative procedures as a final review process.

The purpose of this study was described as an attempt to provide a detailed examination of the grievance mechanism implemented within the Michigan correctional system in terms of its design and utilization as an avenue for inmates to effectively voice their complaints to prison administrators. In this examination, the primary areas of focus concerned the following; (1) the characteristics of the grievance and total grievance process, (2) the characteristics of those

inmates who submitted grievances, and (3) the impact of grievant characteristics upon the grievance resolution process. It was asserted that previous research in this area of grievance resolution had not adequately addressed these issues thereby creating a specific need for this research project.

In Chapter II, the grievance mechanism presently in operation within the Michigan Department of Corrections was described in detail. In addition, this chapter presented the research design utilized in this study as well as the specific research questions which were addressed.

The grievance mechanism available to individuals under the supervision of the Michigan Department of Corrections was described as a combination of the internal administrative procedure and ombudsman concept which were described earlier. The internal administrative procedure was described as a four step appeal process initiated by the inmate at the immediate supervisor level and continuing through the warden's office, regional director and if still unsatisfactorily resolved, to the Director of Corrections. The Legislative Corrections Ombudsman's Office was described as an investigatory agency, independent of the Department of Corrections with its purpose stated as providing an external review of grievances not resolved within the Department's administrative procedure. The Ombudsman's Office was characterized as possessing broad investigatory powers but limited to submitting recommendations to the Department of Corrections regarding individual relief or major policy changes. The

type of grievance mechanism available to residents of Michigan correctional facilities combines the internal administrative resolution process and the external review process in the form of the Ombudsman, an arrangement which was advocated in the review of the literature presented earlier.

The design utilized in this study was primarily descriptive in nature although there was a secondary emphasis upon the exploratory research design. The sample consisted of those grievances (N=963) which were submitted by 649 male inmates confined under the auspices of the State Prison of Southern Michigan during the time period extending from July 1, 1977, to December 31, 1977. The data for this study was collected utilizing a content analysis and secondary analysis approach by examining grievant data provided by the Department of Corrections (secondary analysis) as well as examining and evaluating individual grievances which were submitted during this time frame (content analysis). The research questions which were investigated and addressed were stated as follows:

Research Question 1 - What are the characteristics of the entire grievance procedure and the individual grievance submitted within that procedure.

Research Question 2 - What are the demographic and background characteristics of those individuals who submitted grievances examined in this study?

Research Question 3 - What, if any, is the impact of the individual characteristics upon the eventual outcome or disposition of the submitted grievance?

In Chapter III, the three basic research questions described above were addressed. The results of this study were presented in narrative and tabular form to the reader and focused on the individual grievances, the entire grievance process as well as specific grievant information and its impact upon the process.

The first research question concerned the characteristics of the submitted grievances and the dynamics of the process utilized to resolve those grievances. The examination of the individual grievances indicated that grievances were most frequently submitted during the month of September and most frequently concerned "property" issues. An examination of the grievance process itself indicated that a majority of grievances (63.4%) were denied the relief requested by the grievant. In addition, it was found that the majority of the grievances (70%) were resolved or terminated at the institutional level (Steps 1 and 2). The time element was also examined in terms of how long grievances spent within the process. It was found that 60 percent of all grievances were resolved within 30 days leaving 40 percent requiring over one month to resolve. The quality of the grievances and responses to those grievances were also examined. Grievances were found to be presented clearly and legibly in 86.4

percent of the cases and found to be frivolous in nature in 8.6 percent of the total cases. Similarly, responses to grievances were presented clearly in nearly 90 percent of the cases although there appeared to be fewer responses which included references to policy or established procedure. The tendency to reiterate a response provided at a previous step (rubber stamp) was also assessed and it was found that Step 4 responded in such a manner in 57.6 percent of the cases followed by Step 3 which did so in 39.1 percent of the total cases heard at that step.

The second research question concerned the background characteristics of the individuals who submitted grievances included in this study. An examination of the demographic characteristics found that the majority (93%) of the grievants were under the age of forty-two, black (61%) and did not finish high school (92%). An investigation of grievants prior contact with the criminal justice system found that the majority of grievants (62%) became involved with the "system" between the ages of eleven and fourteen. Regarding previous sentences of probation (felony and misdemeanor) as an adult, it was found that 45 percent of the grievants had received such a sentence for felony offenses compared to 25 percent for misdemeanor offenses. Finally, the grievants' background was examined in terms of the more current information following the adjudication of the committing offense and subsequent sentence to be served within the Department

of Corrections. Grievants were found to have been committed largely for assaultive crimes (65%) with 55 percent sentenced to a minimum of six years or less. The majority of the grievants (57%) were found to have served less than two years on their sentence with only 2 percent having served over 10 years. The number of grievances submitted per inmate was also investigated which indicated that the vast majority of grievants (76%) filed one grievance followed by 16 percent who submitted two grievances during the six month time frame of this study.

The final research question concerned the impact of grievant characteristics such as race, education level, committing offense and commitment code upon the step at which the grievance was resolved as well as the type of resolution afforded to the grievant. The results indicated that these characteristics did not substantially affect the type or step of resolution. However, an examination of the impact of the various types of grievances upon the step of resolution and type of resolution did indicate that certain types of grievances were resolved at different steps and in a different manner than other types of grievances. Grievances in the "personal care-conditions" category were most frequently resolved at the Step 1 level, "property" grievances at Step 2, "classification" at Steps 3 and 4 and "discrimination" complaints at the Ombudsman level. Reasons for why these types of grievances are resolved most frequently at particular steps

may be largely dependent upon that step's ability to implement decisions or policy in that area of conflict. For instance, "personal care-conditions" grievances may be relatively easy for Step 1 officials to evaluate and grant relief as opposed to "property" grievances which must show staff negligence which may fall under higher authority in the institution (warden). Similarly, issues such as "discrimination" and policy formulated high in the organization may require evaluation at those levels (Steps 3, 4 and Ombudsman). In terms of resolution, grievances in the "personal care-condition" category were most likely to be resolved in favor of the grievant. Property related grievances were most frequently resolved in the "client terminated grievance" manner which may or may not be assumed to be relief granted to the grievant as requested.

Conclusions and Recommendations

In this section of Chapter IV, the general conclusions which relate to the previously described findings will be presented. These conclusions will address the manner in which the grievance mechanism functioned during the time frame of this study. In conjunction with the presentation of these conclusions, specific recommendations for improvement of the current grievance system will be provided where appropriate. Each conclusion will be listed separately below followed by a brief explanation of the statement as well as recommendations for improvement if appropriate.

- I. Decisions provided to the grievants consisted of a high percentage of "denials" and in some cases included a vague, inexact type of resolution entitled "client terminated grievance".

The large percentage of grievances in which inmates were denied relief accounted for 63.5 percent of the total. The argument could be made that a system which denies relief to nearly two-thirds of the grievances may not truly be considered responsive to the inmates complaints. Additionally, the "client terminated grievance" category does not identify whether relief was granted or the inmate simply gave up. If the latter case is true, then the "denial" category would rise to 77.8 percent of the total leaving only 22.2 percent of the total grievants receiving partial or total relief. However, it could also be argued by some that 22.2 percent relief is a very acceptable percentage. The Department of Corrections should examine the rate of denials presented to grievants and determine whether this is indicative of a fair response to inmate complaints. It is also recommended that the Department of Corrections eliminate the vague and nebulous practice of coding apparently negotiated settlements as "client terminated grievance".

- II. There appeared to be a general tendency for responding officials to "rubber stamp" decisions provided at previous levels.

The "rubber stamp" issue sought to determine whether grievants were provided with original explanations of their decisions without resorting to a reiteration of the previous

response. The results indicated that rubber stamp approval was common at the Step 3 level (39.1%) and even more so at the Step 4 level (57.6%). Even the Ombudsman's Office was noted as responding in such a way in 22.1 percent of the cases. The problem may revolve around the difficulty in explaining a certain decision without utilizing a legitimate argument previously provided. However, the impact of repetitive and redundant responses by official would likely be negative upon the grievant. Therefore, even though the previous decisions may be correct, the Department of Corrections and the Ombudsman's Office should be encouraged to provide "original" responses to grievances rather than rubber stamping previous decisions.

III. Responses to grievances were nearly always accompanied by the reasons for the decisions and in a large amount of cases backed with references to policy or procedure.

The results of this study indicated that the Department of Corrections and the Ombudsman's Office provided reasons for their decisions in approximately 95 percent of the cases. However, this percentage rate dropped to approximately 70 percent when examining whether reasons were accompanied by references to policy or established procedure. The Department of Corrections and the Ombudsman's Office are recognized as providing reasons for their decisions and are encouraged to provide increased references to policy in their responses.

- IV. Required time limits were not adhered to in a large number of cases.

The findings of this study indicated that nearly 40 percent of the grievances were resolved after the expiration of the specified time limit. The responsibility for this must be shared by the Department of Corrections, Ombudsman's Office and the grievants since all parties appeared to violate this requirement. The importance of filing timely grievances and resolving that grievance in the shortest amount of time is vital for the system to operate as designed and to establish credibility with the inmates. The Department of Corrections, Ombudsman's Office and the inmate population are encouraged to conform to the established time limits in order to facilitate a more efficient grievance resolution process.

- V. Grievances appeared to be presented clearly as well as the responses provided to those grievances.

The results indicated that both grievants and responding officials presented their positions in a clear and legible manner. Grievances were determined to be slightly less understandable or clear (86.4%) than the responses from the Department of Corrections or Ombudsman's Office (90%). The consistently high percentage indicates that both parties to the grievance realize the importance of clear communication.

- VI. Certain types of grievances were submitted more frequently than others and more grievances were submitted in warmer months.

The results of this study indicated that property, classification, and personnel-harrassment categories of grievances were submitted much more frequently than other types of grievances. Similarly, warmer months accounted for considerably more grievances than those months which are typified as being cool. The Department of Corrections could utilize this information in order to identify common areas of discontent among the inmates in an attempt to eradicate the basis for some of the grievances. In addition, departmental officials could anticipate an increased grievance workload during the warmer months and perhaps modify schedules or personnel resources during that period of time thereby allowing grievances to be resolved in a more timely manner.

VII. Inmates did not appear to abuse the grievance process by submitting frivolous or numerous grievances.

The results indicate that although some grievances (8.6%) were obviously frivolous in nature, the overwhelming majority were not evaluated as such. Similarly, inmates did not appear to saturate the grievance procedure with complaints. The majority of grievants (76%) submitted one grievance, and 16 percent submitted two grievances during the six month time frame of this study. This data might suggest to the Department of Corrections that a large percentage of grievances are submitted with sincerity by the inmates rather than an attempt to harass the administration (although it is also recognized that some individuals might do this). By examining grievances

in such a way the responding officials might dispel the concern expressed earlier regarding possible unresponsiveness to inmate complaints.

VIII. Grievant characteristics did not appear to have an impact upon the ultimate resolution of the grievance.

The findings in this study indicated that grievant characteristics such as race, type of offense, commitment code, and educational level did not affect the type or step of resolution with the possible exception of education upon type of resolution. This data suggests that the Department of Corrections and Ombudsman's Office evaluate grievances without being biased by these factors. The findings also suggest that all individuals have essentially the same opportunity to have their grievances evaluated and resolved through the existing system.

Interpretation

In Chapter I, the basic philosophy of grievance mechanisms was described in some detail. The two primary philosophies were comprised of one outlook which extolled the virtues of fundamental fairness toward inmates and the other which placed heavy emphasis upon the managerial perspective on how to maintain a stable atmosphere within a correctional facility. This section will attempt to correlate the findings of this study to the theoretical or philosophical viewpoint presented in Chapter I in terms of where the "Michigan mechanism" fits in the inmate-management spectrum.

An examination of the grievance mechanism currently in operation within the Michigan Department of Corrections (State Prison of Southern Michigan) indicates that this system does exemplify the basic philosophy of grievance mechanisms explained earlier. However, rather than specifically fitting into either the "fundamental fairness" or "status quo" molds, the Michigan system appears to be a combination of each. In this system not only does it appear that the grievance procedure assists management in maintaining stability but also, perhaps to a lesser degree, seeks to allow inmates the opportunity to present grievances and obtain some relief from corrections officials.

The management or "status quo" perspective appears to be substantiated by the findings in the following ways. First, the substantial rate of "denials" or "terminations" (see page 161) may indicate a reluctance to modify prison policy or procedure and thereby effectuate change within the prison which could reduce further inmate complaints. This preservation of the status quo merely perpetuates the issues which prisoners grieve. However, by granting relief in some of the cases, the "administration" is able to preserve somewhat the validity of the grievance procedure in the inmates' eyes thereby retaining its usage as a "cooling off" mechanism. The concessions made to grieving inmates seem to help "keep the lid on" the institution.

The second finding that tends to reinforce the status quo perspective is that which indicated a rather high rate of "rubber stamp" decisions (see page 161). The tendency of higher level officials to restate a decision previously issued by a lower level official indicates that preservation of the status quo may be the aim. As explained earlier, rewording the decision or explaining it from a different perspective may alleviate the feeling that higher level decisions are merely "rubber stamp" approval of lower level decisions and maintenance of the status quo.

The third finding which tends to support this perspective stated that in general, responding officials provided clear decisions and reasons for their decisions as well as frequently citing departmental policy or procedures in those decisions (see page 162). The status quo is preserved as a result of references to policy or procedure given to the inmate, as if to say, "I would like to help you but my hands are tied". However, by presenting the reasons and explaining decisions, corrections officials also meet some of the "fundamental fairness" issues which tend to legitimize the grievance procedure thereby preserving the stable atmosphere or status quo within the prison.

The fourth finding which reflects the management perspective concerns the types of grievances submitted and months in which grievances are most often submitted (see page 163). In this regard, management could utilize this information to

identify problem areas (type of grievances) and also times of the year which characterize increased discontent (months) with the purpose of maintaining a stable atmosphere within the prison (status quo).

The "fundamental fairness" or inmate perspective also appears to be validated by the findings of this study in the following examples. First, as noted in the previous section identifying the management perspective, it was found that in a vast majority of the cases, corrections officials clearly presented their decisions and provided reasons backed with references to policy, to the grievant (see page 162). From the inmate perspective, this indicates a willingness on the part of the correction's department to communicate and explain its decisions to a grieving inmate. This apparent willingness to communicate should indicate to the grievant that he is an individual worthy of an explanation rather than a mere "grievance denied" response which would not fit into Fogels' justice model concept.

The second finding which seems to indicate support of the "fundamental fairness" perspective was that grievant characteristics did not appreciably affect the resolution of a grievance (see page 165). This finding indicated that grievances were judged on their merit rather than on the basis of race, committing offense, commitment code, etc. However, education level did tend to have a bearing on the type of response provided which may only suggest that those individuals may have been better able to present their case than those less educated rather than indicating a bias in decision making.

The final finding which may be argued as reinforcing the "fundamental fairness" perspective is the percentage of individuals granted relief (see page 161). Although it was presented earlier that the high denial rate supported the management perspective, it could also be stated that the 22.8 percent partial or total relief granted supports the inmate perspective. It could be argued that although this percentage constitutes less than one quarter of all grievances, significantly fewer inmates would probably have acquired relief without the grievance procedure to assist them in presenting their complaints.

The points made in this section support the assertion that the grievance mechanism currently in operation in the State of Michigan (Jackson) correctional system does meet the philosophical underpinnings described in Chapter I. However, it can also be suggested that it appears that the "management" perspective is more pervasive within the procedure than the "inmate" perspective. Although it is possible for a grievance procedure to survive with this mixture of philosophies, it should be noted that in order to maintain credibility with the inmate population, the major emphasis should be upon the "fundamental fairness" perspective rather than the management or "status quo" perspective. Both provide a "cooling off" mechanism in which complaints can be addressed and resolved but the inmate oriented perspective is likely to create more trust in the "system" which may then lead to long term stability within the prison rather than the present fluctuations.

Implications for Future Research

In this section, the limitations or deficiencies of this study will be discussed. In addition, this section will also present specific recommendations for future research in the area of correctional grievance mechanisms.

This study sought to present a considerably large amount of information regarding the grievance mechanism currently implemented within the Michigan Department of Corrections. The investigation produced information regarding the grievances which were submitted, the individuals who submitted the grievances as well as the functioning of the entire grievance resolution process itself. Despite the large amount of information obtained regarding the above mentioned areas, it must also be stated at this point that this study possessed some possible methodological limitations.

The basic research design utilized in this study was described in Chapter II as incorporating characteristics of both descriptive and exploratory research designs. The overall purview of this study was described as rather broad in nature due to a general lack of previous research in the grievance resolution area. However, despite the need for research which is descriptive and hypothesis generating, it is recognized that some would argue that this type of study lacks specificity. Although it is acknowledged that some might criticize the overall design of the study, the assertion is made that at the present time a base of information is needed for future research endeavors in this area and the present study has provided such a base.

Another possible limitation of this study concerns the method of data collection utilized in this study. Although technically appropriate for this study, the use of the content analysis approach in examining individual grievances and a secondary analysis of Department of Corrections data concerning individual grievants, there remain some possible flaws in this method of data collection.

Regarding the content analysis approach, the question remains whether the training sessions and frequent consultation for those individuals who evaluated and coded information from the grievances, successfully eliminated inconsistent responses. This issue of reliability was discussed at length in Chapter II in terms of the precautions taken in this study but it could be argued that despite the precautions, whenever more than one individual makes judgemental decisions, reliability is jeopardized.

In terms of the secondary analysis of data collected and maintained by the Department of Corrections, there are also some questions regarding this procedure. The reliability of the information could be challenged on the basis of the lack of knowledge regarding the original procedure utilized to obtain this information. However, as stated in Chapter II on this issue, it is believed that the Department of Corrections is conscientious in its data collection process and frequently utilizes this data base for departmental research.

The following discussion will present suggestions for future research in the area of grievance resolution in correctional environments. As stated earlier, this study has presented a general base of information from which subsequent research projects can be derived.

The first area in which this study could be improved upon consists of a more detailed analysis of specific information or issues which were included in this study. For example, future research could delve further into the relationship between grievance and grievant variables to either support or refute these findings. Similarly, further attention could be provided to the relationship between the variable pertaining to the grievances and entire grievance process.

A second recommendation for further research in this area advocates a survey research approach to the investigation of the entire grievance mechanism. In this regard, it is recommended that a representative sample of all participants in the grievance process, inmates and officials, be interviewed in terms of their perceptions and evaluations of the grievance system.

The third suggestion advocates a survey approach which would investigate the attitudes regarding the grievance mechanism of the general inmate population rather than only those who have utilized the procedure. This focus would hope to identify the overall knowledge and acceptance of the

grievance process of the general population without obtaining a biased sample of only those who have participated in the process.

There are a multitude of other areas which need to be investigated regarding the implementation and utilization of the various types of grievance mechanisms in correctional environments. Without sound evaluation results of currently existing grievance mechanisms, the refinement of those systems and development of new grievance mechanisms will likely be thwarted. Grievance mechanisms which are responsive to inmate complaints and facilitate peaceful conflict resolution between the corrections officials and the imprisoned population are essential if tragedies such as Attica are to be avoided in the future.

APPENDICES

APPENDIX A

Client Grievance Form

MICHIGAN DEPARTMENT OF CORRECTIONS

CLIENT GRIEVANCE FORM

(See back of page for basic instructions.)

C30-247

CLIENTS NO.	NAME	DATE	
STATEMENT OF GRIEVANCE:			
RECOMMENDED SOLUTION:			
DATE GIVEN TO SUPERVISOR	CLIENT'S SIGNATURE	SUPERVISOR'S SIGNATURE	
STEP NO. 1	INSTITUTION TEAM SUPERVISOR, CAMP SUPERVISOR OR DISTRICT SUPERVISOR IN THE FIELD. (must be completed within (5) working days.)		DATE REC'D.
DATE RET'D. TO CLIENT	SUPERVISOR SIGNATURE	CLIENT: I find this decision unsatisfactory and am forwarding it for a decision at STEP no. 2	DATE FWD'D.
STEP NO. 2	INST. HEAD OR DEP. DIR. OF FIELD SERVICES DECISION: (oral hearing must be held within (5) working days of receipt of form. Within (2) additional working days a decision will be given.)		DATE REC'D. HEAR. DATE
DATE RET'D. TO CLIENT	INST. HEAD OR DEP. DIR. OF F.S. SIGNATURE	CLIENT: I find this decision unsatisfactory and am forwarding it for a decision at STEP no. 3.	DATE FWD'D.
STEP NO. 3	DEPUTY DIRECTOR DECISION: (to be completed within (5) working days of receipt.) (In the case of Field Services, skip this step.)		DATE REC'D.
DATE RET'D. TO CLIENT	DEPUTY DIRECTOR'S SIGNATURE	CLIENT: I find this decision unsatisfactory and am forwarding it for a decision at STEP no. 4.	DATE FWD'D.
STEP NO. 4	DIRECTOR'S DECISION: (to be completed within (5) working days of receipt.)		DATE REC'D.
DATE RET'D. TO CLIENT	DIRECTOR'S SIGNATURE	CLIENT: I find this decision unsatisfactory and am forwarding it to the Ombudsman.	DATE FWD'D.

CLIENT GRIEVANCE FORM – page 2

INSTRUCTIONS TO CLIENT

1. Before submitting this form you must discuss your grievance with the staff member involved with the grievance.
2. He will within (2) working days of the discussion, verbally inform you of his findings.
3. If his decision is unsatisfactory, you have (5) days in which to submit this form.
4. State your grievance clearly and include your recommended solution.
5. It must be acknowledged that this form is legitimate and will not bring punishment to you for initiation of the form.
6. This form is not to be used to appeal disciplinary action, there are special processes set up for that purpose.
7. Please do not use kites to send complaints to the warden, this form should be utilized for that purpose.
8. Special incidents such as allegations of racial discrimination or brutality may be sent directly to the Director and need not go through the normal four steps.

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APPENDIX B

Grievance Coding Form

GRIEVANCE CODING FORM

Project Number _____

1. Client Number _____ 2. Client Name _____

Client Information

3. Age _____ 4. Race _____ 5. Committing Offense _____

6. Sentence _____ 7. Total time served _____ 8. Time at SPSM _____

9. Housing Assignment _____ 10. Risk Classification _____

11. Number of Prior Sentences _____ 12. Number of disciplinary infractions _____

Grievance Information

13. Category of grievance _____

14. Brief description of grievance _____

15. Client's recommended solution _____

16. Date grievance filed _____

Decision Levels	Date Grievance Received	Grievance Decision and Date	
		Approved	Denied
17. Step 1	_____	_____	_____
18. Step 2	_____	_____	_____
19. Step 3	_____	_____	_____
20. Step 4	_____	_____	_____
21. Ombudsman	_____	_____	_____

22. Last step resolved # _____ 23. Summary of decision _____

Quality of Response

24. Are reasons given for decisions at each step? (yes, no, unsure)

Step 1 _____ Step 2 _____ Step 3 _____ Step 4 _____ Omb. _____

25. If reasons are given, are they supported by references to departmental policy or procedure? (yes, no, unsure) 1. STATED 2. IMPLIED 3. UNSURE

Step 1 _____ Step 2 _____ Step 3 _____ Step 4 _____ Omb. _____

26. Does the response appear to be a "rubber stamp" approval of decisions rendered at previous levels? (yes, no, unsure)

Step 2 _____ Step 3 _____ Step 4 _____ Omb. _____

27. Is the response presented in a clear, legible and understandable manner to the client? (yes, no, unsure)

Step 1 _____ Step 2 _____ Step 3 _____ Step 4 _____ Omb. _____

Quality of Grievance

28. Is the grievance presented in a clear, understandable and legible manner? (yes, no, unsure)

29. Does the grievance appear, on its face, to be inappropriate or frivolous (issue is blatantly not grievable or not likely to be resolved in the procedure)? (yes, no, unsure)

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