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AN EVALUATION OF THE
CANADIAN INMATE GRIEVANCE PROCEDURE

Lucie H.M. Szyszlo

1987

Submitted to the Department of Criminology,
University of Ottawa,
in partial fulfillment of the requirements
for the degree of Master of Arts.



Lucie H.M. Szyszlo, Ottawa, Canada, 1987.

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Abstract

This thesis presents the results of a preliminary study evaluating the operation of the existing Inmate Grievance Procedure.

Inmate complaints and grievances were collected from 26 Canadian federal institutions during the summer and fall of 1982.

The purpose of this study is to determine whether the number and type of inmate complaints are related to the following variables: the region, the institutional security level, the age of an offender, and the number of previous commitments. In addition to these general descriptive statistics, the researcher examined whether the complaints were processed in accordance with the prescribed principles and procedures of the Inmate Grievance Procedure. In conclusion, the researcher highlights the significant results, and makes recommendations for change in policy and practice.

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Lucie Szyszło

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Introduction

Fundamental justice and common sense dictate that wherever large numbers of human beings are confined involuntarily, an effective mechanism must exist in order to provide an outlet for their complaints. Left unresolved, minor problems tend to build-up within the confines of an institution. Since the early 1970's correctional agencies in both Canada and in the United States have adopted a variety of redress procedures which provide inmates with a formal, administrative method of challenging institutional, regional and national practices and policies.

Despite the fairly substantial amount of literature relating to inmate redress procedures in general, few studies have attempted to evaluate the actual performance of the procedure. The purpose of this thesis is to provide an evaluative and descriptive report on the functioning of the existing Canadian Inmate Grievance Procedure.

A review of the literature is presented in Chapter One. This chapter is sub-divided into four sections. It begins with the growth of inmate complaint mechanisms in the United States, and is followed by a description of the current methods of dispute resolution used within American prisons. For comparison purposes, the third section of this chapter examines the development of the inmate redress procedure in Canadian penitentiaries, followed by a description of the Inmate Grievance Procedure as developed by the Correctional Services of Canada

(CSC). The final section of Chapter one examines the importance of grievance mechanisms within the correctional setting.

Chapter two presents the method of data collection, coding techniques and operational definitions.

The results of this preliminary study are presented in Chapter three. The following seven elements were examined in evaluating whether inmate complaints were processed in accordance with established principles:

1. The availability and usage of the redress procedure by the general inmate population;
2. The extent to which a wide variety of complaints were processed by the system;
3. The ability of the system to arrive at a decision on complaints;
4. The use of written responses to all complaints;
5. The movement of complaints through the various levels of review;
6. The use of the Inmate Grievance Committee in the resolution of grievances; and
7. Adherence to time limits in the processing of inmate complaints.

In addition to the evaluative data, descriptive statistics are provided. The final chapter highlights the significant results, and offers recommendations for change in policy and practice.

CHAPTER 1THE DEVELOPMENT OF GRIEVANCE PROCEDURES1.1 The American Experience

Since the second World War, western societies have been increasingly concerned with individual rights and freedoms. Subject to much debate, however, is whether or not offenders should be entitled to the same basic human rights. The public's perception of increasing crime rates and undue leniency toward offenders have produced a background against which the penal reformer's efforts are not likely to be readily accepted (Singer and Keating, 1975; Dillingham and Singer, 1980; McGillis, Mullen and Studen, 1976).

The fundamental question of how to bring the "rule of law" to corrections (Price, 1974) has provided an opportunity to develop mechanisms for both the fair and efficient resolution of inmate grievances.

Although informal methods of addressing inmate complaints have existed for many years, it has been only since the mid-1970's that formal grievance mechanisms have been used in Canada and in the United States. The general endorsement of inmate grievance mechanisms began in the mid-1960's with the United States President's Commission on Law

Enforcement and Administration of Justice (1967) urging correctional agencies to establish just and effective procedures for dealing with inmate grievances. Subsequent to this recommendation, the National Advisory Commission on Criminal Justice Standards and Goals (NAC) cited fair grievance procedures as a prerequisite for:

- a) opening lines of communication between staff and inmates;
- b) keeping correctional administrators in touch with developing problems; and
- c) avoiding violent confrontations.

The NAC asserted that:

"Institutions, especially closed institutions, have a great capacity to produce unrest, dissatisfaction, and tension... Unresolved minor displeasures can grow into major grievances, increasing hostility and institutional tensions. Too frequently, grievances have multiplied until violence appeared to be the only means available to secure relief". (National Advisory Commission on Criminal Justice Standards and Goals, 1973:18).

The NAC concluded that "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". (National Advisory Commission on Criminal Justice Standards and Goals, 1973:57). A formal grievance procedure would help to ensure that offender complaints are resolved fairly.

In recognition of the need to devise innovative methods of coping with friction within penal institutions, the National Council on Crime and Delinquency sponsored a workshop on the Peaceful Resolution of Prison Conflict in 1973. The workshop committee undertook three broad tasks:

- 1) to suggest methods of resolving grievances;
- 2) to design strategies by which the most appropriate mechanism of grievance resolution might be developed, tested, and implemented; and
- 3) to develop means of crisis intervention necessary when a disturbance has already broken out within a prison.

The workshop committee concluded that negotiation be implemented as a means of dealing with prison conflict. The negotiation model hinges on a commitment to meaningful dialogue, and a clear understanding of each side's position. Correctional measures coming under the categories of repression, accommodation and bargaining do not teach fair play, nor the recognition of individual rights; moreover, they do little in the way of encouraging constructive methods of dealing with other human beings, a skill that facilitates reintegration into the community.

The first attempt to enumerate the different types of complaint mechanisms employed in U.S. prisons was conducted by McArthur (1974). This survey of 209 adult correctional institutions indicated that the

majority of the responding institutions had already installed some form of formal grievance mechanism. It was also found that prison administrators had been left alone to grapple with the problems inherent in the development of effective grievance mechanisms.

In response to this widespread need for the standardization of inmate complaint mechanisms, the National Institute of Law Enforcement and Criminal Justice published a handbook entitled Grievance Mechanisms in Correctional Institutions (1975) as part of a prescriptive package series. Based on a survey of 17 institutions, this study was the first to evaluate a number of different correctional grievance mechanisms. The result was a comprehensive guide for designing and implementing equitable grievance procedures which would aid correctional administrators in fashioning an improved redress process. The authors included a description of the most promising grievance mechanisms currently operating in the United States, as well as practical guidelines for the design, implementation, and evaluation of new redress mechanisms. It was hoped that the end result of this prescriptive package would be "the proliferation of administrative means for the effective provision of alternatives to violence, and the realization of a greater measure of justice in correctional institutions" (Keating et al., 1975:17).

Few grievance systems resemble the model program developed by Allen Breed for the California Youth Authority in 1973. The Ward Grievance Procedure began as an experiment at the Karl Holton School for Boys in

Stockton, California. The California Youth Authority grievance procedure was the first of its kind specifically designed for use in a correctional facility for youth. This exemplary project began with the creation of a task force in mid-1972. Its mandate was to identify the basic principles essential to the effective functioning of a redress procedure in a correctional setting. With the assistance of the Center for Correctional Justice, the task force identified the following eight essential elements:

1. participation by elected inmates and by line staff in designing procedures, and in resolving grievances;
2. availability to all inmates with guarantees against reprisal;
3. guaranteed written responses to all grievances, with reasons stated;
4. set time limits for receipt of all responses, and for any action putting responses into effect, with special provisions for emergencies;
5. representation of inmates at all levels of the procedure;
6. an appeal to an independent review outside the penal institution;
7. monitoring of all procedures; and
8. some impartial method of determining whether or not a complaint falls within the jurisdiction of the redress procedure.

With the above provisions in hand, the task force arrived at the Karl Holton School for Boys and began translating the enumerated principles into procedure. Through role-playing and seminars, inmates and staff alike were trained in the methods of dispute settlement. The

new grievance procedure officially went into operation in September 1973. The Ward Grievance Procedure was unique in that it was designed by those who used it; it provided for joint inmate-staff decision making; and for arbitration as a final step. The California Youth Authority grievance mechanism has been widely acclaimed as a success. In 1976 the Law Enforcement Assistance Administration named this grievance procedure an "exemplary project," and published a prescriptive package for grievance procedures which use the California Youth Authority grievance procedure as a model (McGillis, Mullen, and Studen 1976).

In 1980, Dillingham and Singer conducted a study which provides the first overview in five years of functioning inmate complaint mechanisms in the United States. It was the first study of complaint procedures to benefit from records that traced the experience of federal and state-wide correctional systems over a period of several years. Through responses to questionnaires from the correctional agencies of 50 state prisons and 60 local jails, the Center determined that nearly every correctional agency had some formal means of responding to inmate complaints. Most U.S. correctional agencies used multi-level grievance procedures, some employed ombudsmen, and only a few used inmate councils. Although legal service programs were widespread in American prisons, they were rarely used in the resolution of complaints. Dillingham and Singer discovered that most administrators were satisfied with their redress programs terming them as "generally effective" in

responding to inmate problems. In particular, two design features were found to be closely related to success:

- a) the participation by inmates and line staff in the resolution of complaints; and
- b) the availability of an appeal to outsiders viewed as impartial and independent of the correctional agency.

1.2 Current Methods of Dispute Resolution in United States Prisons

Whereas ten years ago there were virtually no grievance procedures in use anywhere in North America, today there are redress programs in almost every U.S. state and federal prison.

Keating et al. (1975) conducted a survey of 200 correctional institutions across the United States. The results revealed that the three most successful methods for the settlement of offender complaints were: 1) the formal grievance procedure; 2) the ombudsman system; and 3) the inmate council. The most widely used of the three systems was the formal grievance procedure which features a multi-level appeal process at both an internal administrative level and an external level. There is considerable variation among structured multi-level grievance mechanisms. For example, the redress system used by the Federal Bureau of Prisons is completely internal. Many others provide for some type of outside review. Some systems encourage inmate participation in their operation, while others do not even provide for hearings (Brakel 1982; Keating et al. 1975). A three-step process for the resolution of grievances is typical of most U.S. grievance systems. There is usually a staff member or a hearing committee in each institution that receives complaints, investigates them, and makes decisions and recommendations. If the offender is dissatisfied with the outcome, he/she may appeal his/her case to the institutional director or warden, and ultimately to the Commissioner of Corrections. The Commissioner of Corrections may either investigate and make recommendations in individual cases, or

he/she may delegate the decision-making function to an outside body such as a citizen review panel.

The ombudsman was found to be the second most frequently used dispute resolution mechanism in correctional settings in the United States. The concept of the ombudsman began in Sweden in 1809. In Sweden, the ombudsman is a public official who is entirely independent of the executive, and is charged with receiving, investigating, and reporting on citizen complaints of bureaucratic abuse. In both Sweden and Finland, the ombudsman retains his/her broad investigative powers over government records. He/she may make recommendations to government agencies, or publicize information and comments at any time. He/she reports annually to the legislature. The ombudsman also has the option of prosecuting public officials for illegalities (Keating and Singer 1975; Keating and Kolze 1976).

The ombudsman concept has gained popularity in the correctional settings of both the United States and Canada. The North American ombudsman differs from the Scandinavian ombudsman in both power and form.

In North America, the ombudsman is an appointed official who addresses and investigates individual inmate complaints. Based on his/her investigation, the ombudsman has the authority only to make recommendations. If the North American ombudsman decides to open a case, he/she normally follows a procedure that includes consultations with both parties, a review of the documents, the formulation of a conclusion, and the notification of the administration and all parties involved of his/her recommendation.

The third most popular redress procedure in the United States was found to be the inmate council system. Inmate councils are not a new concept, the Massachusetts Correctional Institution has had one in operation since 1927 (Singer and Keating, 1975). Inmate councils are usually composed of elected inmate representatives, and most often act in an advisory capacity by meeting with administrators to discuss general institutional problems. The inmate council serves as a sounding board for issues which administrators want communicated to the inmate population, and as a means by which inmates may register their complaints with the administration.

Whichever mechanism is chosen, it is important that the redress procedure is viewed as credible not only by the inmates, but also by the administration and the line staff. This can be achieved by separating the grievance procedure from the institutional administration. In other words, by allowing inmates and line staff to participate in the initial development of the procedure, as well as in its operation, there is likely to be less suspicion of the grievance system. The procedure must ensure that responses to complaints are provided without undue delay so that inmates perceive that their grievances are being taken seriously. In the interest of objectivity and fairness, some form of external monitoring is also desirable.

1.3 The Canadian Experience

Canadian interest in the development of inmate grievance mechanisms began in 1938 with the Report to the Royal Commission to Investigate the Penal System of Canada (Archambault Report), which stressed the importance of various educational and recreational programs in the rehabilitation of offenders. Among other reforms, the committee recommended that a Board of Visitors be appointed in order to, "eliminate the veil of secrecy and provide the necessary outlet for prisoner grievances" (Recommendation #15). The duties of the members of such a board were described as follows: "... to visit and inspect different penitentiaries regularly, to hear complaints of the inmates and their appeals from the decisions of the prison court, and to make reports of their findings to the Prison Commission" (Archambault Report, 1938:344). Unfortunately, this recommendation was not implemented.

It was not until thirty years later, with the Report of the Commission of Inquiry into Certain Disturbances at Kingston Penitentiary (Swackhamer Report) in 1971 that Canadian interest returned to the matter of inmate grievances. "Whether (inmate) grievances are justified or not, they require to be dealt with so that the order and morale of the institution may be maintained" (Swackhamer Report, 1971:63). It was recommended that a Visitor's Committee be established to hear complaints put before it by inmates, to make inquiries as to their validity, and to make recommendations to the Warden. The further provision that it should

have no authority to interfere in an appeal on a matter of institutional discipline meant that the proposed committee would be limited to a monitoring and reporting function. This reform ultimately led to the development of the present-day Citizen's Advisory Committee.

In 1973, the first Correctional Investigator was appointed by the Solicitor General as a mechanism for handling the complaints of inmates. The Correctional Investigator is empowered to investigate on his own initiative, or in response to a complaint from an inmate, and to make recommendations. He/she is required to report annually to the Solicitor General on the findings of his/her investigations. Critics have argued that the mechanism of the correctional investigator does not provide an effective nor expeditious method of redress for inmate grievances due to its problems of non-independence and powerlessness (Nuffield, 1979). Since the appointment stipulates that the limited powers of investigation and recommendation are awarded, the correctional investigator cannot make changes to either practice or policy. Furthermore, the correctional investigator must refrain from dealing with any complaints until after they have been dealt with by the existing administrative remedy. The annual reports of the Correctional Investigator indicate that an average of six percent (6%) of all cases referred to this office are upheld in favor of the grievant. This office seems to work best as a complementary arm of an efficient internal inmate grievance procedure (Keating, et al., 1975; MacGuigan, 1977:14).

In September 1974, the Canadian Penitentiary Service established an internal administrative procedure for the resolution of inmate complaints and grievances. This policy stipulated that the redress procedure was to be applied nationally, and was administratively binding on all staff members. The major objective of this document was "to establish policy governing the submission of grievances by inmates seeking redress, and to delineate the administrative processes which are to be adhered to when dealing with such grievances" (Canadian Penitentiary Service, Commissioner's Directive No. 241, Sept. 1974:2).

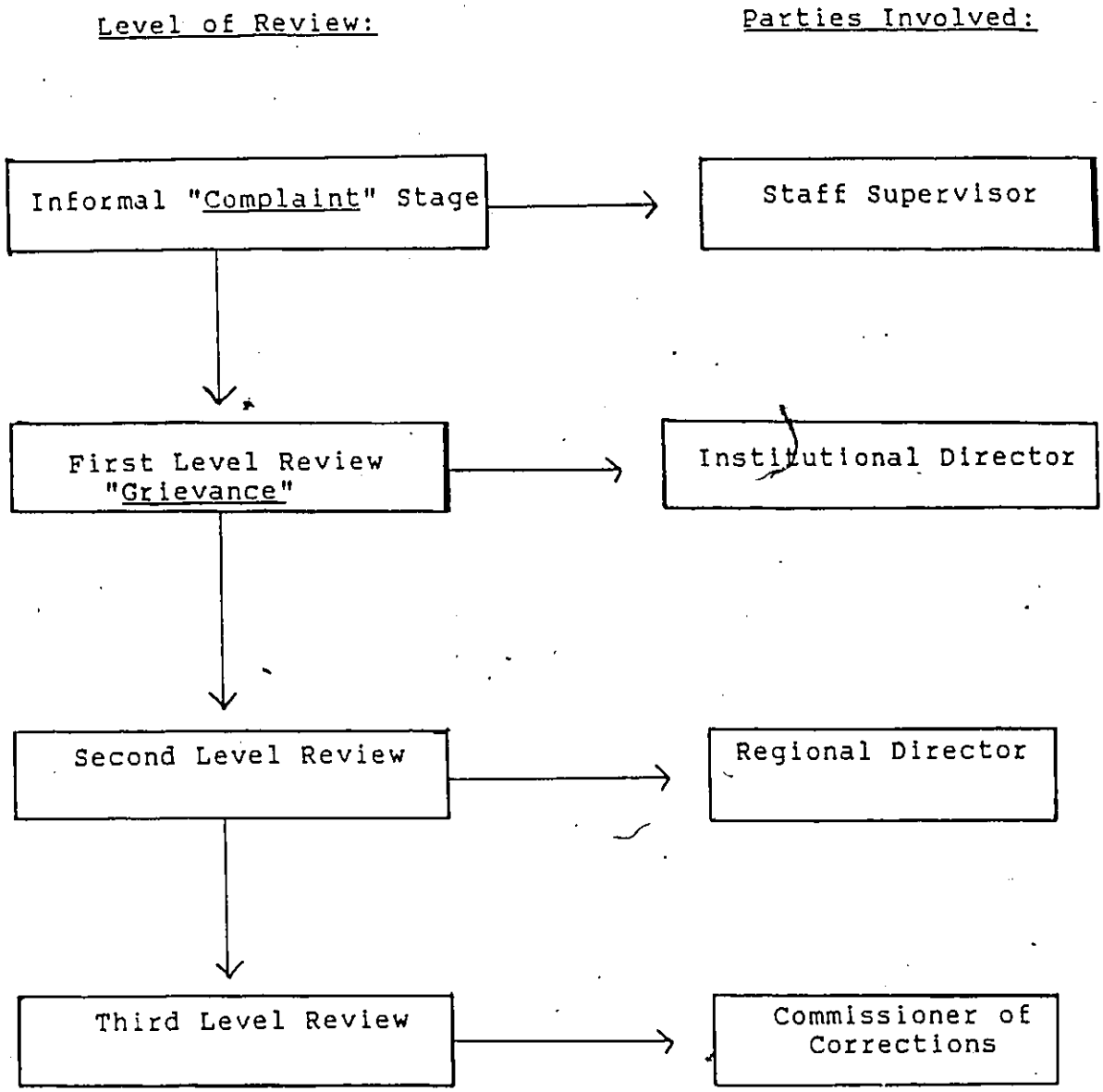
According to this grievance model, a dissatisfied offender who wishes to seek redress may complain orally, in the first instance, to the officer who is his/her immediate supervisor of the matter in question. If the complaint relates to a matter beyond the competence or beyond the jurisdiction of this officer, the matter is referred to a higher authority within the institution for consideration and possible corrective action. If the inmate is not satisfied with the action taken, or if no action is taken, the inmate may proceed by filling a formal written grievance to the institutional director. The director investigates the matter and advises the inmate of his/her decision within ten working days. At this point, the inmate may accept the director's decision and withdraw from the grievance procedure, or he/she may appeal the decision to the regional director by submitting his/her grievance to the second level of review. A new investigation is then initiated. All supporting documents and previous decisions are reviewed before a new resolution is proposed. Should the inmate continue to be

dissatisfied, the grievance is referred to the Commissioner of Corrections. This constitutes the third and final level of review. The Commissioner undertakes a final investigation and informs the complainant of his/her decision (Figure 1).

At all levels, a grievance is investigated and the decision made is communicated to the inmate, in writing, within ten working days of receipt of the grievance. Once an inmate receives an unsatisfactory decision, he/she must proceed to the next level within five working days of the receipt of the decision.

A third redress mechanism available to Canadian federal inmates is the privilege of writing sealed letters to one's Member of Parliament or to the Commissioner of Corrections. However, given the heavy workloads of these individuals, little practical impact can reasonably be expected.

Figure 1: The Basic Structure of the 1974 Inmate Grievance Procedure



In 1977, the Parliamentary Sub-Committee on the Penitentiary System in Canada (MacGuigan Report) investigated the system of maximum security institutions. It became apparent that the conditions were more acute and critical than had been anticipated with respect to the inadequacy of security procedures, custodial facilities and correctional programs. Considerable room existed for a more effective method of prison dispute resolution. Subsequently, a variety of large-scale reforms were recommended. The sub-committee made the following recommendations regarding the inmate grievance procedure:

1. "What is essentially wrong with the process is that inmates have no voice in the proceedings beyond simply stating their grievances. Only by actively involving the inmates in the operation of the grievance procedure can we hope to give it any degree of credibility" (MacGuigan Report, 1977:53).
2. "Most grievances could be dealt with more effectively by a board consisting of two staff members and two elected inmate representatives, with a member of the administrative staff sitting as Chairman and voting only to break ties. This board should be empowered to deal with all inmate grievances, and to make recommendations to the director as to how a specific grievance may be resolved" (MacGuigan Report, 1977:53).
3. "Should an inmate, having had recourse to this institutional board, feel unsatisfied with the treatment of his grievance, he/she should

be entitled to appeal it to a mediator appointed by the director from outside the system. The mediator would then review the grievance in an attempt to work out a solution acceptable to all parties, and would make recommendations to the director" (MacGuigan Report, 1977:53).

More than a means of grievance resolution, the procedure intended to address other, more far-reaching objectives. The MacGuigan Sub-Committee linked an effective grievance procedure to a reduction in inmate violence and other disfunctional means of expression: "So long as the inmate feels he/she has no input into the system which is governing his/her life, he/she will remain frustrated and embittered, and the result of this frustration and bitterness inevitably results in the kind of violence presently plaguing our penitentiaries" (MacGuigan, 1977:14). Moreover, the Sub-committee intended that the redress procedure should help to improve staff-inmate relations, or "do something to breach the gap that inevitably divides the keepers from the kept" (MacGuigan, 1977:57);

In response to these recommendations, a pilot project for a new grievance procedure was initiated at Saskatchewan Penitentiary (Nuffield, 1979). Based on the results of the Nuffield evaluation, the Correctional Services of Canada revised the inmate redress procedure. The definition of a complaint was revised from a simple oral expression of a wrong to an informal written submission. Inmates may submit a grievance only after they have attempted to resolve the problem by means of a written complaint, and are not satisfied with the results.

The proper channel for the submission of an informal complaint is through the Grievance Clerk (an inmate appointed by the institutional Director), who assists the inmate in composing his complaint. Complaints are restricted to matters which have caused an inmate personal problems within the last month. The complaint is then forwarded to the Grievance Coordinator (a staff member appointed by the institutional Director), who informs the Divisional Head concerned. The Divisional Head investigates and interviews all concerned in attempting to resolve the matter. Within a period of five working days, the complainant receives a written reply, including reasons, and the proposed corrective action. Alternatively, the Divisional Head may reply that the complaint is invalid or beyond his/her authority. If the inmate is dissatisfied with either of these responses, he/she may submit a formal grievance, thus entering the first formal level of redress.

A similar pattern of administrative procedure is followed when submitting a formal grievance. The inmate may seek assistance from the Grievance Clerk who then forwards the written grievance to the Grievance Coordinator. The grievance is then brought before the Inmate Grievance Committee. The Inmate Grievance Committee is composed of two staff members, two inmates and a non-voting Chairman who can either be a staff member or an inmate. These candidates are drawn from a pool of available employees and inmates who have undergone workshop training. The Inmate Grievance Committee has five working days in which to deliberate upon the matter in question. Complainants and their representatives, as well as any witnesses, may be present during the

hearing of their grievance. During the hearing, the complainant has the opportunity to present his/her case, he/she may question staff, and he/she may call resource persons to testify. Subsequent to the presentation, the committee decides upon the matter in private, with the majority ruling. All participants then reconvene in order to hear the Committee's conclusions and recommendations. The Director is then called upon to either concur with the Committee's recommendations, or to initiate another investigation.

The complainant may opt for the Inmate Grievance Committee, or alternatively, may request that his grievance be reviewed by the Outside Review Board. The Outside Review Board is composed of two volunteers (who are members of the Citizen's Advisory Committee, or from another community resource group), and two advisors (one staff member appointed by the institutional Director and one inmate nominated by complainants). The Outside Review Board must hold its hearing within ten working days of receiving its request. Either the complainant himself, or a representative shall be present at this hearing. The Director is then informed of the Board's decision and of its recommendations. The Director, however, is not obligated to concur with the Board's recommendations. Either way, the complainant shall receive a written response from the Director.

If the inmate is still dissatisfied, he/she has two higher levels of appeal. The grievance may be forwarded to the Deputy Commissioner at Regional Headquarters, and if not resolved, to the Commissioner at

National Headquarters. Both stages review the results of previous investigations and investigate further if necessary, in each case within ten working days (Figure 2).

An inmate with an emergency or sensitive complaint has a course of action available which provides redress within a relatively short time. The rationale behind this provision is that in any situation emergencies can arise. With this principle in operation, an inmate with an emergency can bypass the normal mechanisms and reduce the time in which it takes to receive a decision. Examples of emergency complaints include: a last minute reversal of a decision; or immediate physical danger.

Throughout the entire redress procedure confidentiality of information is guaranteed. Nothing is placed on an inmate's personal file indicating that he/she has submitted a complaint or grievance. However, a "complaint file" is kept containing copies of the complaint/grievance forms submitted. These copies are retained for a period of one year after the corrective action has been taken. Subsequent to this period, the forms are destroyed.

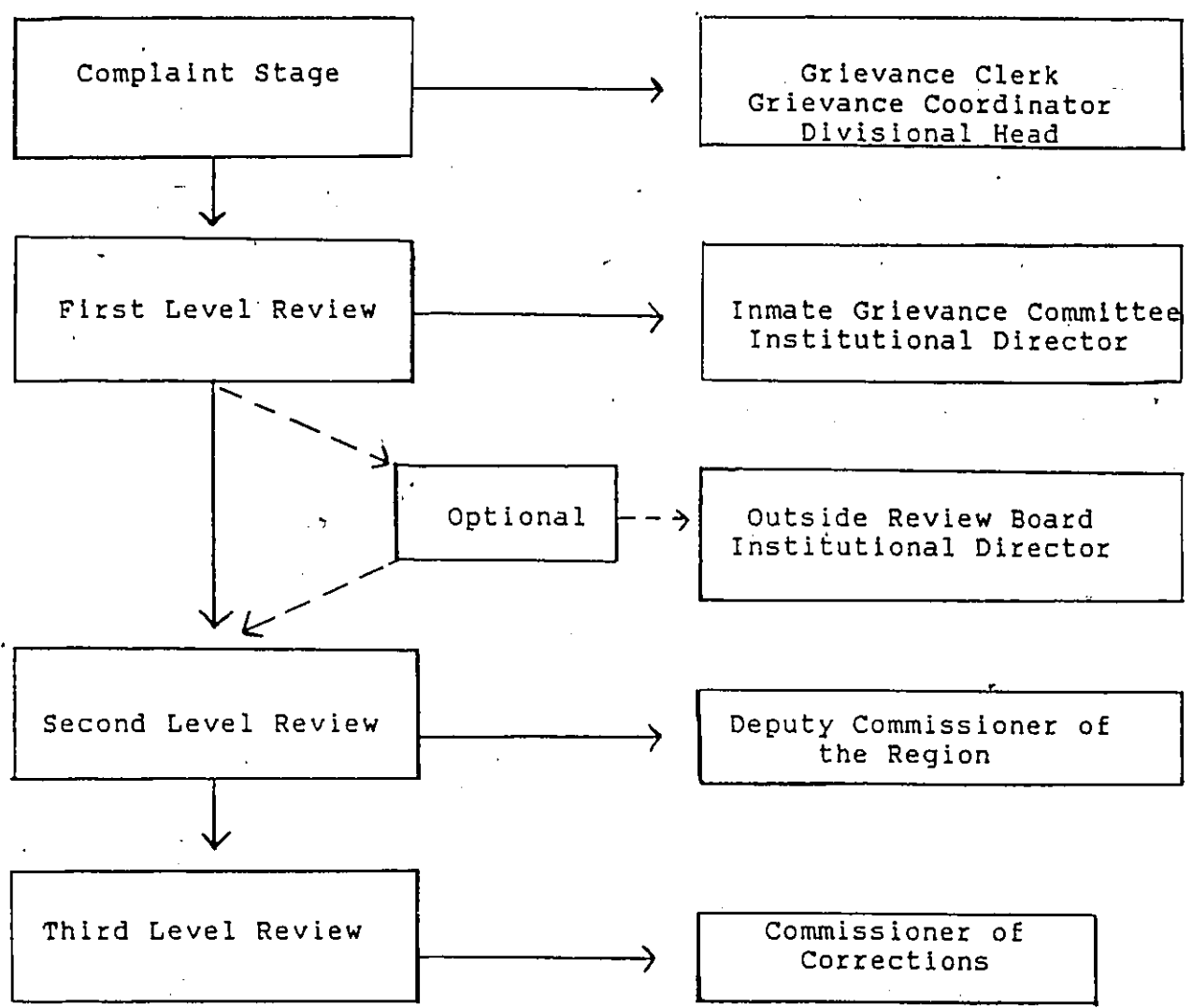
The Saskatchewan pilot project which led to this revised inmate redress procedure incorporated three recommendations outlined by the MacGuigan report: 1) the use of informal mediation; 2) establishing an inmate grievance committee; and 3) establishing an independent Outside

Review Board. This pilot project proved more favourable than the standard procedure in terms of its ability to resolve inmate grievances. The results of the Nuffield evaluation indicated that up to 78 percent of all complaints were resolved at the informal complaint (or pre-grievance) stage. The evaluation concluded that both management and inmates viewed the new procedure as superior to the standard one. Various procedural refinements were added which serve to ensure that the procedure operates more in keeping with its original intentions (Nuffield, 1979).

Figure 2: Basic Structure of the Current Inmate Grievance Procedure

Level of Review:

Parties Involved:



1.4 The Importance of Inmate Grievance Resolution

The need for grievance mechanisms in our prisons has become increasingly apparent. As noted by Cory (1982), two broad objectives are addressed when instituting dispute resolution procedures in correctional facilities: order and justice.

In theory, grievance procedures are thought to prevent disorder and violence within penal institutions. The proposed casual link between violence and grievance procedures seems to make sense intuitively if based upon the following two assumptions:

- 1) that large-scale violence in correctional settings is the result of an accumulation of unresolved grievances among inmates; and that
- 2) grievance procedures which fairly, and swiftly deal with individual inmate grievances will reduce both interpersonal violence and large-scale intergroup violence in prisons (Hepburn et al., 1978).

Yet empirical investigation linking redress procedures and violence is so inconsistent, ambiguous, and sparse that it makes it almost impossible to make any causal statements. For instance, in her study of collective violence in prisons, Flynn (1973) listed as one of the major contributing factors in the wave of correctional violence the "absent or restricted communication patterns which seriously impair the airing of legitimate inmate grievances and the detection of impending unrest." (Flynn:1973:28).

Yet in a 1978 study directed by the Center for Community Justice, no apparent change was found in the level of violence before and after the implementation of grievance mechanisms (Hepburn, Laue and Becker, 1978). Similarly, Nuffield's finding that only one violent incident occurred during the pilot project while seven occurred a year earlier cannot be wholly attributable to the development of the new grievance procedure (Nuffield, 1978).

In addition to the need to respond to the threat of growing inmate violence, there is another, more positive factor that has fostered the development of administrative grievance mechanisms in corrections: that of justice (Fogel, 1975).

While the importance of justice in the correctional framework is receiving new emphasis, the need for fairness as a basic component of an effective grievance mechanism has long been evident. The justification for incorporating due process in prison administration is basically a moral rationale.

The inmate grievance procedure is also a useful vehicle for increasing the number of written policies in institutions, as well as increasing the clarity of written policies already in existence. Correctional systems tend to develop numerous rules and regulations, most of which are formal, while others may remain informal. It is assumed that writing down 'unwritten' rules, and clarifying policies and

procedures that are already in print will limit arbitrary negative behavior on the part of correctional staff. At a more basic level, to formalize and clarify policies and procedures is an ethical mandate as well as a positive managerial tool.

While no particular redress mechanism is a panacea for order and justice in correctional institutions, dispute resolution mechanisms may channel inmate dissatisfaction productively, and may help to create a sense of impartiality in the treatment of all offenders. As noted by O'Leary et al., "successful negotiation tends to feed on itself and further reduces the probability of violent confrontation as a means of conflict resolution" (O'Leary et al. 1973:63). A grievance mechanism is merely a tool, one which must be used in conjunction with joint problem-solving in order to produce constructive solutions.

CHAPTER 2METHODOLOGY

The sample of inmate complaints used for the present study was collected, not by the researcher but by the Director of the Inmate Affairs Division of the Ministry of the Solicitor General in 1982. The director gathered this information by writing to 26 correctional managers across Canada and requesting that all complaints filed in each of their institutions within a one-month period be forwarded to his office. In this way, 891 inmates complaints and 171 inmate grievances were collected from 26 medium and maximum penitentiaries across Canada. All of the complaints and grievances received were submitted by inmates during the summer and fall months of 1982 (i.e. July, August, September and October). This was a national sample and included all complaints/grievances for a given month (i.e. no selection bias occurred). Nevertheless, any conclusions drawn from this study are necessarily tentative.

One of the most difficult situations both prison administrators and inmates must grapple with is whether or not a particular issue is 'grievable'. Therefore, it is essential for all parties involved to have a clear understanding of the definitions and limits of complaints and grievances.

The Correctional Services of Canada differentiates between complaints and grievances as follows: A complaint is defined as a written expression of a wrong for which redress is being sought. Inmates may submit a written complaint only after they have not been able to resolve it through discussions with staff members. Furthermore, complaints may only deal with matters which caused an inmate a personal problem within the last month. In effect, a complaint is an informal attempt at resolving a problem.

Inmates may use the grievance procedure only after they have attempted to resolve their problems by means of a written complaint. A grievance is defined as the first formal step that an inmate may take in attempting to resolve his problem using the inmate grievance procedure. Grievances may either be submitted by individual inmates, or by groups of inmates. Group grievances may be submitted only if each of the associated **complainants** was personally affected by the subject matter.

As outlined by the Correctional Services of Canada, an inmate may submit a grievance only on a matter:

- a) which occurred during his period of confinement;
- b) which he feels has caused a problem to him personally within the past two months; and
- c) for which there is no other internal process established for its resolution.

If a grievance is submitted which does not fall within the jurisdiction of the Commission of Corrections, or for which there is another form of

redress, the grievance is deemed a "non-grievable matter" and is rejected.

The following is a list of typical complaints raised by inmates which are non-grievable:

- 1) the contents of inmate files;
- 2) matters coming under the authority of the provinces, such as the National Parole Board including their decisions on temporary absences;
- 3) matters relating to the Correctional Investigator;
- 4) claims against the Crown (e.g. the loss of personal effects or compensation for work injuries);
- 5) the conviction and sentence which lead to the inmate's imprisonment;
- 6) the treatment provided by individuals or organizations (e.g. hospitals); and
- 7) inmate classification.

The researcher defined complaints and grievances using the definitions provided by the Correctional Services of Canada (C.S.C.). An effective grievance model must carefully describe the issues that are, and those that are not, 'grievable' and make these limits known to the inmate population, line staff, and to prison administrators.

For the present study, the types of complaints filed were coded in two ways: 1) using categories developed by Nuffield (1979), and 2) using categories developed by C.S.C. The Correctional Services of Canada's classification scheme is based on the specific content of complaints. These 9 categories include:


CSC Classification System:

- 1) Offender Programs. These complaints include such matters as correspondence, visits, and television. (See Appendix A for a complete list of all C.S.C. complaint categories).
- 2) Security. Complaints relating to issues of security include the possession of contraband, the use of force, searches, and punitive dissociation.
- 3) Technical Services. Complaints relating to technical services include disputes over food, clothing, heat, water, and lighting.
- 4) Inmate Employment. Employment-related complaints include disagreements over inmate employment status, inmate pay levels, educational and vocational programs, and working conditions.
- 5) Health Care Services. Complaints relating to the delivery of health care services include disputes over medication which was administered or denied, denied physical treatment, psychiatric treatment, or dental care.
- 6) Administration. Administrative complaints question institutional, regional and national directives and instructions, admission and discharge, and the loss or damage of personal effects.
- 7) Finance. Inmates submitting financial complaints typically question errors in the calculation and recording of inmate funds.
- 8) Appeals. Complaints relating to appeals include matters relating to the disposal of contraband, and the denial of claims against the Crown.

9) Other. This final category includes general issues relating to bilingualism, inmate rights, and discrimination.

One category was added to the original nine (9) C.S.C. classification scheme, that of complaints pertaining to the inmate grievance procedure itself. Inmates submitting complaints against the redress procedure questioned the delays in the processing of their complaints, the denial of complaint forms and requested hearings before the inmate grievance committee. It was necessary to create this new category as neither the C.S.C. classification scheme, nor the Nuffield scheme could accommodate this type of complaint.

The standard classification system presently used by the Correctional Services of Canada is primarily a management information system used to monitor the number of grievances emerging out of the various divisions within an institution. This divisional breakdown does not make a policy/non-policy distinction. This distinction of policy/non-policy does, however, seem to have some value in the classification of inmate complaints. This distinction is a critical dimension for identifying those regional and institutional directives which cause the most confusion, difficulty in interpretation, and inmate frustration. This distinction is also important in discovering the effect inmates may have upon changes made to institutional policies and procedures. Could inmate input, via the grievance procedure, make decision-making more difficult for prison administrators? Or could inmates ultimately "force" the administration into making unwise or inappropriate changes in policy?



Presented below is the second method used in coding inmate complaints along the policy/non-policy dimension as developed by Nuffield (1979).

Nuffield Classification System:

1) Routine Delivery of Services

These complaints are defined as those which do not involve institutional policy. Typically, complainants allege the refusal of a routine action by the normal channels in the institution. Examples of this kind of grievance include: an inmate request for a pair of winter boots; an inmate reports delays in receiving a pair of eye glasses, or a magazine which has been previously ordered. These examples illustrate the relatively routine nature of these matters, and the simplicity of their solutions.

2) Factual/Information Disputes

Factual complaints also do not question institutional policy. In most cases the solution is clear, records are checked and an explanation is offered to the complainant. Typical examples of factual disputes include the computation of an inmate account balance which seems lower than expected; or missing canteen purchases.

3) Suggestions for Change in Practice

Inmate suggestions for change in practice do not necessitate a policy change. Examples of this kind of complaint include: an inmate in protective custody who suggests that a specific area in the protective custody unit be set aside as a music area; an inmate arriving among the last for dinner be allowed a few extra minutes in order to finish his meal; or a request to lengthen gymnasium hours.

4) Exercise of Discretion

Complaints as to the exercise of discretion involves questioning the judgement of an institutional employee in his/her interpretation of a particular policy. For example, a complainant may wish to terminate his/her medication despite the wishes of the doctor; an inmate requests to be assigned to a different counsellor/dentist; or an inmate may feel that he/she has been unfairly fired from a job.

5) Suggestions for Change in Policy

This category includes those complaints suggesting changes in institutional policy, or changes to the institutional interpretation of national policy. Policy-related complaints typically concern correspondence and visiting privileges.

6) Staff Behavior

Complaints concerning staff behavior typically questioned the language or actions of individual staff members. Inmates complained of verbal abuse, or perceived harassment on the part of staff members.

Decisions provided for each complaint were coded by the researcher. In cases where the official response was not recorded, it was determined on the basis of the explanation provided. The adjudication of complaints may fall into one of the following four categories:

1) Upheld

When a matter is considered to be valid, the complaint is upheld, and the appropriate action is taken.

2) Denied

When a matter is considered to be without foundation the complaint is denied.

3) Rejected

When a matter is considered to be a "non-grievable" matter, i.e., not within its jurisdiction, the complaint is rejected.

4) Withdrawn

An inmate may withdraw his/her complaint at any time. The inmate must indicate this intention on the complaint form.

To supplement information collected concerning inmate complaints, the Offender Information System, published by the Correctional Services of Canada, was used to obtain data on a number of demographic and institutional variables. The two offender-specific variables used include: date of birth, and term of incarceration. Two institutional variables were also used, these include: institutional security level, and region.

The findings for this preliminary study are presented in Chapter three. In evaluating whether inmate complaints were processed in accordance with the prescribed principles, the following six elements were examined:

- 1) The number of inmates using the redress procedure, versus the number of inmates not using the procedure;
- 2) The number of single versus multiple complaints;

- 3) The number of working days elapsed between the submission of a complaint and its subsequent resolution;
- 4) The resolution of inmate complaints;
- 5) The number of complaints and/or grievances resolved at each level of the redress procedure; and
- 6) The extent to which a wide variety of complaints were processed by the redress procedure.

In addition to the evaluative data, descriptive statistics are provided on the following:

- 1) Regional differences found in the number of complaints filed;
- 2) Differences found by institutional security level;
- 3) Differences found by age of the offender;
- 4) Differences found by term of incarceration;
- 5) Variations in remedy found by complaint type; and
- 6) Regional differences in the types of complaints filed.

CHAPTER 3FINDINGS3.1 General Utilization of the Inmate Grievance Procedure

Figure 3 presents the frequency of use of the redress procedure among the general inmate population during the one-month period of this study. (Refer to Appendix B for a detailed breakdown of complaints filed by each of the 26 correctional institutions). Out of a total of 8,222 offenders housed in 26 institutions in 1982, 483 inmates filed 891 complaints. This figure translates into a ratio of 1 to 17, signifying that one inmate out of every 17 had filed a complaint during the period of this study. Is this volume an indication that the redress procedure is functioning well or the opposite? The answer is unclear. A lower volume of complaints could be interpreted as a general indication that institutions are functioning well and responding appropriately to the needs of inmates. Alternatively, it may indicate a general lack of confidence in the redress procedure among the inmates. Inmates may perceive the procedure as wholly controlled by the institution and as rarely yielding favourable results.

Figure 3 : Frequency of Grievance Utilization Among Federal Inmates in 26 Major Institutions (1982)

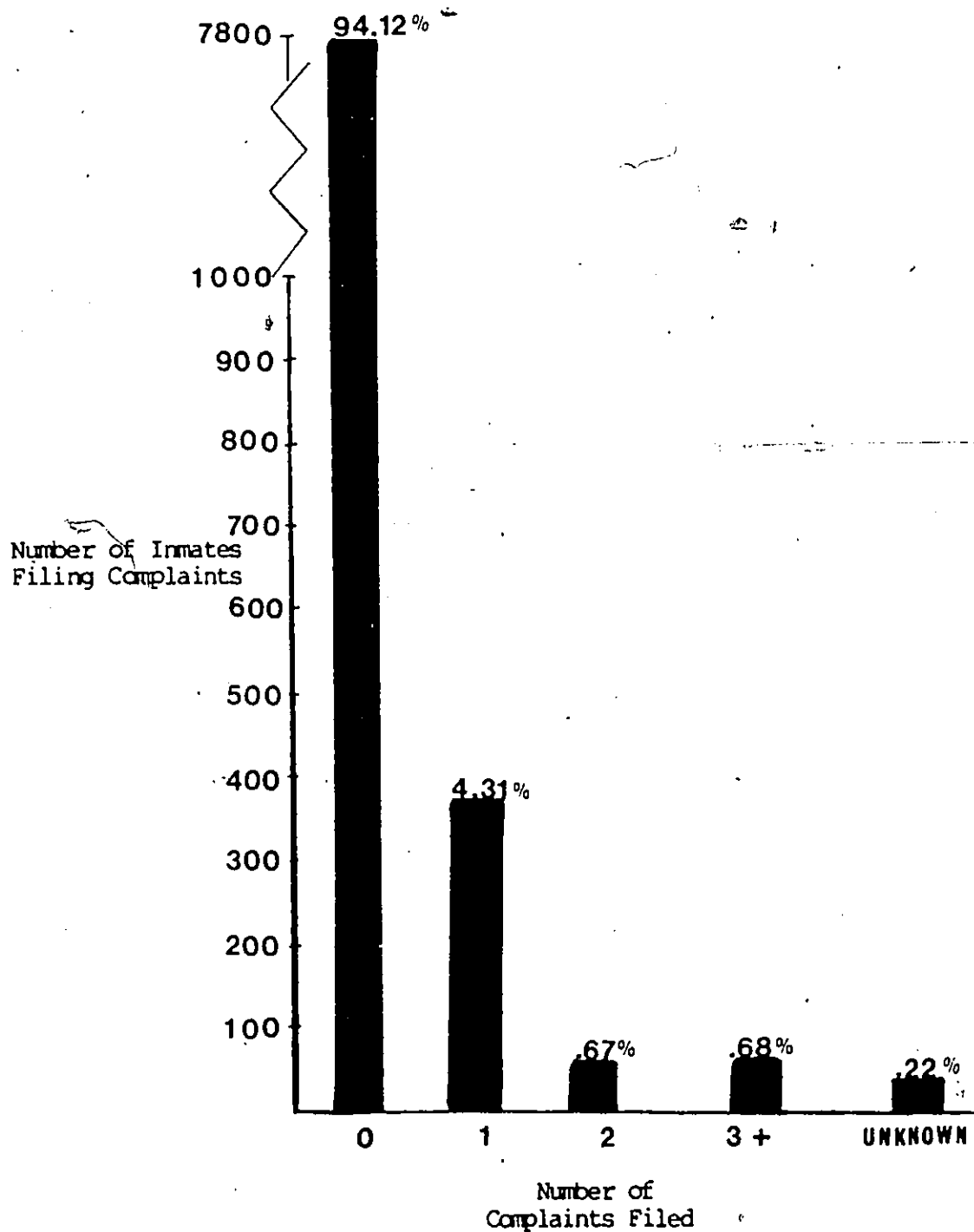
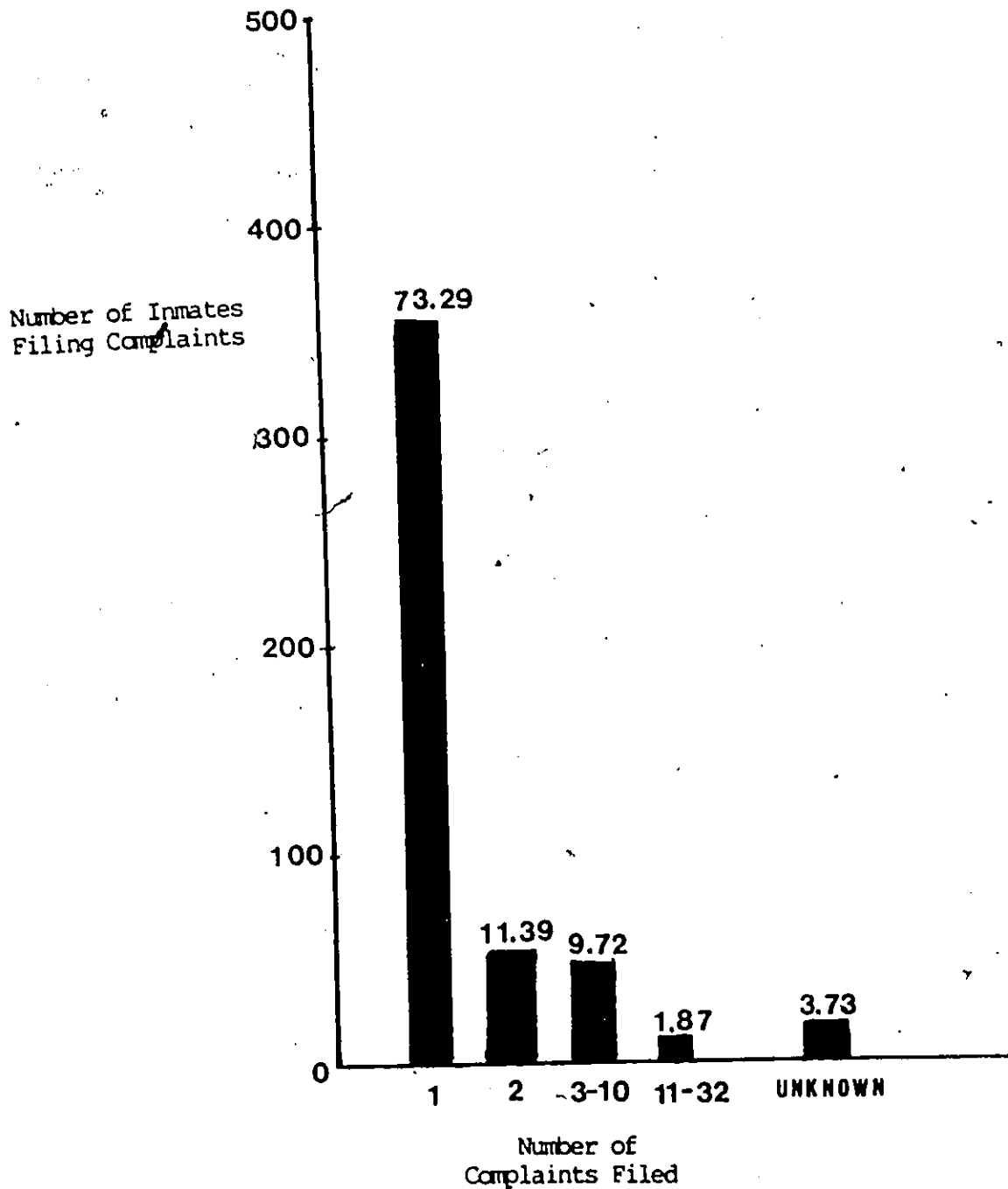


FIGURE 4 presents the percentage of single versus multiple complaints that were filed by the sample of complainants. A total of 891 complaints were filed by 483 inmates. These figures translate into a complaint-to-inmate ratio of approximately 2:1, signifying that each grievant filed an average of two complaints during the period of this study. Most offenders in the sample filed only one complaint each (e.g., 73%). Another 11 percent filed two complaints each within one month, while the remaining 15 percent filed three or more complaints within one month. At the extreme, two individuals filed 32 complaints each within the one-month sample period.

Figure 4: Percentage of Single and Multiple Complaints Filed by the Inmate Population Sample (1982)

Total number of inmates filing complaints = 483



3.2 The Resolution of Inmate Complaints

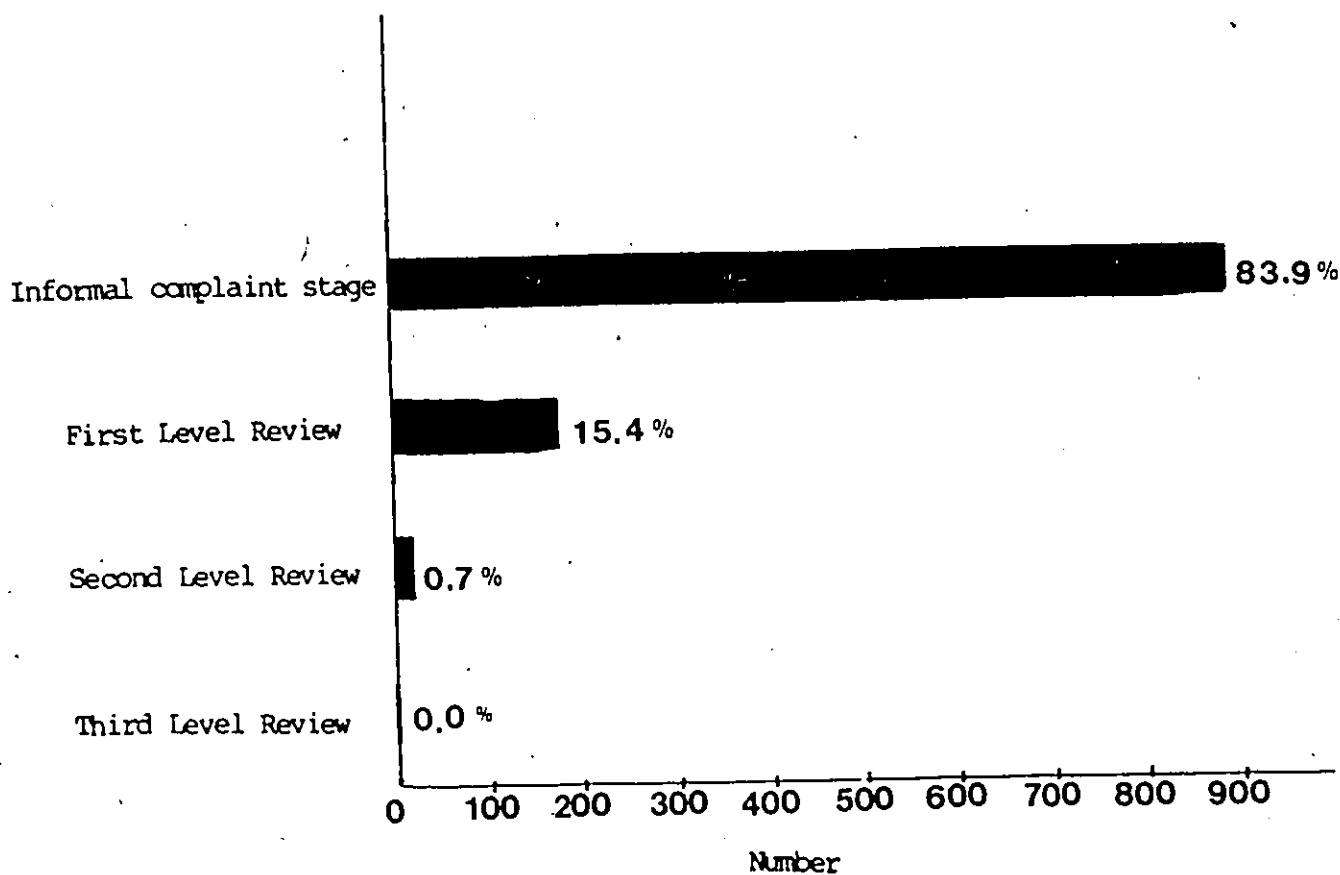
A basic goal of any redress mechanism is the resolution of inmate complaints at the lowest possible level, preferably by the individuals closest to the problem (e.g., line staff and inmates). FIGURE 5 shows the number and percent of inmate complaints reaching the various levels of the inmate grievance procedure. As one moves down the table from the informal complaint stage to the first, second, and third levels of review, one notices that successive appeal levels receive progressively fewer complaints. The "mortality" of grievances through the appeal levels is a significant dimension which is consistent in the grievance literature. Typically, a large proportion of complaints are resolved at the informal complaint stage; that is, without the necessity of a hearing before the Inmate Grievance Committee. The present study found that 891 inmate complaints, or 84 percent of the total number of complaints and grievances submitted were resolved at the informal pre-grievance stage. Another 15 percent of the inmate disputes reached the first formal level of review. Within the first review level, an inmate has two options; first, he may opt for a hearing before the inmate grievance committee. In the event that the committee is not operating, the institutional director decides the case. Secondly, the inmate may request that his case be brought before the Outside Review Board. Of the 163 grievances reaching the first level of review, most (108) were decided by the director, another 55 grievances were heard and decided by the inmate grievance committee, and none were brought before

the Outside Review Board. At the second review level, the Deputy Commissioner of the region received and resolved eight inmate grievances. The third and final review level did not receive any inmate grievances during the period of this study.

The fact that grievances did not reach the Outside Review Board may prove to be significant. This level of review is endorsed throughout the literature as a critical element whose availability lends credibility to the entire procedure. The involvement of the Outside Review Board is an essential element in promoting the belief that the procedure is not simply another way of packaging traditional ways of dealing with inmate complaints. The reason for having an independent review which is outside the correctional system, is in effect to have a committee which does not report to the director. It is a completely independent agent, able to hold an objective hearing and decide upon a reasonable solution to the problem. Therefore, not consulting the Outside Review Board in the resolution of inmate complaints undermines the credibility of the entire redress procedure.

Figure 5: Number and Percent of Complaints Reaching Various Levels of Review

Level of Review :



N= 1062

As was previously mentioned, the primary objective of an effective redress procedure is to resolve disputes. It is difficult to set an "optimum" ratio of upheld to denied grievances; yet, one would like to see as many complaints as possible resolved in a manner which maximizes benefit to all concerned parties. Table I provides outcomes at each stage of the redress procedure. Such a comparison will yield a rough measurement of the relative success which each stage achieved in resolving inmate disputes. As one moves down the table from the informal pre-grievance stage through to the third level of review, the number of complaints upheld in favour of the inmate decreases from 30 percent at the complaint stage, to 12 percent at the second review level. Alternatively, the number of denied complaints increases as one moves through the successive appeal levels, from 38 percent denied at the pre-grievance stage, to 75 percent denied at the second review level.

Table 1 : The Resolution of Complaints at Various Stages of the Inmate Grievance Procedure

Level of Review	Total		Upheld*		Denied		Rejected		Withdrawn		No Response	
	Number	%	Number	%	Number	%	Number	%	Number	%	Number	%
1. <u>Informal Complaint Stage</u>	891	100.0	273	30.6	336	37.7	205	23.0	38	4.3	39	4.4
2. <u>First Level Review</u>												
i) Inmate Grievance Committee	55	100.0	9	16.4	25	45.5	5	9.1	10	18.2	6	10.8
ii) Institutional Director	108	100.0	21	19.4	80	74.1	6	5.6	0	0.0	1	0.9
iii) Outside Review Board	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
3. <u>Second Level Review</u> Deputy Commissioner of Region	8	100.0	1	12.5	6	75.0	0	0.0	0	0.0	1	12.5
4. <u>Third Level Review</u> Commissioner of Corrections	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0

* Upheld in whole or in part.

3.3 Adherence to Time Limits in the Processing of Inmate Complaints

The length of time required to pursue a complaint to its conclusion is an important factor to consider. An effective redress mechanism must have short, enforceable time limits. Otherwise, resentment may build among the inmates due to feelings of low priority being placed on their problems. Due to the nature of most inmate complaints (e.g., issues that have to do with fundamental life activities), complaints should be resolved as quickly as possible.

To assess whether inmate complaints are processed in accordance with the pre-established time limits, the amount of time lapsed between the initial submission of a complaint and its subsequent resolution was recorded. Table 2 presents the number of working days used to process individual complaints at various levels of appeal. Out of a total of 891 informal complaints 432, or nearly half were resolved within the five working days deadline set in the directives. An additional 273 complaints, or 30 percent were resolved within ten working days. At the extreme, two (2) complaints remained unresolved for 36 and 40 working days, which is roughly equivalent to a two-month waiting period.

Of the 163 inmate grievances heard at the first appeal level, 41 percent were resolved within five working days, and an additional 22 percent were resolved within ten (10) working days of receiving the grievances.

And of the eight (8) grievances brought to the attention of the Deputy Commissioner of the region, or to the second review level, it took over eleven working days to resolve each of the grievances. As one moves from the informal complaint stage through the successive levels of appeal, the number of working days required to resolve the matter increases dramatically. While only 13 percent of the informal complaints required more than eleven (11) working days to reach a final decision, this number increases to 31 percent of the grievances appealed to the first level of review, and 100 percent of the grievances brought to the second level.

Set time limits at each step of the grievance procedure serve to prod management into prompt settlements. The underlying assumption behind such time limits is that justice delayed is justice denied.

Table 2: Number of Working Days* Used in Processing Inmate Complaints at Various Levels of Appeal

Level of Appeal	Total		1-5 Days		6-10 Days		11 + Days		Unknown	
	Number	%	Number	%	Number	%	Number	%	Number	%
1. Formal Complaint Stage	891	100.0	432	48.5	273	30.6	118	13.2	68	7.7
2. First Level Review	163	100.0	67	41.1	36	22.1	51	31.3	9	5.5
3. Second Level Review	8	100.0	0	0.0	0	0.0	8	100.0	0	0.0
4. Third Level Review	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0

* In calculating the number of "working days" between the submission of a grievance/complaint and the receipt of a written response, weekends and/or holidays were not included.

3.4 The Nature of Complaints: Correctional Services of Canada Categories

A great deal can be understood from an analysis of the types of complaints that were filed. Most observers agree that offender grievances must be addressed. The importance of resolving even the seemingly "trivial" complaints should not be under-estimated. The nature of prison life creates situations that for the private citizen might be insignificant, but which are important for the inmate.

The distribution of the 891 complaints according to the type of complaint based on the Correctional Services of Canada classification system is shown in Table 3. Approximately 60 percent of the complaints fall into three categories: offender programs, technical services, and security. The offender program category includes complaints about correspondence, visits, recreation, and ranked the highest in the number of complaints filed at 197. Complaints about technical services rank as the second largest category at 179 complaints. And security-related complaints rank third at 135 complaints. Issues of inmate employment and education, and complaints pertaining to health care services account for less than ten (10) percent each. Other areas of concern such as administration, finance, appeals, and the grievance procedure, account for less than five (5) percent each.

Table 3. Complaints Divided by Categories using the Correctional Services of Canada Classification System

Complaint Type	Number	Percent
1. offender programs	197	22.11
2. technical services	179	20.09
3. security	135	15.15
4. employment/education	89	9.99
5. health care	85	9.54
6. administration	38	4.26
7. finance	33	3.70
8. appeals	29	3.25
9. grievance procedure	27	3.03
10. other	79	8.88
Total	891	100.00

One would generally expect to find a considerable number of complaints related to offender programs and technical services because of their routine nature, and the relative simplicity with which a remedy may be articulated. But the relatively large number of security-related complaints is noteworthy at 15 percent. Most of the inmates lodging security-related complaints claimed harassment by line officers, and the use of excessive force. Unfortunately, it is difficult to discern whether or not these complaints were genuine, or whether it was a catch-all category for those offenders who saw themselves as deserving of institutional privileges, or underserving of having had them taken away. A large percentage of the security complaints were denied (45%) or rejected (31%) (see Table 4).

Complaints regarding the workings of the inmate grievance procedure were among the least ambiguous ones. These were not common (N=27 or 3%), although their presence alerts us to problems in the actual workings of the redress procedure itself. The types of complaints submitted against the workings of the inmate grievance procedure included: requests for complaint forms by the general inmate population and by inmates in protective custody units; requests that the grievance manual be placed in the library; and requests by inmates on behalf of the grievance clerk for office space.

Knowing the various types of inmate complaints can be beneficial in several aspects. Presumably, this knowledge helps prison administrators identify problems before they get too far out of hand and, therefore;

helps assure better institutional management in general. It is perhaps even a factor in curbing prison violence, although few researchers have sought to correlate this relationship. Grievances may serve as early signals of growing discontent with particular conditions, rules, or staff members.

Table 4 presents the nine C.S.C. complaint categories tabulated by outcome. It is suggested that the more routine a complaint, the more likely it is to be upheld, in whole or in part, at the informal complaint stage of the redress procedure. Over half of the complaints against the workings of the redress procedure itself (56 percent), and over half of the financial complaints (55 percent) were resolved in favor of the inmate. Typically, complaints against the redress procedure consisted of requests for complaint forms. And inmates with financial complaints typically requested that a correction be made to their financial standing. In contrast, the lowest number of upheld complaints, either in whole or in part, were security-related issues (16 percent). Most of these complaints questioned the use of force by staff, or questioned the use of disciplinary punishment.

Table 4. CSC Classification system by Decision

Complaint Type	DECISION													
	Upheld		Denied		Rejected		Withdrawn		Upheld in part		No Response		Total	
	#	%	#	%	#	%	#	%	#	%	#	%	#	%
Offender programs	35	17.77	94	47.42	45	22.84	4	2.03	7	3.55	12	6.09	197	100.00
Tech. services	74	41.34	57	31.84	24	13.41	10	5.59	9	5.03	5	2.79	179	100.00
Security	11	8.15	61	45.19	42	31.11	6	4.44	10	7.41	5	3.70	135	100.00
Employ/Educ.	28	31.46	43	48.31	10	11.24	2	2.25	0	0.0	6	6.74	89	100.00
Health	32	37.65	26	30.59	18	21.18	4	4.70	1	1.18	4	4.70	85	100.00
Admin.	12	31.58	11	28.95	10	26.32	1	2.63	2	5.26	2	5.26	38	100.00
Finance	16	48.49	8	24.24	3	9.09	2	6.06	2	6.06	2	6.06	33	100.00
Appeals	5	17.24	9	31.03	12	41.39	3	10.34	0	0.0	0	0.0	29	100.00
Grievances	15	55.56	4	14.81	8	29.63	0	0.0	0	0.0	0	0.0	27	100.00
Other	12	15.19	26	32.91	30	37.98	7	8.86	2	2.53	2	2.53	79	100.00
Total	240		339		202		39		33		38		891	100.00

3.5 The Nature of Complaints: Nuffield Categories

An alternative scheme for classifying complaints distinguishes between those pertaining to a specific incident and those relating to general policy. This type of classification system is useful in identifying those policies and procedures which may cause confusion or consternation at the institutional level.

Table 5 presents the number of complaints filed by the six categories developed by Nuffield (1979). Of the 891 complaints filed, the largest number, 206, or 23 percent were classified into a group which did not involve any real question of institutional policy. This category involved complaints against the delivery of routine institutional services. Table 6 shows that half of the complaints related to routine services were resolved in whole or in part at the complaint stage. This figure illustrates the relatively routine nature of the matters raised and the simplicity of the solution. In most cases the solution to the problem was obvious. The inmate alleged the apparent refusal of a routine action by the normal channels in the institution, and looked to the grievance procedure to mediate for him/her. Typical examples of this kind of complaint were as follows: the inmate wished to be issued his clean laundry; the inmate requested a prescribed diet; or the inmate requested that magazines ordered previously be delivered.

Table 5: Nuffield's Classification System for Inmate Complaints

Complaint type	Number of Complaints	Percent of Complaints
1. routine services	206	23.12
2. factual/information	183	20.54
3. staff behavior	177	19.87
4. staff discretion	174	19.53
5. practice	69	7.74
6. policy	42	4.71
7. other	40	4.49
Total	891	100.00

The second most common complaint type were requests for information. A total of 183 complaints, or 20 percent were classified as factual disputes or requests for information. Typical examples of this complaint type include: a complainant stating that his/her institutional bank account shows a balance which is lower than expected; or a request for an interview with the warden. In most instances the solution is clear, records are checked, and an explanation is offered. Of the 183 complaints in this category, most were upheld in whole or in part (42 percent), 31 percent were denied, and 17 percent were rejected (Table 6).

The third complaint type into which 177 complaints, or almost 20 percent were classified involved grievances as to the behavior or the language of individual staff members. Typically, inmates complained of verbal abuse and perceived harassment by individual staff members. Few of these allegations were upheld in favor of the inmate. In fact, complaints against the behavior of staff ranks the lowest in the overall percent upheld, and at the same time, ranks the highest in the percent rejected. Specifically, less than 12 percent of these complaints were upheld in whole or in part, while almost 49 percent were rejected, and another 32 percent were denied.

The fourth complaint group, into which 174 grievances, or 19 percent were classified, involved an inmate questioning the discretionary decision of an institutional employee.

Table 6. Nuffield's Classification System by Decision

Complaint Type	Upheld		Denied		Rejected		Withdrawn		Upheld in part		No Response		Total	
	#	%	#	%	#	%	#	%	#	%	#	%	#	%
Routine services	97	47.09	57	27.67	31	15.05	6	2.91	8	3.88	7	3.40	206	100.00
Factual/information	64	34.97	56	30.60	32	17.49	9	4.92	12	6.56	10	5.46	183	100.00
Staff behavior	17	9.60	55	31.07	86	48.59	9	5.09	4	2.26	6	3.39	177	100.00
Staff discretion	32	18.39	101	58.05	23	13.22	8	4.60	4	2.30	6	3.44	174	100.00
Practice	17	24.64	27	39.13	14	20.28	3	4.35	4	5.80	4	5.80	69	100.00
Policy	5	11.90	23	54.76	8	19.05	0	0.0	0	0.0	6	14.29	42	100.00
Other	8	20.00	17	42.50	11	27.50	3	7.50	1	2.50	0	0.0	40	100.00
Total	240		336		205		38		33		39		891	100.00

These complaints involved a dispute as to whether judgement was correctly exercised, or whether policy was correctly interpreted. Many of the grievances in this group involved disputes over the delivery of medical services, or disputes over the grading of an inmate's pay level. Other examples of this complaint type include: an inmate wishing to terminate his medication; requesting minor surgery; or wishing to be assigned to a different living unit officer. Of the 1974 complaints in this category, a total of 36, or 20 percent were upheld in favor of the complainant. Another 101 complaints, or 58 percent were denied. In fact, complaints that questioned the discretionary power of staff members resulted in the largest number of denied responses. Another 13 percent of these complaints were rejected. These figures allude to the relative futility of the inmate redress procedure in addressing inmate-staff tensions.

The fifth complaint type, into which less than 8 percent of the complaints were classified, involved suggestions made by inmates for changes to institutional practices. These changes did not necessitate a change in policy. Examples of this type of complaint include: requests that body searches be carried out in private; requests that cells and ranges be cleaned more frequently; and requests that visitation and medical appointment lists be posted on the ranges. Complaints seeking a change in practice fared somewhat better than did complaints seeking a change in policy. Over 30 percent of the practice-related complaints were upheld in favor of the inmate, leaving 40 percent which were denied, and another 20 percent rejected.

The final complaint category deals with inmates suggesting changes to institutional, regional, or national policy. This complaint category held the fewest complaints, a total of 42 complaints, or less than five percent of the total number filed. Some of the suggestions made by inmates for changes in policy included; requests by offenders housed in segregation units for extended yardtime; claims against the denial of hobbies to offenders designated as security risks; and requests by inmates housed in special handling units for employment. Less than 12 percent of the policy-related complaints were upheld. Over 50 percent of this complaint type were denied, and another 20 percent were rejected.

The overall figures suggests that the more "routine" a grievance, the more likely it is to be resolved, in whole or in part. It seems that complaints which approach policy or practice issues are less likely to be upheld or resolved informally at the complaint level. These findings support the conclusion put forth by Nuffield (1979) which states that "inmates may see the grievance procedure as useful only in resolving "trivial" matters, and it is not useful in dealing with matters of larger substance or policy" (Nuffield, 1979:46). Ideally, the grievance procedure should be prepared to effectively review and resolve not only "petty" complaints, but also those which are concerned with institutional policy. The identification of potential problems in policy is the first step in their subsequent correction.

3.6 Regional Differences

Table 7 presents variations found among complainants across the five Canadian regions. These figures are pictorially represented in Figure 6. The actual number of complaints filed ranged from a total of 39 complaints filed in the Atlantic region, 71 complaints filed in the Prairies, 134 in the Pacific region, 262 filed in Ontario, and 385 complaints were filed in Quebec. Of the five regions, Ontario ranked the highest in the percentage of offenders filing at 15 percent, followed closely by Quebec at 14 percent, and then by the Pacific region at 10 percent. Both Ontario and Quebec exceed the national average of the inmate population filing (the national average is 10.8 percent). The Atlantic and Prairie regions fell well below the national average at 4.7 percent and 4.3 percent respectively.

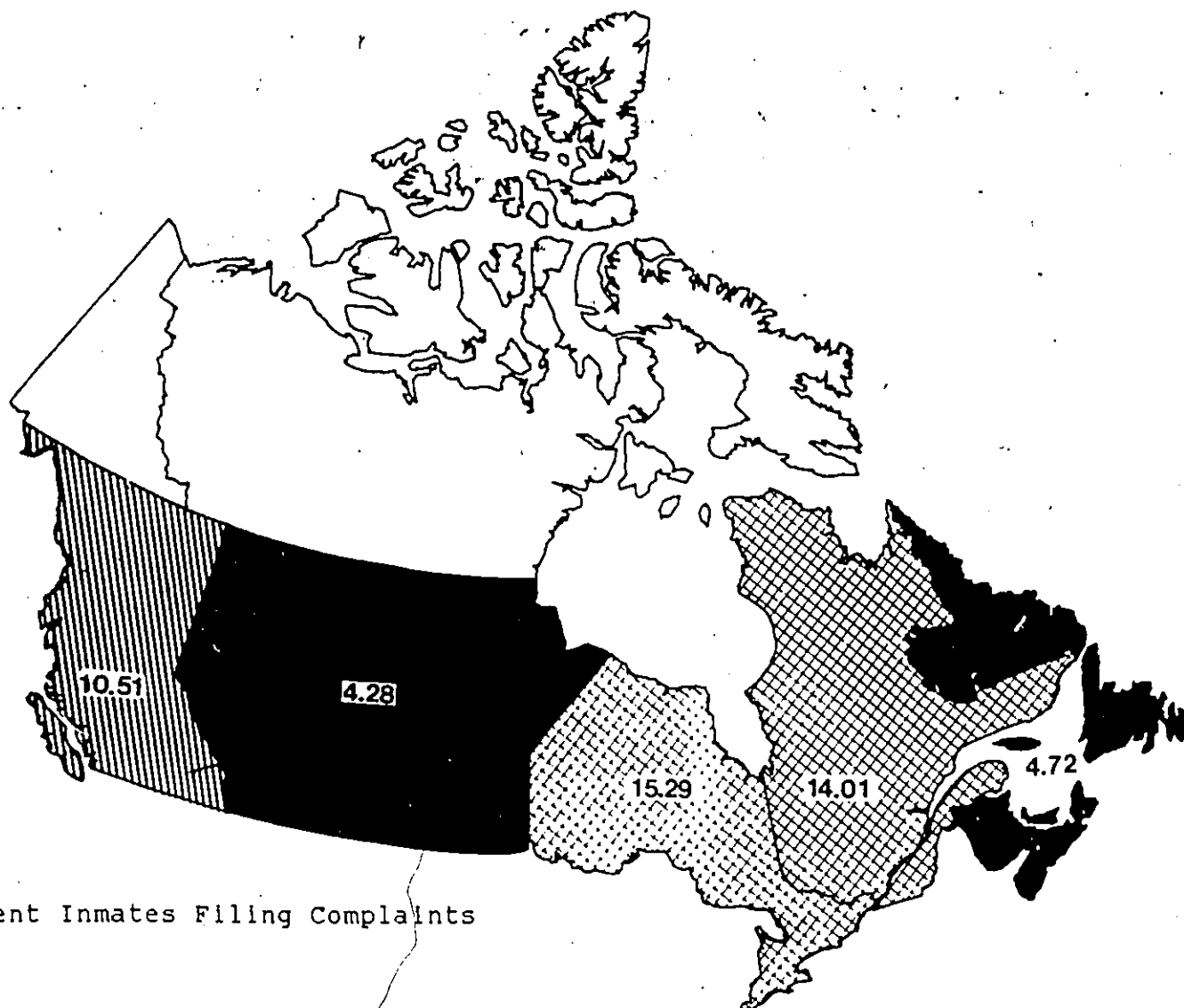
It is not clear why regional differences arose, nor is it clear whether these regional differences would be observed during another time period. Perhaps the answer lies in the fact that the sample used for this study was relatively small, consisting of complaints for only one month per institution. Some variation does exist over a one-month period, but perhaps over a longer period of time these regional variations would disappear. This observation suggests that further research is needed, including an analysis of a larger complaint sample over an extended period of time (e.g., time series analysis).

Table 7. Percentage of Inmate Population Filing Complaints By Region
(1982)

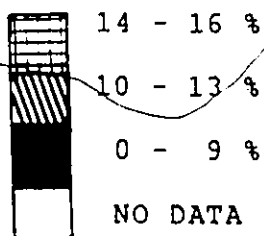
Region	Number of Complaints Filed	Total Inmate		Percent Inmates Filing Complaints
		Population		
	#	#	%	%
Quebec	385	2,749	33.43	14.01
Ontario	262	1,714	20.85	15.29
Pacific	134	1,275	15.51	10.51
Prairies	71	1,657	20.15	4.28
Atlantic	39	827	10.06	4.72
Total	891	8,222	100.00	10.84*

* National Average

Figure 6: Percentage of Inmate Population Filing Complaints by Region.



Percent Inmates Filing Complaints



3.7 Institutional Differences

Table 8 presents the rate of inmates complaining by security level. Refer to Appendix B for a list of the correctional institutions used in the present study by their respective security levels. The figures suggest that increased security level may be related to increases in the number of inmates filing complaints. This preliminary analysis of course, cannot establish that increases in inmate grievances and complaints are caused by higher institutional security levels. It was found that almost three (3) inmates of every 100 housed in an S-4 (medium) security institution complained within a one-month period. With an increase to an S-5 (high medium) penal institution the number of inmates filing increased to almost four (4) percent. Particularly dramatic was the difference between medium and maximum institutions in the number of grievances filed. At the S-6 level (high security), 23 inmates per 100 complained. And the rate of complaints filed in protective custody institutions is almost 21 inmates for every 100.

What causes offenders housed in maximum security institutions to file so many complaints? Perhaps higher security offenders have less opportunity to resolve their complaints through informal contact with staff. Alternatively, it may simply be that higher security offenders are more difficult inmates who do not conform readily to institutional procedures and regulations and are, therefore, more likely to challenge them.

Table 8. Rate of Inmate Complainants by Security Level

Institutional Security Level	Number of Complaints	Inmate Head Count		Rate of Inmates Filing per 100.
		#	%	
S-4	84	3,135	38.13	2.68
S-5	67	1,746	21.24	3.84
S-6	461	2,000	24.32	23.05
Protective Custody*	279	1,341	16.31	20.81
Total	891	8,222	100.00	10.84*

* Protective custody institutions included: Laval, Kingston Penitentiary, and Saskatchewan Penitentiary.

• National Average

3.8 Individual Characteristics: Age of Offender

Table 9 presents the number of complaints filed according to the age of an offender. The highest percentage of complaints were filed by the younger offenders between the ages of 25 and 29 inclusive (36.8%), and the fewest complaints were submitted by those aged 40 to 69 (8.08%).

This pattern of younger offenders filing more complaints than older inmates may simply be due to the fact that more young people occupy our penitentiaries today. Table 10 shows the general inmate population for 26 major institutions in 1982 divided by age group. It is apparent that the 25-29 age group was somewhat over-represented in the sample of grieving inmates as compared to the 25-29 age group of the general population. While the 18-24 age group and the 40-69 age group were somewhat under-represented in the grieving inmate sample.

These results are significant since the number of complainants is not simply a reflection of the general inmate population age distribution. While controlling for the actual number of inmates in each age category, we still observe an effect. It is conceivable that the younger offender may put more faith into the redress procedure as a viable method of dispute resolution, while the older offender may have alternative methods of problem solving.

Table 9. Number of Complaints Filed by Age Group

Age Group	Number of Complaints Filed	Percent of Complaints Filed
	#	%
≤16-17	-	-
18-24	216	24.24
25-29	328	36.81
30-39	257	28.84
40-49	56	6.29
50-59	15	1.68
60-69	1	.11
Unknown	18	2.03
Total	891	100.00

- No data.

Table 10. General Inmate Population Profile by Age Group

(26 major institutions. December 1982)

Age Group	Number of Inmates	Percent of Inmates
	#	%
≤16-17	43	.52
18-24	2,764	33.62
25-29	2,078	25.27
30-39	2,237	27.21
40-49	763	9.28
50-59	265	3.22
60-69	72	.88
Unknown	0	0.00
Total	8,222	100.00

Source: Population Profile Report. Prepared by the Information

Services of the Correctional Services of Canada. December 1982.

3.9 Individual Characteristics: Number of Previous Commitments

Complaints filed according to the number of previous commitments are presented in Table II. This table shows that 52 percent of the grieving inmates, were first penitentiary offenders, almost 21 percent were serving their second term, and the remaining 27 percent had served three or more previous penitentiary terms.

Table 12 presents a breakdown by the number of previous commitments of the general inmate population in 1982. By comparing the general inmate population figures with the grievance sample in the number of previous commitments, it was found that first offenders were under-represented among the inmates, whereas recidivists were slightly over-represented. While controlling for the number of previous commitments, fewer first offenders filed complaints than were expected, while more recidivists filed complaints than were expected.

One could speculate that recidivists are more accustomed to the system than are first offenders, and are therefore more likely to use the formal redress procedure. While first offenders have either less confidence in, or less need for, the grievance procedure. The length of time served may also dictate whether or not an inmate files a formal complaint. For example, a first offender serving the first six months of his sentence may not be aware of the availability of the redress procedure, or may be unsure of its usefulness in addressing his problems.

Table 11. Complaints Filed by Number of Previous Commitments

Number of Previous Commitments	Number of Complaints Filed	Percent of Complaints Filed
	#	%
0	466	52.30
1	186	20.87
2	102	11.45
3 or more	119	13.36
Don't Know	18	2.02
Total	891	100.00

Table 12. General Inmate Population Profile by Number of Previous Commitments (26 major institutions. December, 1982)

Number of Previous Commitments	Number	Percent
	#	%
0	5,091	61.92
1	1,556	18.92
2	813	9.89
3 or more	762	9.27
Total	8,222	100.00

Source: Population Profile Report. Prepared by the Information Services
of the Correctional Services of Canada. December, 1982.

3.10 Regional Differences by C.S.C. Categories

Table 13 shows variations across the five Canadian regions for the nine (9) complaint categories presently used by the Correctional Services of Canada. Each region shows a large percentage of one particular complaint category over another. For example, complaints generated from the Pacific region were concerned predominantly with issues of offender programs (35 percent), and with employment and education (23 percent), than with the other complaint types. The Prairie region was divided between four complaint categories, that of: offender programs, security, technical services, and health care. These four complaint types accounted for almost 70 percent of all complaints filed in the Prairie region.

Ontario revealed a large proportion of complaints related to technical services (23 percent). While Quebec's offender population filed an equal number of complaints relating to technical services and offender programs (23 percent each). Over 50 percent of the complaints filed in the Atlantic region were security-related or health-related, at approximately 25 percent each.

Regional differences in the types of complaints filed are intriguing, but whether they are persistent over time is beyond the scope of this study.

Table 13. Complaint Type (CSC) by Region

CSC Categories	Pacific		Prairies		Ontario		Quebec		Atlantic		Total	
	#	%	#	%	#	%	#	%	#	%	#	%
Offender programs	47	35.07	12	16.90	47	17.94	87	22.60	4	10.26	197	100.00
Security	17	12.69	14	19.72	27	10.31	67	17.40	10	25.64	135	100.00
Tech. services	11	8.21	10	14.08	61	23.28	91	23.64	6	15.38	179	100.00
Employ/Educ.	31	23.13	7	9.86	29	11.07	19	4.94	3	7.70	89	100.00
Health	3	2.24	11	15.49	34	12.98	27	7.01	10	25.64	85	100.00
Administration	6	4.48	4	5.63	11	4.20	16	4.16	1	2.56	38	100.00
Finance	3	2.24	5	7.04	11	4.20	14	3.64	0	0.0	33	100.00
Appeals	5	3.73	3	4.23	12	4.58	8	2.07	1	2.56	29	100.00
Grievances	1	.75	1	1.42	12	4.58	11	2.85	2	5.13	27	100.00
Other	10	7.46	4	5.63	18	6.86	45	11.69	2	5.13	79	100.00
Total	134	100.00	71	100.00	262	100.00	385	100.00	39	100.00	891	100.00

3.11 Regional Differences by Nuffield Categories

Table 14 shows variations across the five regions for the complaint categories developed by Nuffield (1979). This table explores whether or not regional differences arise with respect to:

- a) the number of policy versus practice-related complaints filed;
- b) the number of complaints alleging inappropriate staff behavior and staff discretion; and
- c) the number of factual complaints, or complaints against routine services.

Inmates incarcerated in the Pacific region generated the greatest percentage of factual complaints (35 percent). The second most common complaint filed by inmates in the Pacific region were related to the discretionary power of institutional staff members (23 percent). Another 24 percent of the Pacific complaints were divided equally between routine services and staff behavior. And the remaining 18 percent of the complaints were suggestions for changes to institutional practices and policies. In fact, the Pacific region generated the greatest percent of policy-related complaints across Canada.

The types of complaints generated by inmates housed in the Prairie region is almost identical to the complaint distribution in the Pacific region. The only major difference between the two regions lies in the number of practice versus policy-related complaints. While the Pacific region generated the greatest number of policy complaints (9 percent), the Prairie region generated the fewest policy complaints (3 percent).

Table 14. Complaint Type (Nuffield) by Region

Nuffield Complaint Categories	Pacific		Prairies		Ontario		Quebec		Atlantic		Total
	#	%	#	%	#	%	#	%	#	%	
Routine Services	15	11.19	10	14.08	74	28.24	95	24.68	12	30.77	206
Factual/Info.	47	35.07	22	30.99	36	13.74	77	20.00	1	2.56	183
Staff Behavior	17	12.69	9	12.68	25	9.54	122	31.69	4	10.26	177
Staff Discretion	31	23.13	16	22.54	74	28.24	37	9.61	16	41.02	174
Practice	9	6.72	7	9.86	22	8.40	28	7.27	3	7.70	69
Policy	12	8.96	2	2.82	15	5.73	11	2.86	2	5.13	42
Other	3	2.24	5	7.03	16	6.11	15	3.89	1	2.56	40
Total	134	100.0	71	100.0	262	100.0	385	100.0	39	100.0	891

Inmates incarcerated within Ontario penitentiaries were predominantly concerned with the lack of routine services, and with the discretionary power of its staff members (28% each). Another 14 percent of the grievances sought factual information. And the remaining four complaint categories (e.g., staff behavior, practice, policy and other), accounted for less than 10 percent each.

The distribution of complaints filed by inmates in the region of Quebec was particularly interesting. The greatest number of complaints fell into the category of inappropriate staff behavior (31 percent). This figure represents the highest percent in this category across the country. In fact, Quebec filed over twice as many staff-related complaints as any other region. These complaints questioned the competence of individual staff members; they alleged harassment by staff; and they requested that disciplinary action be taken. In addition to complaining about staff behavior, approximately one quarter of all Quebec complaints dealt with routine services, and another 20 percent of the complaints were requests for factual information.

Lastly, inmates incarcerated in the Atlantic region submitted a significantly large number of complaints questioning the discretionary power of individual staff members. Although the total number of grievances filed in the Atlantic region was small (N=39), over 40 percent of the total questioned decisions made by individual employees of the institution. Another 30 percent of all Atlantic complaints dealt with routine services. And the five remaining complaint categories (factual, staff behavior, practice, policy, other), accounted for less than ten percent each.

CHAPTER 4
SUMMARY AND CONCLUSIONS

4.1 Summary of Findings

The purpose of this document was to provide an evaluative and descriptive report on the functioning of the Canadian Inmate Grievance Procedure. In evaluating whether inmate complaints are being processed in an efficient manner, and in line with established principles, the researcher examined the following elements:

1. the number of inmates using the redress procedure, versus the number of inmates not using the procedure;
2. the resolution of complaints;
3. the number of working days elapsed between the submission of a complaint and its subsequent resolution; and
4. the extent to which a wide variety of complaints were processed by the redress procedure.

The data presented reveal that the second, third and fourth elements were carried out according to prescribed principles, while the first element was difficult to evaluate. This suggests that the overall functioning of the redress procedure was effective. The data reveal that the redress mechanism is able to deal with a wide range of complaint types, it resolved almost all complaints and grievances, and adhered to the prescribed time limits.

In addition to the evaluative data, descriptive statistics were provided on the following six variables:

1. regional differences in the number of inmates filing complaints;
2. variation across institutional security levels;
3. variation by age of the offenders;
4. variation by term of incarceration;
5. variation in decision rendered by complaint type; and
6. regional differences by complaint type.

Interesting variations were found in the number of complaints filed for each of these variables. Of the five Canadian regions, Ontario ranked the highest in the percentage of offenders filing complaints, followed closely by Quebec. The fewest complaints were generated by inmates housed in the Atlantic region. Secondly, variations were found between institutional security levels in the number of complaints filed. The figures suggest that higher security level may be related to increases in the number of inmates filing complaints. The fewest number of complaints were filed by medium-security inmates, and the greatest number of complaints were filed by high security and protective custody inmates. Thirdly, it was discovered that the highest percentage of complaints were filed by offenders between the ages of 25 and 29, and the fewest complaints were submitted by those aged 40 to 69. Another inmate characteristic associated with the number of complaints filed was the number of previous commitments. It was discovered that recidivists filed a greater number of complaints than did first term offenders.

Regional differences existed not only in the number of complaints filed, but also in the type of complaint filed. Each of the five regions revealed a large percentage of one complaint category over another. For instance, complaints generated from the Pacific region were predominantly concerned with offender programs; Ontario with technical services; Quebec with technical services and offender programs; the Atlantic with security and health care. The Prairies did not show a concentration of complaints in any single category. Finally, regional variations were found in the number of policy versus non-policy complaints. The Pacific region generated the greatest percentage of policy complaints, while the Prairies and Quebec ranked the lowest in policy complaints. •

4.2 Evaluation and Recommendations

The Canadian Inmate Grievance Procedure was developed in order to provide every inmate with the right to seek redress for a wrong or hardship which had happened to him/her while confined in an institution. In evaluating whether the redress procedure was, in fact, meeting its intended objectives, the researcher identified and examined four crucial elements:

1. the volume of complaints;
2. the decisions made;
3. adherence to time limits; and
4. the nature of complaints.

The first criterion examined was volume: Did inmates use the mechanism to express wrongs and to seek redress for their complaints? In fact, it was found that six (6) percent of the general inmate population housed in 26 federal institutions filed a total of 891 complaints within a one-month period, thereby leaving 94 percent of the inmate population who did not submit complaints. It is difficult to conclude whether 891 complaints is high or low. The process by which inmates file complaints is enormously complex. A large number of factors come into effect including: the nature of the circumstance, an assessment by the inmate as to whether filing a formal complaint would be a useful avenue, and the manner in which staff handle a potentially 'grievable' situation.

There is no absolute number of complaint submissions that, once achieved, qualify a redress mechanism as effective. If inmates are willing to use the mechanism available to them, and submit numerous complaints, then that mechanism may be considered to be effective. A lower volume of complaints could be interpreted as a general indication that institutions are functioning well, and responding appropriately and swiftly to the needs of inmates. Alternatively, a lower volume of complaints may indicate a general lack of confidence in the redress procedure among inmates. When inmates refuse to submit their complaints they are denied the benefit of voicing their concerns, and obtaining an official response.

In order to evaluate whether the volume of inmate complaints is high or low, the researcher recommends the development of a questionnaire eliciting perceptions and attitudes of inmates towards the complaint mechanism operating in individual institutions.

In this way, one would be better able to evaluate whether or not the procedure is perceived as operating fairly, and successfully. The general inmate population would need to be divided into three groups:

1. those inmates who have never used the redress procedure;
2. those who have used the procedure only once; and
3. those who have used it more than once.

(Refer to Appendix C for a tentative attitudinal questionnaire.) This distinction allows the researcher to discover reasons why inmates in the first category have not used the procedure, how this group resolves their problems without resorting to the grievance procedure, and suggestions they may have which would make the procedure more conducive to resolving their problems. The second inmate group, or those who have used the procedure only once, is another interesting sample. The researcher may discover the reasons why they have not returned to the procedure, whether or not they felt comfortable using the procedure, whether they felt that staff were concerned with resolving inmate matters, and whether they were satisfied with the resolution of their first complaint. The third inmate group, or those who have used the redress system more than once, could list the types of complaints filed, the frequency of filing, the effectiveness of various stages in the procedure, and their satisfaction with the resolutions.

In addition to specific information on these three inmate groups, the questionnaire could determine the extent to which inmates are familiar with how the redress procedure works, and about their rights to redress in general. This information could have serious impact on the

number and type of complaints filed, as well as on the effectiveness of the procedure. By combining attitudinal data with descriptive data, one would be in a better position to evaluate the efficiency of the inmate grievance procedure.

The second criterion used in determining the efficiency of the redress mechanism was the ability of the system to arrive at a decision on complaints. At the most basic level, only four (4) percent of the complaints filed, and five (5) percent of the grievances filed did not receive a response. The fact that inmates did receive official responses to almost all of their complaints and grievances is encouraging. As the American Correctional Association noted: the prompt handling of inmate complaints and grievances is essential in maintaining good morale. A firm "NO" answer can be as effective as granting a request in reducing an individual inmate's tensions, particularly if he feels his problem has been given genuine consideration by appropriate officials and is given a reason for the denial .

The informal complaint level was the most typical level of resolution. Successive appeal levels received progressively fewer inmate complaints. These facts provide support to the basic goal of resolving inmate complaints at the lowest level possible. But the movement of grievances through the remaining levels of review was less than efficient. The Inmate Grievance Committee was not functioning in six of the eleven institutions in which grievances were filed; and the Outside Review Board was not consulted on any of the 171 grievances.

By not consulting with either the Inmate Committee or the Outside Review Board in the resolution of inmate grievances, one undermines the credibility and impartiality of the entire redress procedure. The purpose of the Inmate Committee is to provide an opportunity for both sides to openly discuss and present the reasons for their particular position before a panel composed of their peers. The active participation of both inmates and staff in the operation of the redress mechanism was designed to promote constructive dialogue at the "grass-roots level". Without the opportunity for face-to-face contact, the true position of either side may not surface, and the potential for a mutually satisfying compromise may be lost.

Involvement of the Outside Review Board is another essential element in promoting the belief that the redress procedure is not simply another way of packaging traditional ways of dealing with inmate disputes. If the Outside Review Board is not consulted, as was the case in the present sample, the procedure does not subject the dispute to review by an authority independent of the prison system. Apart from missing the benefit which can accrue from an impartial view of the matter, it runs the risk of becoming a system of almost routine ratification of one level's decisions by the next level in the hierarchy. Each appeal level may share the same perception of the dispute. Even where such a "ratifying" function is not in fact the case, it may easily be perceived as such by inmates, thereby reducing the essential credibility of the mechanism. Once inmates and staff realize that the Outside Review Board is available as an independent and objective court they are likely to have more confidence in other components of the mechanism.

As a result of these observations, the researcher recommends that an effective redress procedure must include inmates and staff as active participants in resolving complaints, and must allow grievances to be reviewed by impartial outsiders.

The proportion of complaints upheld in favor of the inmate also varies considerably from one appeal level to the next. In general, successive appeal levels uphold fewer complaints. Almost twice as many complaints were upheld at the informal complaint stage (pre-grievance) than at any of the remaining appeal levels.

A note of caution must at this point be expressed concerning complaint outcome. The present C.S.C. grievance record-keeping system does not collect follow-up information about whether or not the approved remedy did in fact take place, or when it took place. Therefore, despite the fact that a complaint was upheld in favor of the inmate, the researcher was unable to determine whether the corrective action was implemented to the satisfaction of the inmate. This inconsistency suggests the need for further research assessing inmate perceptions concerning the fairness of the redress procedure, as well as their satisfaction with the implementation of the resolutions. These perceptions are expected to influence an inmate's desire to use the redress mechanism in the first instance.

The third element examined in evaluating whether inmate complaints were processed in line with established principles was adherence to time limits. A successful grievance procedure must not only provide for responses to all complaints, but must do so within a relatively short period of time. One of the critical factors in establishing the

credibility of a redress mechanism is the length of time required to pursue a complaint to its conclusion. In the event that the bureaucracy reacts slowly to inmate grievances it is perceived by inmates as an indifference towards their concerns.

The data reveal that almost half of the informal complaints were resolved within the prescribed time limits, and another 30 percent were resolved within ten working days. Successive appeal levels required longer periods of time to resolve inmate grievances. The first level of formal appeal resolved 60 percent within the limit of ten working days. And the second appeal level exceeded the time limit by requiring more than eleven working days in which to resolve each of its grievances. A tendency was observed for increased violations of time limits at higher levels of review.

The researcher recommends that reasonably brief time limits must be established not only for (a) the receipt of written official responses, but also for (b) any action which must be taken to put the response into effect. The C.S.C. has not as yet developed time limits within which the recommended corrective action must be put into effect. This practice would eliminate delays in the system in that it would automatically allow the inmate to appeal his case to the next level of review if the response is not received, or is not carried out within the specified time limit. A time limit is necessary after the resolution is reached in that if there is no time limit, in effect, a resolution has not been put into effect, and the inmate has been denied a review by the next level of appeal.

The fourth criterion used in examining the functioning of the redress procedure was the extent to which a wide variety of complaints were processed by the system. The data presented demonstrated that inmate complaints and grievances do cover a wide range of topics. It was found that the most common type filed related to specific living conditions within the institution that did not directly challenge rules or policies. Complaints in this category included correspondence, recreation, heat, electricity, and other related conditions of confinement. Approximately 40 percent of the complaints were of this type.

This category of complaints may be viewed by the outsider as petty which neither require nor deserve a formal resolution process. This perception suggests that the redress mechanism should not have to be used for the resolution of small matters. Indeed, "trivial" complaints usually involve no dispute whatsoever; everyone agrees that the inmate is correct, and should receive the request from the outset. Therefore, grievance personnel may feel that it is a waste of their time to deal with matters which are not really disputes. However, the inmate has been unable, or equally important, has felt unable to obtain the solution to his dilemma through the normal channels.

The penalties for failing to deal with these trivial problems in a systematic way can far exceed the costs of a procedure which allows inmates to discuss and appeal simple decisions. While such matters may seem at first to be a trivial or minor aspect of the redress mechanism,

the informal resolution of such problems may be the most important function which the procedure can fulfill. The informality of the complaint stage within the structure of the grievance procedure is specifically intended to remedy minor problems through mediation and the limiting of "red tape". Over 50 percent of the "trivial" complaints in the present study were upheld, in whole or in part, at the informal complaint stage. It is through the resolution of these "trivial" grievances that the procedure can gain credibility and satisfy the majority of applicants. The identification of chronic sources of minor complaints, moreover, is ultimately of benefit to the entire prison community.

Because the purpose of the redress mechanism is to provide a formal means for obtaining resolution on a wide variety of complaints, the procedure necessarily must be capable of reviewing the policies and actions of the correctional establishment. Do inmate complaints result in the clarification of, or change in policies? This question is difficult to answer since the researcher was unable to determine whether a policy or practice was subsequently changed in response to an inmate grievance. This sample revealed that complaints questioning regional, national or institutional policies and practices were among the fewest submitted. Policy-related complaints accounted for less than five (5) percent of the total, and complaints questioning institutional practices accounted for less than eight (8) percent of the total.

The data presented suggest that the more "routine" a grievance, the more likely it is to be favourably resolved. It seems that complaints approaching policy, or practice issues are less likely to be resolved in favor of the inmate. Ideally, an effective redress mechanism should be prepared to review not only petty complaints, but also those concerning policy. Unfortunately, the administrative redress mechanism does not provide for legally binding orders in the resolution of disputes. At most, a grievance filed through this system would result in a re-written policy or procedure. Nevertheless, a mechanism that is unresponsive to complaints about policy limits the opportunity presented to inmates to voice grievances, impedes the identification of institutional policy problems, and may add to inmate frustration rather than reduce it. It is recommended that the redress procedure must be more responsive in dealing with complaints questioning policy and/or procedure.

There remain two additional obstacles to an effective redress procedure:

1. the need for a strong training program for initial orientation, as well as on-going "refresher" training; and
2. to support formal training and orientation efforts, the resolution of grievances should be documented and made available to staff and inmates at all institutions.

The researcher suggests that training must be provided at all levels within the penitentiary, from top management through to line staff and

inmates. Training has two goals: (a) to provide sufficient information to enable inmates and staff to operate their redress mechanism successfully; and (b) to create a "self-sustaining training capability" within each institution so that the procedure can operate without constant outside technical assistance. That is, the grievance co-ordinator and grievance clerk could orient new inmates and train inmate committee members upon their arrival.

Four distinct levels of training are essential. All levels must be repeated periodically, when problems in the procedure arise, or when inmate and staff turnover require it. The first level of training must be management. The redress procedure would be worthless if correctional management were not committed to the procedure. The training should familiarize the manager with specific inmate grievance procedures, provide him/her with an appreciation of the principles of conflict management, and the merits of mediation as a technique for resolving conflict. It should be made clear to those managers who may be reluctant to embrace the redress procedure wholeheartedly, that in no way does the procedure subvert correctional policies or undermine the basic authority of the director and the staff.

The second level of training should involve grievance committee members of the Outside Review Board. Their training sessions should focus on the role and responsibilities of each member in conducting a grievance hearing, or a review board meeting. Role playing and video-taped simulations could be used to provide an understanding of the goals, responsibilities, principles and procedures to be used.

Training for grievance co-ordinators and grievances clerks is the third level of training. It should be particularly detailed and geared to prepare the co-ordinator and the clerk for their roles in executing the day-to-day requirements of the redress procedure. Their roles as fact-finders, and mediators should be stressed and each procedure should be fully explored.

A final level of training is needed for all inmates and staff members. These information sessions should be conducted with small groups of inmates (e.g., by living unit) or staff. The purpose, principles and day-to-day operations of the redress procedure should be clearly explained and discussed.

Training at each of these levels would be helpful in retaining mediation skills needed to resolve inmate complaints swiftly and efficiently. Through training, correctional administrators can discover and communicate to all involved that the redress procedure is not a gimmick used to appease inmates, but an important and integral component of correctional activities. A productive redress mechanism depends upon the ongoing support of correctional administrators. At a more basic level, training may also help line staff acknowledge that inmates can raise reasonable issues, and by the same token, inmates may realize that line staff are capable of proposing reasonable solutions.

To support the formal training and orientation efforts, the researcher recommends that the grievance resolutions be documented and

made available to staff and inmates. An effective system of indexing inmate complaints and grievances is needed at the institutional, regional, and national levels. Summaries of all grievances could be kept in each institution's library. Any revisions in institutional policy resulting from an inmate grievance should also be documented and filed. To maintain confidentiality and avoid reprisals, the grievant's name (and any other names appearing in the body of the complaint) must be deleted from this record. It is recommended that a list be posted at convenient places within all institutions once a month, showing the number of grievances filed, their outcomes, and the impact these grievances may have upon inmates, staff, or institutional life in general.

In addition to their use for reference and orientation purposes, the inmate grievance information system serves an important monitoring function. The intent is six fold:

- 1) to ensure that the operations of the grievance procedure conform to the intended design;
- 2) to guarantee that the decisions made under the system are carried out as they were intended;
- 3) to enable correctional managers to spot recurring problems that affect a large number of inmates;
- 4) to provide correctional managers with a record of past decisions to work from in order to respond to complaints in a consistent manner;

- 5) to provide inmates with a record of past grievances and their corresponding responses, thus eliminating the duplication of grievances; and
- 6) it also provides a means by which staff and inmates involved in the process can learn more about reasonable resolutions.

This collection of grievance information is obviously useful for evaluations. Grievance records themselves provide the most direct insight into how the system is being used. One must also insist upon periodic outside audits and reports on every facet of the inmate grievance procedure to make sure that all decisions are communicated effectively and regularly to both staff and inmates. Formal procedures to resolve inmate complaints can not be considered a frill: they are an important and particularly sensitive component of the apparatus of correctional management. As such, they need regular and intelligent upkeep.

Taken together, the findings of this study have some important implications for correctional policy and institutional management. Amongst the various problems cited in the literature about penitentiaries today, inmate complaints/grievances has ranked low on the scale of newsworthiness. Yet, as the findings of this study have shown, an examination of inmate complaints may be beneficial in the development of strategies which counteract and minimize inmate frustration, as well as to eliminate inmate suspicions about the sincerity of the correctional system's desire to resolve their complaints.

4.3 Suggestions for Future Research

Although the current evaluation concluded that the Canadian inmate grievance procedure operated efficiently during the reference period, a purely administrative approach is limited in its capacity to accurately assess all facets within the redress procedure from its philosophical base through to its practical application. By attempting to evaluate a self-policing, internal administrative mechanism by using the narrowly defined objectives set out in its own internal administrative guidelines will undoubtedly result in a limited set of results and conclusions.

Due to the narrow scope of this evaluation, some fundamental questions remain unanswered. The most important of which asks whether the inmate redress mechanism is essentially a sophisticated method of social control, or a vehicle for social change. Do offender redress procedures act simply as "escape valves" for built up inmate hostility and frustration, or do they provide a fair and speedy resolution to offender complaints? And secondly, does the procedure yield changes to unfair and arbitrary policies, or does it simply engage in "casework", where the

aggrieved party receives some measure of perceived restitution, but the structure or policy which generated the problem is left unchanged? Perhaps the redress mechanism can carry out both of these functions, that of social control and social change, of order and justice.

Most correctional objectives are written from the perspective of the officials and instituted to fulfil their desire for a secure and smooth-functioning facility. In this light, the inmate grievance procedure is an effective tool of social control. In theory, the grievance procedure can prevent disorder by offering a productive channel for inmate dissatisfaction. It also points out discrepancies between official institutional policies and the day-to-day operation of the facility. Some have claimed that it may even play a role in the prevention of rioting and striking.

Alternatively, the redress procedure may also function as a vehicle of social change. Advocates of the system claim that inmates derive a wide-range of benefits from the inmate redress mechanism. The mechanism addresses individual problems of person and property in a relatively short period of time, and serves to circumvent inmate-staff tensions.

Less tangible but nonetheless important are the secondary "side effects" of the procedure. Advocates claim that the inmate grievance procedure can contribute to the rehabilitative function of corrections. That is, offenders learn the techniques of communication, conflict prevention and resolution. It also acts as a sign to offenders of the system's own concern with the fairness of its practices and procedures. But can the redress mechanism fulfil both functions of justice and order to the same degree? In an environment where security is of the uppermost concern, one questions how far the concept of individual rights and justice carry.

Discussion of these types of issues is clearly beyond the scope of this thesis but perhaps through an alternative method of evaluation, other than administrative, they can be addressed. It would prove interesting to evaluate the extent to which theories of conflict resolution are applicable to the correctional environment. For example, is it possible for an arbitrator to be truly neutral, non-judgemental and totally independent when acting within the restrictive environment of a penitentiary? And is it appropriate to use a conflict resolution model drawn from the field of

industrial relations and apply it to corrections? One may hold that it is unrealistic to base the inmate redress procedure upon the premise of power-equalization in prisons since the prison itself means deprivation of power, while negotiation involves at least some degree of commitment to the sharing of power and decision-making. Is it reasonable to assume that a balance of power can be achieved in light of the fact that inmates hold little, if any real bargaining power?

Another method of evaluation may take the form of interviews or questionnaires which could be administered to offenders, correctional staff and administrators in order to collect information regarding their attitudes and perceptions towards the redress procedure and its relative impact on inmate-staff relations, institutional policy change, and overall institutional order. In conjunction, the attitudes of outsiders such as mediators and arbitrators in fields other than corrections could be tapped to assess whether the inmate grievance procedure is an appropriate, fair and meaningful mechanism for a confined population.

Is the volume of complaints reported in this evaluation too high or too low? And what does this volume tell us

about the functioning of the redress procedure? A low volume of complaints could be interpreted as a general indication that penal institutions are functioning well and responding appropriately to the needs of inmates. On the other hand, it may indicate a general lack of confidence in the redress system, thus forcing inmates to rely on alternate means of conflict resolution. A high volume of inmate complaints may be a sign that inmates are frustrated and dissatisfied with the facility's administration. And a continuously high volume of complaints will undoubtedly overburden the system's capacity to operate effectively. Further research is required to assess the relative volume of inmate complaints and its significance. One could proceed with a time series analysis which takes individual monthly variations into account. Alternatively, one could conduct a comparative study using the results of the current evaluation and comparing them against the number of complaints submitted by persons housed in another type of total institution (e.g. psychiatric hospital).

This paper has no doubt raised more questions than it can answer. But what becomes apparent is that the rule of law must be retained within the overall objectives of corrections. The inmate grievance procedure is but one attempt at bringing justice and fairness to corrections, but should certainly not stand alone in this endeavor.

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Appendix AThe Correctional Services of Canada Classification Scheme for InmateComplaints and Grievances:I. Offender Programs

- a) correspondence
- b) visits
- c) inmate funds
- d) hobbycraft
- e) television, radio, stereo
- f) parcels
- g) telephone, telegram
- h) recreation
- i) transfer (excluding Administrative transfers)
- j) remission
- k) temporary absence
- l) institutional routine
- m) institutional programs
- n) parole
- o) pre-release programs
- p) psychological services
- q) chaplaincy services
- r) religious diets
- s) staff performance
- t) staff harassment

2. Security

- a) contraband
- b) search and frisk
- c) use of force
- d) disciplinary committee
- e) nature of offence
- f) award of punishment
- g) punitive dissociation
- h) administrative segregation
- i) protective custody
- j) staff performance
- k) staff harassment
- l) administrative transfer

3. Technical Services

- a) food
- b) clothing
- c) footwear
- d) heat, water and lights
- e) canteen
- f) institutional sanitation and hygiene
- g) cell furniture
- h) staff behavior
- i) staff harassment

4. Inmate Employment

- a) education and vocational programs
- b) inmate pay
- c) employment
- d) library and subscription
- e) working conditions
- f) staff performance
- g) staff harassment

5. Health Care Services

- a) physical treatment
- b) psychiatric treatment
- c) dental care
- d) medication and prescription
- e) staff performance
- f) staff harassment

6. Administration

- a) directives and instructions
- b) claims against the crown
- c) privacy co-ordination
- d) sentence computation
- e) admission and discharge
- f) personal effects
- g) staff performance
- h) staff harassment

7. Finance

- a) book-keeper
- b) staff performance
- c) staff harassment

8. Appeals

- a) denial claim against the crown
- b) position classification
- c) disposal of contraband

9. Other

- a) bilingualism
- b) inmate rights
- c) discrimination

10. Grievance Procedure

- a) denial of grievance/complaint forms
- b) request for a grievance committee hearing
- c) delays in processing complaints/grievances

Appendix BBasic Descriptive Information on 26 Federal Correctional Institutions

Region	Institution	Security Level	Number of Complaints	Number of Grievances
Atlantic	Dorchester	6	29	-
	Springhill	4	10	-
Quebec	RRC	6	23	-
	CDC	6	178	76
	Ar Chambault	6	13	-
	Laval	PC*	130	12
	Cowansville	5	20	3
	FTC	4	14	-
	Leclerc	4	5	3
La Macaza	4	2	-	
Ontario	Kingston Pen.	PC*	123	15
	Millhaven	6	104	37
	Joyceville	5	11	1
	Warkworth	4	14	-
	Prison for Women	6	10	-
Prairies	Saskatchewan	PC*	26	6
	Edmonton	6	14	-
	Stony Mountain	5	19	2
	Bowden	4	3	-
	Drumheller	4	9	-
Pacific	Kent	6	69	14
	RPC	6	21	-
	Mountain	4	12	2
	William Head	4	5	-
	Mission	4	10	-
	Matsqui	5	17	-
Total			891	171

Legend:

- * Protective Custody institution
- Zero or nil

Appendix CInterview-Questionnaire Eliciting Perceptions and Attitudes of Inmates on the Redress Mechanism:

Common First Page

Background Information:

INMATE NAME: _____

FPS Number: _____

DATE OF BIRTH: _____ AGE IN YRS: _____

RACE: _____

INSTITUTIONAL SECURITY LEVEL: _____

Current Major Offence: _____

Date Current Offence commenced: _____

Sentence Length: _____

Date Admitted to Present Institution: _____

Amount of Sentence Served (As of Jan. 1, 1987) _____

Any Previous Convictions? Yes _____ No _____

Specify Major Convictions: _____

1. Have you ever used the inmate grievance procedure?

NEVER _____ (GO TO SCHEDULE B)

ONCE _____ (GO TO SCHEDULE C)

MORE THAN ONCE _____ (GO TO SCHEDULE D)

DON'T KNOW _____ (TERMINATE INTERVIEW)

NO ANSWER _____ (TERMINATE INTERVIEW)

SCHEDULE B:
 SCHEDULE FOR THOSE INMATES WHO HAVE NEVER USED
 THE INMATE GRIEVANCE PROCEDURE (G.P.)

1. What are the major reasons why you have not utilized the GP at all?

Check all categories you consider to be appropriate:

- a) I have not needed to use the service _____
- b) Service is not relevant to my problem _____
- c) I am unaware of the procedure _____
- d) I do not know how to use the procedure _____
- e) I would rather handle my problems informally _____
- f) I would rather write to the Ombudsman/MP _____
- g) Other (Specify) _____

- h) Staff are not interested in inmate grievances _____

2. Since you have never used the G.P., how have you solved your grievances to date?

Specify: _____

3. Do you feel this method was adequate in resolving your complaint?

Yes _____ No _____ Don't Know _____

4. Will you continue to use this method over the GP in the future?

Yes _____ No _____ Don't Know _____

5. What changes would you suggest be made to the GP?

Specify: _____

6. Would you be more likely to use the GP if these changes were to be implemented?

Yes _____ No _____ Don't Know _____

SCHEDULE C:

SCHEDULE FOR THOSE PERSONS WHO HAVE USED THE
INMATE GRIEVANCE PROCEDURE ONCE

1. Why have you used the GP only once?

Check all categories you consider to be appropriate:

- a) Service is not relevant to most of my problems _____
- b) I was dissatisfied when I did use it _____
- c) staff were not interested in resolving my grievance _____
- d) procedure takes too long _____
- e) procedure too cumbersome, too formal _____
- f) other (specify) _____

2. How many inmates would you estimate have used the GP?

- almost none _____
- some _____
- most _____
- almost all _____
- don't know _____

3. What types of issues have most inmates grieved about?

Offender programs _____

Security _____

Technical Service _____

Employment/Education _____

Health _____

Administration _____

Finance _____

Appeals _____

Staff Behavior _____

Inmate Behavior _____

Grievance Procedure _____

Other

(Specify) _____

4. What was the nature of your grievance?

Off. Prog. _____

Appeals _____

Sec _____

Staff Behavior _____

Tech. Serv. _____

Inmate Behavior _____

Employ't/Educ _____

Griev. Procedure _____

Health _____

Other (Specify) _____

Admin. _____

Finance _____

5. Did you feel comfortable about filing a formal complaint?

Yes _____ Don't Know _____

If No _____ (Specify) _____

6. Do you feel that staff are concerned with resolving inmate grievances?

Yes _____ Don't Know _____

If No _____ (Specify) _____

7. Had you presented your case before the Inmate Grievance Committee?

Yes _____ No _____

8. Do you feel that the Inmate Grievance Committee is concerned with resolving inmate grievances?

Yes _____ Don't Know _____

If No _____ (Specify) _____

9. Were you satisfied with the resolution of your grievance?

Yes _____

If No _____ (Specify) _____

N/A

10. What changes, if any, would you suggest for improving the grievance procedure?

(Specify) 1. _____

2. _____

3. _____

4. _____

5. No Improvements needed. _____

6. Don't Know _____

11. Would you be more likely to use the GP if these changes were to be implemented?

Yes _____

No _____

Don't Know _____

Not Applicable _____

SCHEDULE D:
 SCHEDULE FOR THOSE INMATES WHO HAVE USED THE
 INMATE GRIEVANCE PROCEDURE MORE THAN ONCE

1. What types of issues have you grieved about within the past year?

Offender programs _____

Finance _____

Security _____

Appeals _____

Technical Service _____

Staff Behavior _____

Employment/Education _____

Inmate Behavior _____

Health _____

Grievance Procedure _____

Administration _____

Other (Specify) _____

2. What types of issues do most inmates grieve about?

Offender programs _____

Finance _____

Security _____

Appeals _____

Technical Service _____

Staff Behavior _____

Employment/Education _____

Inmate Behavior _____

Health _____

Grievance Procedure _____

Administration _____

Other (Specify) _____

3. How often have you used the grievance procedure within the past year?

More than once a month _____

Once a month _____

Once every 6 months _____

Once a year _____

Less than once a year _____

Don't know _____

4. Do you feel comfortable about filing a formal complaint?

Yes _____ Don't Know _____

If No _____ (Specify) _____

5. From your experience, how do you rate the effectiveness of the following components of the Grievance Procedure?

a) Formal grievance/complaint forms were easy to obtain Yes ___ No ___ Don't know ___

b) Getting an interview with the grievance clerk/coordinator was relatively easy Yes ___ No ___ Don't know ___

c) Reasons were given for decisions rendered Yes ___ No ___ Don't know ___

d) Responses were provided within a reasonable amount of time Yes ___ No ___ Don't know ___

e) When corrective action was recommended, it was initiated within a reasonable amount of time Yes ___ No ___ Don't know ___

6. How many inmates would you estimate have used the GP?

almost none _____

some _____

most _____

almost all _____

don't know _____

7. Do you feel that staff are concerned with resolving inmate grievances?

Yes _____ Don't Know _____

If No _____ (Specify) _____

8. Have you ever presented your case before the Inmate Grievance Committee?

Yes _____

No _____

Don't know _____

9. Do you feel that the Inmate Grievance Committee was interested in resolving your complaint?

Yes _____ Don't Know _____

If No _____ (Specify) _____

10. Were you satisfied with the resolutions of most of your grievances?

Yes _____ Don't Know _____

If No _____ (Specify) _____



11. Do you feel that major administrative changes can come about in response to inmate grievances?

Yes _____ Don't Know _____

If No _____ (Specify) _____

12. What changes, if any, would you suggest for improving the GP?

a) _____

b) _____

c) _____

d) _____

e) No improvements needed _____

To all respondents:

Thank you for your co-operation.
All answers provided shall be held in strict confidence.
Your identity shall remain anonymous.