

STATEMENT OF THE REV. DR. PEYTON G. CRAIGHILL
TO THE SENATE JUDICIARY COMMITTEE IN REGARD TO
THE GRIEVANCE SYSTEM IN PENNSYLVANIA STATE PRISONS
TUESDAY, MAY 23, 2000

I want to thank the Chair and members of the Committee for this opportunity to share my observations about the need to reconsider and change the present grievance system in our state correctional institutions.

My concern about this matter has developed over the past decade, during which I have been working as a volunteer at SCI-Graterford. Since 1989, I have served Episcopal Community Services of the Episcopal Diocese of Pennsylvania as a volunteer chaplain for a congregation at the prison. I also served with the Victim Offender Reconciliation Program while it was functioning.

More recently, I was elected to the Board of the Pennsylvania Prison Society and am now serving at Graterford as an Official Visitor of the Society. I go in every other week to interview inmates who come to me for help with their concerns. It is in this capacity as a visitor that I have learned about the grievance process through my talks on many occasions with inmates, family members, and staff members. From my involvement with the process, I have come to the conclusions about needs for reform outlined below.

Before I move into specific recommendations, I want to say a few words about the significance of the topic we are addressing. From one perspective, it might seem that the grievance procedure used in prisons is an administrative matter of minor concern in the context of a mass of other issues of greater importance. Yet from another perspective, it can be seen to be a matter, not of minor, but of major concern.

Because you are the Judicial Committee, "justice" is obviously the focus of your concern. For the Department of Corrections, "corrections" is the focus of its concern. We can conclude, therefore, that these hearings are fundamentally about promoting justice and corrections.

People end up in correctional institutions because they do unjust acts. They have threatened the fabric of justice in our society. If correctional institutions are to correct, they must help offenders come to a better understanding of justice and to behave more justly both in prison and in society after their release.

While offenders are confined in correctional institutions, the grievance system is the most direct experience they have in the operation of justice. It is of utmost importance, therefore, that the grievance system should model justice in the best way possible. The proper functioning of the grievance system is not just a matter of promoting administrative efficiency. It can and should be the means by which those incarcerated in the corrections system experience and learn about justice in the form which this committee is most deeply committed to promoting.

The following recommendations represent my thoughts about how to make the grievance procedure a more truly just system:

1. Informal resolution of problems.

If a grievant has not first taken all reasonable steps to bring about an informal resolution of his problem before presenting a formal grievance, his grievance will be rejected. This is a commendable feature of the process. Inmates, as well as everyone else, should not leap into formal litigation without first exhausting every means of informal mediation and reconciliation possible.

However, the difficulty at present is that grievants are not clear about what the Institution considers to be acceptable procedures for informal resolution. As a result, too frequently they find their grievance forms rejected, resulting in a loss of time and of an effective response in pursuing their problems.

When an inmate requests a grievance form, the officer issuing it should at the same time give him a document explaining what is meant by attempting to "...resolve problems or differences with staff on an informal basis..." (DOC Inmate Handbook Policy No. DC-ADM 804-V-B). Staff members with some knowledge of social work principles and with special training in mediation should be made available to facilitate this process.

2. The grievance form.

I have discovered that inmates frequently have trouble because they do not know how to fill out grievance forms properly. Inadvertently, they may leave out information or report facts incorrectly.

Officers issuing grievance forms should know in detail the proper ways to fill them out. When they issue forms, they should instruct grievants as to just what is expected of them. When the filled-out forms are returned, they should check them to make sure that they are filled out properly and sign them to indicate that they have done so.

3. Grievance Officers.

At present the Grievance Officer to whom a grievance form is sent for Initial Review is the Manager of the specific area of responsibility in the context of which an inmate is presenting a grievance. (Ibid. IV-C). This person will clearly be knowledgeable about the general situation surrounding the incident in question. But he or she will hardly be a dispassionate observer of the issue being raised.

The Grievance Officer should be a person informed about but outside the chain of authority in the Institution's custodial and security system. The Officer may and should consult with officers, inmates, and others who may possess information related to the case. He or she, must, however, be able to evaluate the grievance from an objective perspective.

4. Retaliation.

The greatest fear that I have found among both inmates and families in relation to grievances is that if they press an issue, staff members in the Institution will retaliate. After investigating a number of such cases, my judgment is that this fear is not groundless. When inmates perceive themselves to be helpless before retaliation, the grievance procedure becomes useless.

Discipline over Corrections Officers must be enforced to make sure that retaliation against inmates for presenting grievances does not occur.

5. Presentation of grievances.

When inmates present grievances, there are times when they do not have access to all the documents and witnesses that they need in order to present their cases effectively. In some instances, legitimate issues of institutional security and confidentiality make such access impossible. But there should be means by which inmates can appeal questions such as these to an authority who can make judgments about such matters without bias.

Inmates who wish to grieve an issue should have access to help from unbiased assistants who can help them gather such witnesses and documents as they need for their presentations.

6. Information for families.

I have often had to work with families who are deeply troubled and angry about what they believe to be the unfair and arbitrary treatment that their relatives are receiving in prison. Not infrequently, it turns out that their anxiety stems from inability to obtain accurate and complete information about the case in question. When they are properly informed about all of the issues involved and about the institution's full range of responses, they are prepared to be a help rather than a hindrance to working out a positive resolution.

An adequately-staffed, fully-informed, and readily-accessible office should be established to help families understand more fully and respond more positively to difficulties encountered by their incarcerated family members. This could do much to reduce the load of grievances carried by correctional institutions.

If accepted, the changes called for in these recommendations will, of course, require a greater expenditure of money and use of personnel. But if the result is a change from a less just to a more just system, how can we who are committed to the promotion of justice not work to find a way?

Once again, I want to thank the Judiciary Committee for giving me the opportunity to express my thoughts and for your graciousness in listening to what I have to say.