Prisoners turn to courts to redress grievances

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As early as 1972, Louisiana prison authorities began wrestling with the problem of providing due process hearings for prisoners in disciplinary and grievance procedures. The U.S. Civil Rights Commission—headed by former Florida Gov. Leroy Collins—came to Angola to help mediate the establishment of a procedure under which inmates were to elect representatives to serve on a board with prison personnel to hear complaints. The late Elayn Hunt, a lawyer who was then newly-appointed head of the Louisiana Department of Corrections in 1972, took pride in the fact that the federal mediators were for the first time trying to solve problems of prisoners, rather than simply mediating racial disputes.

\[ \text{Inmate grievances} \]

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Within the penitentiary — rather than seeing suits filed in the federal court, the legislature shared the concern by adopting a bill under which the state assumed the liability for its prison authorities against whom a judgment might be obtained in a civil rights suit. By 1973 U.S. Magistrate Frank Polozola, now a federal judge, directed disciplinary procedures be established which remain in use in the state prisons to this day. A correctional officer can levy punishment for minor offenses, but the inmate has a right to take the matter to a Disciplinary Board appointed by the warden. The board’s decision is appealable to the Secretary of Corrections.

The procedure is like that used in federal prisons and it has passed muster in the federal courts. As civil rights complaints concerning constitutional rights were filed in federal court here, the magistrate tried to determine if administrative remedies had been exhausted. If they hadn’t, he would simply stay the court proceedings for 60 days.

During that time, the Office of Correctional Services — now known as Corrections Internal Affairs — that was established by Mrs. Hunt to conduct internal investigations, would check into the complaint by sending officers from the State Department of Corrections headquarters into the prisons to talk directly to the complaining prisoners to see if the dispute could be resolved. If the matter was resolved amicably, both sides moved for dismissal of the suit. If not, then Polozola would hear it. But often, he avoided holding full-blown hearings by determining if either side could add more information than the report of Correctional Services.

Mrs. Hunt won court approval of her memorandum to all prisoners outlining procedures to resolve inmate problems. "Most complaints can be resolved quickly and efficiently through direct contact with staff who are responsible in the particular area of the problem," Mrs. Hunt wrote in the memo on Sept. 30, 1974. "Therefore, inmates should first seek assistance from the officials at their institutions (this could be a classification officer, a dormitory officer, chaplain, superintendent, etc.)."

But the memo provided for her review of any problem not satisfactorily resolved by institutional staff. She required the appeal to be in writing, to clearly state the complaint and to be filed in a sealed envelope addressed to her within 30 days from the date of the problem.

The memo also provided that in complaints of a sensitive nature, an inmate could make the complaint directly to the head of the Department of Corrections, but must clearly explain a valid reason for doing so. (See PRISONERS, Page 5-6)
not seeking review within the institution."

She promised a decision within 30 days or sooner. And, she emphasized the memo did not affect the disciplinary procedures, including the right to appeal Disciplinary Board decisions to her.

After Mrs. Hunt’s death, the new director, C. Paul Phelps, on March 29, 1976, issued an identical memorandum, except for the first paragraph which said:

“I will continue Mrs. Hunt’s policy of answering any questions you have during your stay with the Department of Corrections. Whenever possible, I ask that you follow the steps outlined.”

Until Phelps was fired as secretary of corrections by Gov. Treen in late 1981, the grievance procedure remained unchanged. He says the correctional services officers were able to resolve many disputes that would have otherwise wound up in court, or were able to make investigations that aided the federal and state courts to quickly resolve lawsuits with a minimum of time and cost.

Carlo Messina, head of Corrections Internal Affairs, said Secretary John King has instructed his staff to handle grievances “the same as in the past.”

But several members of King’s staff appeared unaware of earlier court actions and the work of their predecessors when talking of their plans to put together a grievance procedure that will meet the standards established by the attorney general of the United States under the Civil Rights for Institutionalized Persons Act of 1980.

Jim Kautz, program evaluator, said he did a survey a year ago and found that every prison has a different procedure, and the linkage between the grievance procedures at the institutions and state headquarters has disappeared. Kautz has done some preliminary work to revise the procedure for smoother operation, standardization and connection with the Secretary’s office.

But pressing population problems and preparing data for the federal court on overcrowding has bumped the grievance procedures to the back burner for the moment, he says. One result is that the number of prisoner suits in the courts are on the increase.