



**TO: Mike Ferriter, Montana Department of Correction Director**

**FROM: Candyce Neubauer, Bureau Chief**  
**Technical Correctional Services Bureau**

**SUBJECT: Annual Inmate Grievance Statistical Report: FY 2007 (July 2006 – June 2007)**

**DATE: December 2007**

**General Comments/Overview:**

This is the second annual assessment report on the inmate grievance system. This report is based on the information summarized in each monthly Inmate Grievance Statistical Report submitted by the Grievance Coordinators (GC) from each Adult Care Facility (MSP, MWP, CCC, DCCF, and GFRP). This year there is a general overall finding that was reported by each GC. This is that the informal-resolution step in the grievance process is working. Requiring inmates to first present an issue of concern on an Inmate/Offender Informal Resolution Form and having them attempt to work out an issue before filing a formal grievance is resolving issues, on an average, approximately 65 percent of the time, and then only 35 percent of the grievances are moving on to the formal level. This percentage does vary some from facility to facility with MWP and CCC reporting the lowest percentages (MWP – 24 percent, CCC – 26 percent) moving on to the formal level. The GFRP has the highest percentage (57 percent) of grievances that go on to the formal level. As reported last year though, requiring the informal step has had a considerable impact on the unit management teams' caseloads, but, ultimately, this step is a better way of dealing with inmate complaints. Offender issues/concerns are now handled at the level they should be and where staff can correct problems.

We have not heard back from the US Department of Justice regarding the Montana Department of Corrections' (MDOC) request for recertification on the grievance program. In spite of this, it is our legal staff's opinion that our current policy conforms to the federal regulations, so I do not believe that the lack of a response has much of a bearing on our grievance program. However, I do feel that we should put some type of closure to the federal certification request, and I will follow up with Kelly Dunn. Kelly is the individual from the legal department who made the initial request in May 2005.

The second grievance coordinator's conference was held on October 24, at Fairmont Hot Springs, and I am especially pleased to report that this conference went very well. The one-day conference was attended by representatives from the contracted facilities, the Contract Placement Bureau, medical staff from MSP, a DOC representative from the legal unit and Deputy Warden Ross Swanson. A number of items were discussed during the meeting, but what stands out mostly about the conference is how important it is to bring the grievance coordinators together on a yearly basis. It is a great opportunity for them to share ideas and express some of the frustrations they may have when dealing with certain inmate complaints. The communication and networking that takes place has proven to be invaluable. A case in point – Cathy Green, the GC from Crossroads, is new to the job and had a number of questions to ask. She also requested training specific to the MDOC grievance policy/program in which I am happy to report did take place when Shelley Steyh went to Shelby on Nov 14. Cathy also shared the grievance presentation she developed for staff training at Crossroads. Her PowerPoint presentation is well done and something that the other GCs can use for their staff training segments. The group

made an agreement to use a standard monthly-report format, and I think everyone will like this new format. We will be able to glance at a full year of grievances information opposed to the three-month format that is being used now. The GCs will begin using the new monthly report for FY 2008. The group also decided to use a standard notice for inmates who are placed on a restriction for misusing the grievance system. This was a good decision as it gives the DOC some consistency on how the restriction will be handled no matter where the inmate is housed.

I did ask the six Grievance Coordinators to submit general comments along with their yearly data. The following are some of the highlights from their reports:

- Cathy Green at the Crossroads Correctional Center reports that from time to time she hears from inmates that the grievance process is a hoax and not worth pursuing and/or using the system because the issues are not truly answered to the inmate's satisfaction. She explains that her interpretation of this is that inmates are not getting the answers they want so are dissatisfied. When you think about this, I think it is a human trait to think something does not work if something does not go our way. The fact of the matter is, and the data in the grievance reports support this, that in most cases, grievances are denied because policies/procedures are followed, and, in a lot of cases, the evidence does not support the inmates' claims.
- Rick English at the Great Falls Regional Prison states that he believes the informals are highly essential and are well respected due to having the majority of the problems resolved at the lowest level. "Informals reflect an accountable written response and a signed acknowledgement from the person for whom the initial grievance was intended. Basically, the recipient is held more accountable for his/her actions". As I mentioned in the opening paragraph of this report, the informal step has had an impact on staff because they have had to correct problems and/or provide documentation to the offender on why the informal grievance is denied. It is as Mr. English reflects, staff members are held accountable for their actions through the grievance program. The GC truly recognizes the value of the informal resolution process.
- Wayne Heimbuch at the Dawson County Correctional Facility reports that the past year was normal for him. The main grievance issues at DCCF are policies, staff actions, disciplinary and medical. He states that there never seems to be an end with inmates questioning staff about policy. Having inmates questioning policy and procedure is not a bad thing because this really is a good way for the correctional system to continually evaluate how we are doing. This is a big part of the offender grievance program: A system where we can gauge how we are doing and identify problem areas.
- Gloria Cowee at the Montana Women's Prison states that the informal resolutions consist of 80 percent of the grievances filed at MWP. The formal grievances accounts for 20 percent. The ratio of average monthly grievances to an average daily population (ADP) of 264 is 11 percent. I think Gloria makes an important assessment with the grievance system as a whole – when we compare ADP with the number of grievances filed each month, a fairly small percentage of inmates are filing grievances at any one time.
- Billie Reich and Shelley Steyh at Montana State Prison report a higher number of grievances from the previous year. They attribute the increase to the changes in the property policy which took place in February 2007. All secure care facilities had an increase in grievances filed against the property policy. Herein is perhaps another example of the human-factor. When personal fans were no longer allowed for legitimate security reasons, a lot of inmates thought they had a "right" to personal comfort items. A sense of entitlement is what the GCs and the administrations had to deal with for several months. I do believe that issues regarding the property changes that took place last winter are no longer a big issue for inmates, but property grievances as a whole remain high at MSP for some unknown reason. Note: Anita Larner, the director's legal designee for responding to DOC appeals, has asked to meet on January 7, 2008, with certain staff to discuss what the grievance "hot spots" at MSP are and what can be done to lessen grievances in the property area. I think it is a safe assumption that her request is being made because she, as well, is seeing the increase in the number of grievance appeals that deal with inmate property. I will keep you posted on the results of this meeting.

The first two (2) charts below show increases and decreases in the two years we have been tracking grievance numbers by an up or down arrow, with the lower numbers in each box showing last year's numbers. There was an increase in the number of informal grievances filed with the exception of DCCF. That facility had a decline in informal resolutions filed. The formal grievances filed increased in all facilities except for MWP. The female system had a noteworthy decrease in formal grievances being filed. Most grievances fall within the standard grievance category, and the medical grievances are the second highest overall grievances filed. Two facilities, CCC and GFRP, report no emergency grievances being filed at all for two years in a row. This is somewhat unusual and stands out from the other facilities. I did not have an opportunity to inquire why with the GC from these facilities but will make a point to have this topic on the next GC conference agenda.

**Number of Informal Resolutions Filed:**

MSP	<u>2040</u>	↑	MWP	<u>282</u>	↑	CCC	<u>920</u>	↑	DCCF	<u>488</u>	↓	GFRP	<u>196</u>	↑
	1244			185			777			526			172	

**Number of Formal Grievances Filed:**

MSP	<u>777</u>	↑	MWP	<u>70</u>	↓	CCC	<u>248</u>	↑	DCCF	<u>183</u>	↑	GFRP	<u>112</u>	↑
	544			124			220			148			61	

**Number of Formal Grievances Filed by Overall Category:**

<b>MSP:</b>	Standard	<u>571</u> 438	Emergency	<u>11</u> 4	Medical	<u>131</u> 88	Policy	<u>31</u> 6	Staff Conduct	<u>31</u> 10
<b>MWP:</b>	Standard	<u>39</u> 54	Emergency	<u>0</u> 7	Medical	<u>26</u> 38	Policy	<u>1</u> 8	Staff Conduct	<u>4</u> 17
<b>CCC:</b>	Standard	<u>186</u> 179	Emergency	<u>0</u> 0	Medical	<u>55</u> 28	Policy	<u>2</u> 3	Staff Conduct	<u>5</u> 10
<b>DCCF:</b>	Standard	<u>85</u> 87	Emergency	<u>5</u> 1	Medical	<u>11</u> 19	Policy	<u>46</u> 19	Staff Conduct	<u>36</u> 22
<b>GFRP:</b>	Standard	<u>56</u> 40	Emergency	<u>0</u> 0	Medical	<u>9</u> 5	Policy	<u>19</u> 6	Staff Conduct	<u>28</u> 10

**Informal Grievances Submitted by Inmate Location:**

LOCATION:	July 2006	Aug 2006	Sept 2006	OCT 2006	Nov 2006	Dec 2006	Jan 2007	FEB 2007	Mar 2007	April 2007	May 2007	June 2007
MSP - 2040	137	112	143	198	232	204	164	168	208	168	152	154
MWP - 282	31	19	13	25	19	26	22	20	29	34	22	22
CCC - 920	73	73	70	103	93	64	80	73	85	73	64	69
DCCF - 488	64	46	20	56	37	49	34	26	36	43	40	37
GFRP - 196	10	23	12	19	17	8	17	18	26	11	25	10

**Formal Grievances Submitted By Inmate Location:**

LOCATION:	July 2006	Aug 2006	Sept 2006	OCT 2006	Nov 2006	Dec 2006	Jan 2007	FEB 2007	March 2007	April 2007	May 2007	June 2007
MSP - 777	47	42	39	42	106	70	66	41	97	61	88	78
MWP - 70	8	16	11	8	3	4	3	3	2	3	4	5

CCC - 248	25	23	11	40	12	16	25	7	9	27	27	26
DCCF - 193	21	27	11	19	17	19	20	7	4	17	14	17
GFRP - 112	4	10	12	5	2	6	3	12	36	7	7	8

The section on "Grievances Submitted By Department/Unit Grievied" does not precisely fit every unit of adult correctional facilities, so the numbers do not exactly compare. Example: The MSP list zero "Medical" grievances in that section of the chart but lists 126 grievances filed under the "Infirmary" section. The reason for this is that the GC at MSP is logging medical, dental and vision grievances collectively under the "Infirmary" section. This was reported in the same manner last year. We may need to revisit the medical section at the next GC Conference and come to a general consensus on how we want these particular grievances logged. It may be good to know the numbers of dental and vision grievances apart from medical problems. I also see a need to add an American Disabilities Act (ADA) section to this chart as there is truly a need to be able to identify ADA complaints separately from overall "Infirmary" complaints. Ultimately, I think our goal should be to try and have consistency with how grievances are being tracked and logged. In reviewing these numbers yearly, I am able to identify where we need to make improvements.

#### Formal Grievances Submitted By Department/Unit Grievied:

DEPARTMENT	MSP	MWP	CCC	DCCF	GFRP	DEPARTMENT	MSP	MWP	CCC	DCCF	GFRP
Accounting	14	2	10	0	0	Job Assignment / Removal	0	3	6	2	1
Administration	167	2	1	0	28	Law Library	0	1	0	6	0
Case Management	0	0	6	0	0	Library	0	0	3	0	0
Classification	5	0	3	1	2	Mailroom	60	2	5	8	4
Commissary	38	0	2	7	3	Maintenance	40	1	0	0	0
Contract placement	2	1	0	0	0	MCE	24	0	0	0	0
Dental	0	0	0	0	5	Medical	0	29	58	16	4
Disciplinary	16	4	16	21	7	Mental Health	80	2	1	1	0
DOC	0	0	0	3	0	Policy/Procedure	20	1	10	27	19
Food Service	12	0	1	3	18	Property	93	5	34	15	13
Grievances	5	0	0	3	1	MDIU	2	0	0	0	0
Habilitative Services /Programs	9	4	2	0	0	Records	10	0	0	0	0
Hobby	0	3	2	3	0	Security	51	5	77	0	0
Infirmary	126	0	0	0	0	Units/Housing	102	0	0	0	3
Inmates	0	0	0	0	0	Visiting	0	3	1	1	3
Investigations	0	0	0	0	0	Warehouse	0	0	1	0	0
IPPO	0	0	0	0	0	Unknown	0	2	8	0	1

### Formal Grievance Submitted By Type of Complaint:

TYPE	MSP	MWP	CCC	DCCF	GFRP	TYPE	MSP	MWP	CCC	DCCF	GFRP
Canteen	36	0	1	7	3	Money	10	1	10		1
Classification	13	0	4	1	2	Non-staff actions	20	1	0		0
Education	0	0	3	0	0	Non-receipt	0	0	0		0
Policy Violation	4	1	7	0	0	Personal Injury	13	0	1		0
Grievance Ruling	5	0	0	0	1	Policy/Procedure	39	0	7	26	0
Groups	3	1	0	0	0	Privileges	15	0	3		1
Hearing Decision	17	4	15	13	9	Property	203	4	29	15	11
OSR's	3	0	0	0	0	Records	13	0	2		0
Laundry	2	0	2	0	4	Recreation/Hobby	11	1	2	3	2
Legal	31	0	2	6	0	Religious	2	0	3		2
Library	10	0	2	0	0	Staff Action	42	10	56		35
Living Conditions	22	2	0	0	3	Threats	0	0	0		0
Mail	54	3	8	8	4	Unethical Conduct	19	0	0		1
Meals	8	0	1	3	15	Visits	4	3	1	1	3
Medical	121	30	55	16	9	Work Programs	23	3	5		1
Miscellaneous	14	2	10	0	4	Other	0	4	10		1

The final five (5) charts of this report which show the Numbers Of Grievances Not Processed, Number Of Grievances Granted Or Denied and the Number Of Appeals Granted and Denied at the Warden/Administrator and Directors levels contain important information for statistical purposes. The numbers appear to be "normal" in comparison to the data last year although two (2) areas showed a noticeable increase. The MSP numbers for grievances not processed due to abuse of the process are considerably higher from the previous year. Last year there were nine (9) abuses of the process compared to the thirty-six (36) reported this year. Finally, the last section with a noticeable increase is within the Appeals Pending at the Directors Level section. There are a very high number of appeals, one hundred seventeen (117), noted as "still pending" at the Director's level.

I spoke to Shelly Steyh, the MSP GC who does the monthly grievance reports, about these numbers, and she offers the following explanation: The overall grievances numbers are up at MSP from last year so there is a general increase in all sections; however, as a new GC, Shelley is still learning and may not be correctly logging grievances that are not processed. In the future, she will look at breaking down the reasons more specifically. Lastly, the number of grievance appeals still pending at the director's level is the yearly total of outstanding appeals that were logged each month. In other words, if ten to twenty appeals were still out to the Director when the monthly grievance reports were done, these monthly numbers were tallied in the end making the overall "yearly" number high. Shelley did make it clear that in most cases the appeals from the Director are done within the time frame outlined in policy, and if there was a delay, it was due to someone being off.

### Grievances Not Processed Due To:

REASON:	MSP	MWP	CCC	DCCF	GFRP
Abuse of process	36	0	8	11	1
Abusive language	8	0	0	9	1
Duplicate/Multiple	12	0	5	7	4
Exceeds limit	2	0	0	11	0
Improper/no informal resolution	62	22	17	5	28
Incomplete/Unclear	22	2	1	9	17
Inmate request	1	0	4	0	0
Non-grievable (classification)	28	0	2	0	2
Non-grievable (discipline)	11	4	5	21	11
Non-grievable (no jurisdiction)	0	0	2	0	1
Not timely	40	0	1	12	1
Resolved	0	0	1	0	1
Technical (i.e., wrote in response section, etc.)	17	0	0	0	2

### Grievances Granted Due To:

REASON:	MSP	MWP	CCC	DCCF	GFRP
Staff error	48	5	3	9	2
Evidence/staff supports claim	39	2	0	11	2
Request action is reasonable/proper	30	11	27	17	18

## Grievances Denied Due To:

REASON:	MSP	MWP	CCC	DCCF	GFRP
Current policy/practice/procedure is appropriate.	92	8	18	0	4
Evidence does not support claim.	70	15	0	15	2
Inmate was at fault	17	7	10	0	1
No abuse of authority	0	2	0	0	0
No indifference	0	0	0	0	1
No merit to claims	10	0	0	0	6
No staff error	33	5	17	0	0
Not medically indicated/necessary	41	5	23	3	0
Policy/procedure was followed	111	5	26	17	7
Staff response is appropriate.	40	6	62	0	0

## Appealed to Warden/Administrator/Designee

DISPOSITION OF APPEAL:	MSP	MWP	CCC	DCCF	GFRP
Appeal Granted	1	0	3	5	0
Appeal Denied	96	14	54	88	8
Appeal Response Pending	94	0	1	3	10

## Appealed to Department of Corrections

DISPOSITION OF APPEAL:	MSP	MWP	CCC	DCCF	GFRP
Appeal Granted	0	0	1	3	0
Appeal Denied	10	2	35	29	1
Appeal Response Pending *(These numbers reflects cumulative total of appeals pending at end of each month)	117	9	0	4	1

In closing, my hope is that this report gives you a little insight into the grievance programs in the adult care facilities. I think these programs are strong and are working well in each of the facilities. I believe the overall success is due to the efforts of the GCs who manage these programs in their respective facilities. They all take their jobs very seriously and care about the offender grievance program. When reviewing the numbers, it is good to remember that grievances submitted do not necessarily reflect actual staff or institutional problems. I believe the numbers give administrators a baseline for where they may need to improve facility operations. In the end, I think the most important part to remember is that the grievance system is teaching inmates and staff appropriate conflict resolution skills. Please do not hesitate to contact me or any of the Grievance Coordinators if you have questions or concerns.