



Montana Department of Corrections

Montana State Prison

TO: Mike Ferriter, Montana Department of Correction Director

FROM: Candyce Neubauer, Bureau Chief
 Technical Correctional Services Bureau

SUBJECT: Annual Inmate Grievance Statistical Report: FY 2008 (July 2007 – June 2008)

General Comments/Overview:

The charts below illustrate the statistical data that was collected by each Adult Care Facility Grievance Coordinator (GC) for fiscal year 2008 (FY 2008). In reviewing and analyzing the informal and formal grievance data, the following can be properly observed:

The Montana State Prison (MSP), the Montana Women’s Prison (MWP), and Great Falls Regional Prison (GFRP) had an increase in the number of informals that were filed compared to the previous year (FY 2007). The Crossroads Correctional Center (CCC) and Dawson County Correctional Facility (DCCF) had a decrease in the informals that were filed from the previous year. For the most part, the MSP increase in the informal complaints was due to some carry-over issues from when the property policy was changed in February 2007. The MWP increase was attributed to training and the orientation programs that were instituted. It is normal to see the increase when staff and inmates are trained on the grievance process. The increase at GFRP was not significant when comparing the figures from last year’s data.

The decrease of informals noted at DCCF is important when comparing the number of informals recorded at similar size facilities such MWP and CCRP. The baseline from these smaller facilities is what DCCF should be compared with. Instead of the 400- to 500-range of informals per year, DCCF should be around 200 to 300 per year. Note: Even though there have been high numbers of informals filed at DCCF over the past three years, it is important to remember that the number of grievances submitted does not necessarily reflect actual staff or institutional problems; sometimes the class of inmate is a major factor. If a small facility has one inmate who abuses the grievance process by flooding the system with grievances, the overall statistical data can be skewed. This is the case at DCCF this past year. They had one inmate file numerous grievances. It also should be noted that as with any new system, while staff members work with a program and discuss issues, things evolve and ultimately develop into a more efficient system. This is the direction DCCF is headed with the reduction in the informals each year. The reduction in informals at CCC cannot be clarified because the GC is no longer employed, and no explanation was noted in the yearly grievance report from this facility.

In comparing numbers of Informals submitted to the numbers of grievances filed within the Adult Care Facilities on an average, it appears that 63 percent of inmate issues are resolved in the informal stage. This is a 2 percent drop from the previous year. See yellow highlighted section below. These percentages indicate a positive aspect and indicate that staff is successfully addressing many inmate issues at the lowest level.

Number of Informal Resolutions Filed: [The lower number is FY 2007 totals and the top number is FY 2008 totals]

MSP	2130	MWP	317	CCC	611	DCCF	443	GFRP	217
	2040 ↑		282 ↑		920 ↓		488 ↓		196 ↑

Overall Totals of Informals

2008	3718	2007	3926	2006	2893
------	-------------	------	-------------	------	-------------

Overall Percentage Resolved At Informal Level

	2008	2007	2006
MSP	55%	62%	62.6%
MWP	77%	76%	33%
CCC	77%	74%	72%
DCCF	63%	72%	72%
GFRP	71%	43%	65%
Overall percentage	63%	65%	63%

MSP is the only facility that had an increase in the formal grievances filed compared to the previous year. All other adult care facilities had a decrease in formal grievances. It is normal for MSP to have an increase based solely on the class of inmate. MSP tends to be the repository of the most troublesome and ailing inmates. For example, MSP is the only facility which houses administrative segregation inmates with the exception of a few beds at CCC. This class of inmates tends to be problematic not only through discipline issues but is likely to submit numerous grievances due to the restrictions in housing, property levels and visitation.

Number of Formal Grievances Filed: [The lower number is FY 2007 totals and the top number is FY 2008 totals]

MSP	<u>962</u> 777 ↑	MWP	<u>55</u> 70 ↓	CCC	<u>144</u> 248 ↓	DCCF	<u>170</u> 183 ↓	GFRP	<u>63</u> 112 ↓
-----	---------------------	-----	-------------------	-----	---------------------	------	---------------------	------	--------------------

Overall Totals of Formals

2008	1394	2007	1390	2006	1077
------	-------------	------	-------------	------	-------------

The three charts below break down the total number and overall percentages in each grievance category. For FY 2008, standard grievances account for 65.5 percent of the overall grievances filed followed next by medical grievances (15 percent). The third class of grievances was staff conduct (11 percent) and policy/procedure grievances ranking fourth (7.5 percent). Emergency grievances only account for 1 percent overall. This order is the same for FY 2007 and FY 2006. Overall, MSP accounts for 69 percent of the total number of grievances filed in the adult secure care facilities. This is expected based on the number of inmates at MSP compared to the other facilities. For FY 2008 and FY 2007, MWP had the lowest number of grievances overall.

Number of Formal Grievances Filed by Overall Category:

2008	STANDARD	EMERGENCY	MEDICAL	POLICY	STAFF CONDUCT	TOTAL	OVERALL PERCENTAGE
MSP	610	17	141	69	125	962	69%
MWP	24	0	7	12	12	55	3%
CCC	106	0	30	8	0	144	10%
DCCF	139	0	19	4	8	170	12%
GFRP	33	0	12	12	6	63	4%
TOTAL	912	17	209	105	151	1394	
PERCENTAGE	65.5%	1%	15%	7.5%	11%		

2007	STANDARD	EMERGENCY	MEDICAL	POLICY	STAFF CONDUCT	TOTAL	OVERALL PERCENTAGE
MSP	573	11	131	31	31	777	55.8%
MWP	39	0	26	1	4	70	5%
CCC	186	0	55	2	5	248	17.8%
DCCF	85	5	11	46	36	183	13%
GFRP	56	0	9	19	28	112	8%
TOTAL	939	16	232	99	104	1390	
PERCENTAGE	67.5%	1%	16.6%	7%	7%		
2006	Standard	Emergency	Medical	Policy	Staff Conduct	Total	Overall Percentage
MSP	438	4	88	6	10	546	49.6%
MWP	54	7	38	8	17	124	11%
CCC	179	0	28	3	10	220	20%
DCCF	87	1	19	19	22	148	13%
GFRP	40	0	5	6	10	61	5%
TOTAL	798	12	178	42	69	1099	
PERCENTAGE	72.6%	1%	16%	3.8%	6%		

The next two charts outline the number of informal and formal grievances received per month in each facility. Crossroads Correctional Center reports no informal/formal grievances being filed for three consecutive months (January, February and March 2008). This is unusual based on the population count at this facility. The average daily population for CCC at this time was approximately 500. As noted on the first page of this report, an explanation for no grievances during these months cannot be provided as the GC is no longer employed. Another finding that can be observed from these charts is that there is not one particular month wherein a high number of grievances are recorded at the same time in all five facilities. Example: MSP's highest month for informals was July 2007, at MWP the high month was in May 2008. The CCC highest month was in September 2007, DCCF was in August 2007, and GCCF was October 2007.

Informal Grievances Submitted by Inmate Location:

LOCATION:	July 2007	Aug 2007	Sept 2007	Oct 2007	Nov 2007	Dec 2007	Jan 2008	FEB 2008	Mar 2008	April 2008	May 2008	June 2008
MSP -	297	140	196	199	158	134	190	163	206	169	116	162
MWP -	12	5	2	18	10	9	50	36	38	39	55	43
CCC -	48	59	161	34	71	73	0	0	0	13	142	10
DCCF -	43	61	43	44	13	27	37	40	24	60	20	31
GFRP -	3	3	5	12	7	2	3	0	2	10	7	9
Total	315	273	258	401	398	351	317	305	384	329	303	292

Formal Grievances Submitted By Inmate Location:

LOCATION:	July 2007	Aug 2007	Sept 2007	Oct 2007	Nov 2007	Dec 2007	Jan 2008	FEB 2008	Mar 2008	April 2008	May 2008	June 2008
MSP -	94	82	67	91	88	61	97	74	84	94	60	76
MWP -	2	1	2	2	2	4	10	8	6	7	3	8
CCC -	12	20	46	10	13	9	0	0	0	2	28	4
DCCF -	9	23	16	15	6	5	17	4	21	27	17	10
GFRP -	3	3	5	12	7	2	3	0	2	10	7	9
Total	105	118	84	114	140	115	117	70	148	115	140	134

The next three charts outline the type of grievances that are filed. The first chart shows that in all five facilities, there are five areas within the institutions that, as a group, consistently receive grievances. These departments/units are the food service, mailroom, medical, policy/procedures, and property. In FY 2007 and FY 2006, the four units grieved in all five facilities were disciplinary, medical, policy/procedure, and property. The obvious trend here is that medical, policy/procedure, and property issues are what inmates tend to grieve no matter where they are housed.

Formal Grievances Submitted By Department/Unit Grieved:

DEPARTMENT	MSP	MWP	CCC	DCCF	GFRP	DEPARTMENT	MSP	MWP	CCC	DCCF	GFRP
Accounting	22	1	5		1	Job Assignment / Removal			3		2
Administration	145	12			6	Law Library			1	13	1
Case Management					1	Library			4	1	
Classification	31		1	1	1	Mailroom	73	2	3	5	1
Commissary	47		2	2	2	Maintenance	8	2	2	3	
Contract placement	3				2	MCE	24				
Dental			NA		4	Medical		7	26	20	8
Disciplinary	28			10	2	Mental Health	13		2	4	
DOC				6		Policy/Procedure	29	12	8	16	12
Food Service	19	2	4	7	6	Property	131	3	9	16	12
Grievances	19		7	2		MDIU	5		3		
Habilitative Services /Programs	24	7	7		1	Records	15		1		
Hobby			2	3		Security	62		38	1	
Infirmary	145					Units/Housing	115		3		
Inmates	1				1	Visiting	11	6	2	1	
Investigations	2					Warehouse			11		
IPPO	6		1	1		Unknown		1			

Formal Grievance Submitted By Type of Complaint:

TYPE	MSP	MWP	CCC	DCCF	GFRP	TYPE	MSP	MWP	CCC	DCCF	GFRP
Canteen	42		2	2	2	Money	22		6		2
Classification	40		1	1	2	Non-staff actions	28				
Education	2		2	1		Non-receipt					
Policy Violation			6			Personal Injury					1
Grievance Ruling	18		5			Policy/Procedure	70	12	14	16	2
Groups		3	1		1	Privileges	36	4			1
Hearing Decision	25		2	10	1	Property	180	4	19	16	12

TYPE	MSP	MWP	CCC	DCCF	GFRP	TYPE	MSP	MWP	CCC	DCCF	GFRP
OSR's						Records	23		1		
Laundry						Recreation/Hobby	5	1	5		2
Legal	14			13	2	Religious	6		9	1	2
Library	5		5	1		Staff Action	60	13	21		8
Living Conditions	40	2				Threats					
Mail	66	2	3	5	1	Unethical Conduct	48				1
Meals	13	2	5	7	5	Visits	22	4	2	1	
Medical	139	7	31	20	11	Work Programs	15	1			2
Miscellaneous	18		13		5	Other					

The chart below breaks down the top three issues grieved in each facility. **Medical** is the only subject that makes the top three in all five secure care facilities for FY 2008. One trend that appears to be recurring is that the top three complaints at MSP in FY 2008 are the same in FY 2007 and in FY 2006. The GCs at MSP do spend a lot of time looking into complaints that stem from these areas. **Property** is the next issue which appears to fall within the top three for male offenders. Property complaints do not enter the top three at MWP. However, **Staff Action** complaints are prevalent with the female offenders. The GC at MWP reports that staff issues are often due to changes in staff on the housing units. Staff action grievances fall within the top three at MWP, CCC, and GFRP for three consecutive years as well.

TYPE OF GRIEVANCE	FY 2008	FY 2007	FY 2006
Top 3			
MSP	Property	Property	Property
	Medical	Medical	Medical
	Mail	Mail	Mail
MWP	Staff Action	Medical	Medical
	Policy/Procedure	Staff Action	Staff Action
	Medical	Hearing Decision/Other	Hearing Decision/Other
CCC	Medical	Staff Action	Staff Action
	Staff Action	Medical	Property
	Property	Property	Medical
DCCF	Medical	Policy/Procedure	Policy/Procedure
	Policy/Procedure	Medical	Medical
	Legal	Property	Staff Action
GFRP	Property	Staff Action	Staff Action
	Medical	Meals	Hearings Decision
	Staff Action	Property	Visits

The number one reason for formal grievances not being processed at MSP is due to duplicate/multiple issues listed in the grievance. Note the chart below. The second reason is for abusive and demeaning language written in the grievance. MWP and DCCF had a small number of grievances that were not processed. In part, this is due to the GCs at these facilities working closely with the offender population and staff trying to resolve issues before they become formal grievances.

Formal Grievances Not Processed Due To:

REASON:	MSP	MWP	CCC	DCCF	GFRP
Abuse of process	7		45		1
Abusive language	53		16		1
Duplicate/Multiple	115		66		
Exceeds limit	22		24	3	
Improper/no informal resolution	3	2	88	1	5
Incomplete/Unclear	44		75		7
Inmate request	36		11		
Non-grievable (classification)	6		31		1
Non-grievable (discipline)	26		12	9	1
Non-grievable (no jurisdiction)	6		20		2
Not timely	26	1	4		8
Resolved	1		2	7	
Technical (i.e., wrote in response section, etc.)	23	2	37 [15 non-emergent]		1

The chart below breaks down the total number of grievances not processed (top numbers) placed next to the total numbers of grievances filed (lower numbers). The numbers in the parentheses show the overall percentage not processed in each facility. Example: In FY 2008, MSP had a total of 368 grievances not processed from a total of 962 grievances filed. What this ultimately points out is that 62% of the total grievances filed complied with the "standards" outlined in policy and were processed. It is important to note in this section that the GCs do explain to the inmates, in writing, why the grievances are not being processed and how to rectify the problem. It is then the inmate's choice to whether he/she resubmits the grievance.

The CCC had a total 431 (with an additional 15 non-emergent) grievances not processed. There is a problem with the numbers that are recorded from CCC as they only had a total of 144 formal grievances filed in FY 2008. See yellow highlight below (*). The number of grievances not processed at CCC in FY 2008 is a major increase compared to that facility's data in previous years. This problem came to light when the GCs submitted their end-of-year data in the fall of 2008. At this time, CCC had just assigned a new staff member to oversee the duties and responsibilities of the grievance program. The GCs from MSP did a site visit in November 2008 to provide training to the new GC but also did a quality assurance review to see if they could determine why so many formal grievances were not processed. This review was inconclusive so the issue was passed on to the administrative staff at CCC. Kari Kinyon, Quality Assurance Officer, reported to MDOC at the end of December 2008 that they could not explain why so

many formal grievances were not processed but would ensure that the new GC would keep accurate and up-to-date grievance data.

GRIEVANCES NOT PROCESSED	FY 2008		FY 2007		FY 2006	
MSP	368/962	(38%)	239/777	(30%)	90/544	(16%)
MWP	5/55	(9%)	28/70	(40%)	20/124	(16%)
CCC	446/144	(*)	46/248	(18%)	41/200	(20%)
DCCF	20/170	(11%)	85/193	(44%)	18/148	(12%)
GFRP	27/63	(42%)	69/112	(61%)	9/61	(14%)

It is important to know why a grievance is not addressed (charts above), and, at the same time, it is equally important to know why grievances were granted or denied. The next two sections show that breakdown of granted or denied information. The reason for grievances being granted does fluctuate from facility to facility. Example, the main reason grievances are granted at MSP is due to staff error. At GFRP, the top reason for granting a grievance is due to the requested action being reasonable/proper. However, the major reasons grievances are denied is the same for all five facilities. This is that policy and procedure were followed. This is an important part of the grievance process: when staff follow policy and procedure, the grievance factors are minimized.

Grievances Granted Due To:

REASON:	MSP	MWP	CCC	DCCF	GFRP
Staff error	60		5	2	1
Evidence/staff supports claim	44	1	21	1	4
Request action is reasonable/proper	29	9	7	1	5

Grievances Denied Due To:

REASON:	MSP	MWP	CCC	DCCF	GFRP
Current policy/practice/procedure is appropriate.	43	5	12	8	2
Evidence does not support claim.	110	1	8	5	5
Inmate was at fault	17	2	27	7	
No abuse of authority			2	7	
No indifference			3		
No merit to claims	3	1		11	4
No staff error	40		1		1
Not medically indicated/necessary	50	3	12	10	2
Policy/procedure was followed	160	10	40	10	8
Staff response is appropriate.	21	5	6	21	3

The final two sections in this report show the numbers of appeals granted and denied at the Warden, Administrator and Director levels. In FY 2007 and FY 2006 reports, there was an additional row in these sections, an "appeal response pending" line. This row has been taken out of this year's report due to the confusing data that was tracked and recorded. In the past, the GCs were tracking appeals that were still pending each month and were not changing the numbers as appeals came in from the respective offices. Thus, at year's end, when the numbers were tallied, it appeared that numerous appeals were still pending. The GCs are now changing the numbers each month as appeals come in to show whether the appeals were granted or denied. This change should eliminate any confusion that was there in past reports.

Appealed to Warden/Administrator/Designee

DISPOSITION OF APPEAL:	MSP	MWP	CCC	DCCF	GFRP
Appeal Granted	12	3	2	8	1
Appeal Denied	187	8	31	80	15

Appealed to Department of Corrections

DISPOSITION OF APPEAL:	MSP	MWP	CCC	DCCF	GFRP
Appeal Granted	10	0	0	1	1
Appeal Denied	233	7	0	25	7

Summary: This is the third annual assessment report on the inmate grievance system. When reviewing the numbers in this report, the GCs and administrators are able to identify where improvements can be made. The first thing that stands out in the report is that, in general, the data for FY 2008 is comparable to FY 2007 and FY 2006 data. This indicates that the grievance programs in the adult care facilities are compliant with policy, are effective in resolving inmate's issues, and there is consistency/continuity between each grievance program.

Other stand-outs in the report are that property issues continue to be ongoing in the male facilities, and medical issues are universal for inmates no matter where they are housed or what is their gender. A new piece that has also been incorporated in light of the information in this report is that there is now a group at MSP (Deputy Warden Swanson, the CPB Staff and myself) that are meeting quarterly to go over the information in the monthly grievances report to see if there are any issues that need to be addressed immediately. This quarterly review will eliminate issues such as the inexplicable three consecutive months where no formal grievances were processed at CCC. This is also a great way to give feedback to the GC quarterly instead of waiting for this yearly report to come out. We are also in the process of expanding this discussion to the facility grievance staff and administration.

A very positive aspect of this report is that collectively the GCs have accomplished consistency with how grievances are being tracked/logged and processed even though there are operational and other differences within each facility. This accomplishment is due to the dedication and hard work of each GC. They all do a great job.

The 2008 GC Conference was held at MWP on October 2008, and, as always, the conference went well and was very productive. See attached notes from this conference.

To continue to work on program effectiveness and quality assurance, the following recommendations are set forth for facility administrators to consider:

- **MSP** – GC and Property Officers meet quarterly to discuss and resolve issues that come up regarding inmate property. Include Mailroom and security staff when issues arise from these units.

- **DCCF** – When inmates first arrive, have the GC meet with them to go over the grievance process and answer questions. This may aid in reducing the number of informals that are filed each year.
- **CCC** – Have the GC spend time with the MSP GCs. The GC at CCC could spend a few days at MSP observing the grievance process in a larger facility. Then, at a different time, have the MSP GCs visit CCC to observe how things are done there. The key here is communication and networking.
- **MWP** – The Warden and administrative staff meet quarterly with the GC to go over information in the monthly grievance report and take corrective action when needed.
- **GFRP** – MSP GCs spend time with the new grievance coordinator. Training staff and inmates on the grievance system is essential for an effective grievance program.
- **All Facilities** – The administration spend time reviewing monthly grievance reports generated by the facility GCs. This will give them a better understanding of the issues that are being grieved and aid in identifying potential problem areas within the institutions.

In closing, if you have specific questions or would like to review the information in this report in more detail, please contact me. The grievance program for the Department of Corrections continues to improve, generate more useful and consistent data, and is an important part of facility security.

**Attachments: 2008 GC Conference Minutes
Health Services Grievance Flow Chart**