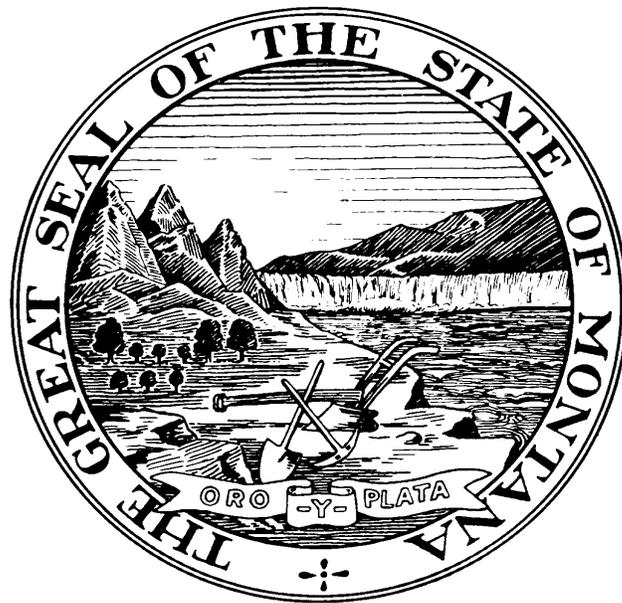


FY2009 ANNUAL GRIEVANCE REPORT



12/17/2009

Montana State Prison/Montana Department of Corrections

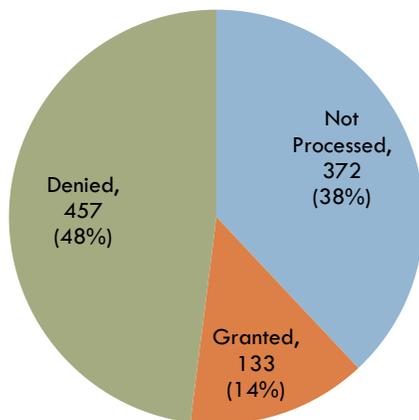
Candyce Neubauer; Bureau Chief
Technical Correctional Services Bureau

General Comments/Overview

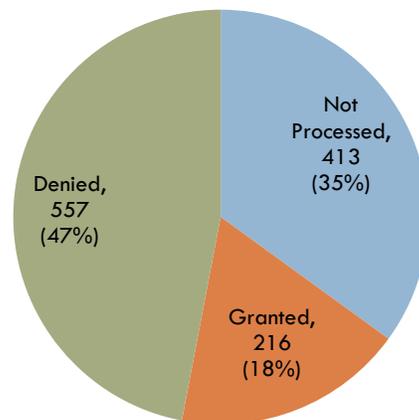
By Kris Studeny; Grievance Coordinator, M.S.P

Montana State Prison saw many changes in its grievance system this year. The grievance department assisted in the addition and clarification of several points within the facility grievance procedure. Stipulations as to what the grievant can and cannot request have proven to be a valuable tool in focusing the grievance process to be more result driven. The inmates are no longer allowed to request apology letters from staff and punitive damages. In the past we would sometimes grant the essence of the grievance request but due to it containing an additional action request (i.e.: "\$150,000.00 in damages for emotional distress"), we would be forced to allow the inmate to grieve all the way through the system, creating an unnecessary burden on staff time and resources.

MSP Formal Responses FY 2008



MSP Formal Responses FY 2009



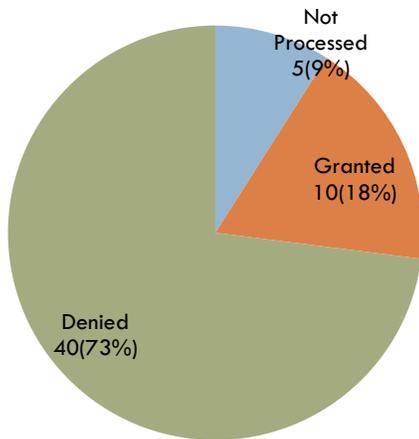
Early in the year, we began to receive an influx of grievances regarding pat searches that the grievants claimed were sexual in nature. Per policy/procedure we treated these issues as emergent. However, our office began to see a pattern that indicated the grievances were directed at officers who were conducting a thorough pat search which included the groin area. Approximately ninety-six percent of the PREA related grievances we had received up until that point had been in reference to pat downs. Repeated administrative investigations took place on the issue and the information was forwarded to the PREA Investigator. We spoke with the Deputy Warden on this issue and developed a plan to combat this abuse. When we received a grievance concerning pat searches, alleging some type of sexual element we would speak with the inmate and have him describe the search. Often, the inmate would describe a search well within policy and procedure. If this was determined to be the case, the grievance was no longer processed as emergent. During orientation we also began to advise the inmates as to what constituted sexual misconduct and that pat down searches did not fall within this description if they were performed properly and according to policy. We also reinforced the fact that Montana State Prison and

the Department of Corrections will always investigate such allegations diligently. Our combined effort quickly resulted in the deterrence of this type of abuse within the grievance system. I must also note if the inmate, at any time, describes an incident of a sexual nature we, of course, process it as emergent. Later in the year we worked with Mary Greene and several members of MSP administration to clarify the content of the DOC PREA Policy to assist in eliminating nuisance claims that pat down searches were a form of sexual misconduct.

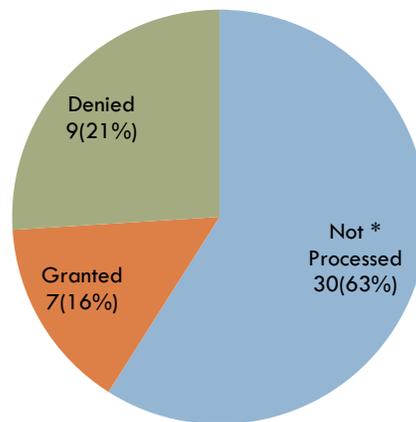
Property continues to be a highly grieved issue. We routinely look at it for new ways to improve our procedural success. Recently we developed an accountability form to use when an inmate grieves that his property was lost or stolen after being placed in Pre-Hearing Confinement. This persisted as a problem but after developing a more definite procedure, property grievances of this type virtually ceased. We will continue to identify issues through the grievance system and address them.

Montana Women’s Prison’s grievance coordinator, Charlotte Dolezal, reports that she attributes the increase of grievances (informals) at her facility in the past year to education concerning the system. Inmate orientation has proved to be a valuable asset in educating offenders about these types of programs. She believes the increase to be a positive trend in which the offenders utilize available tools as opposed to unhealthy alternatives.

MWP Formal Responses FY 2008



MWP Formal Responses FY 2009



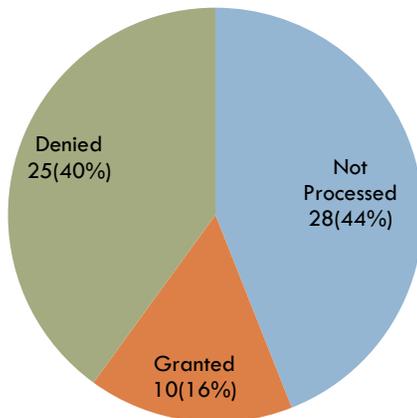
*High number “not processed” due to change in action request policy stipulation.

Mrs. Dolezal states that the policy changes regarding actions requested has been helpful. She writes, “This change in policy has been very beneficial in dealing with staff complaints and is a much more appropriate approach to filing grievances with the specific guidelines. This policy is educating the offenders about appropriate language in communicating grievance issues and doing so in a respectful manner.”

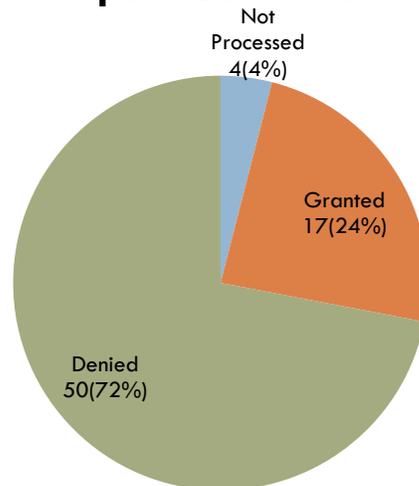
She reports that grievances identified issues concerning inmate pay, staff and other operations. These grievances gave the facility an opportunity to clarify policy and procedure. One such case was concerning inmate pay for offenders attending computer classes. This identified a misinterpretation of policy and resulted in the inmates receiving pay that attend those classes. She continues to train staff in areas concerning the grievance process, bringing about a better understanding and acceptance of the process.

Great Falls Regional Prison had a significant amount of change in its grievance staff. Officer Rich English, whom had been grievance coordinator for several years, gave up the position. Officer Corey McKinney was then selected as grievance coordinator. However, that is now changing and another person is being selected for the position. With Officer McKinney in the position for such a short time it is difficult to identify changes made in the facility due to the grievance system.

GFRP Formal Responses FY 2008



GFRP Formal Responses FY 2009



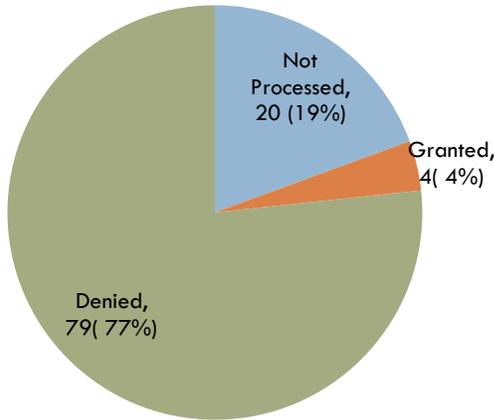
Mr. Wayne Bye, Contract Monitor, has been of assistance in identifying some of these areas. He indicates food service as one of the most impacted. He states, "The food service received an increase in informal grievances at a time when the food quality had diminished. The food service area was addressed and the quality of food was improved." I cannot stress enough the level of importance that inmates place on the food they receive.

We have been informed that a new grievance coordinator has been selected and we fully intend to work closely with this individual to ensure that his or her training is complete.

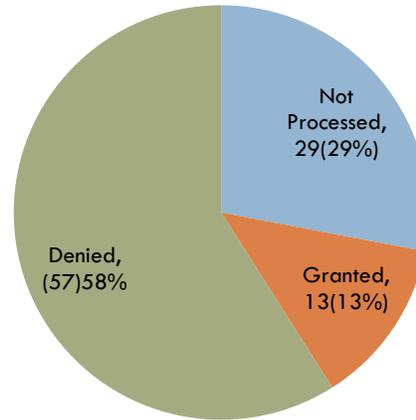
Dawson County Correctional Facility Grievance Coordinator, Wayne Heimbuch, reports that property is the issue he continues to deal with the most. He reports no pattern, just that this is a highly

grieved issue. He continues to focus his efforts in dealing with it. Mr. Heimbuch feels that the new system of sending grievances to the Contract Beds Bureau has been highly effective in increasing the speed of responses for grievants. The DOC Contract Monitor has a scanner in his office that is now used for that purpose.

DCCF Formal Responses FY 2008

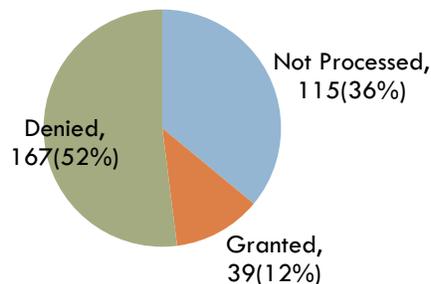


DCCF Formal Responses FY 2009

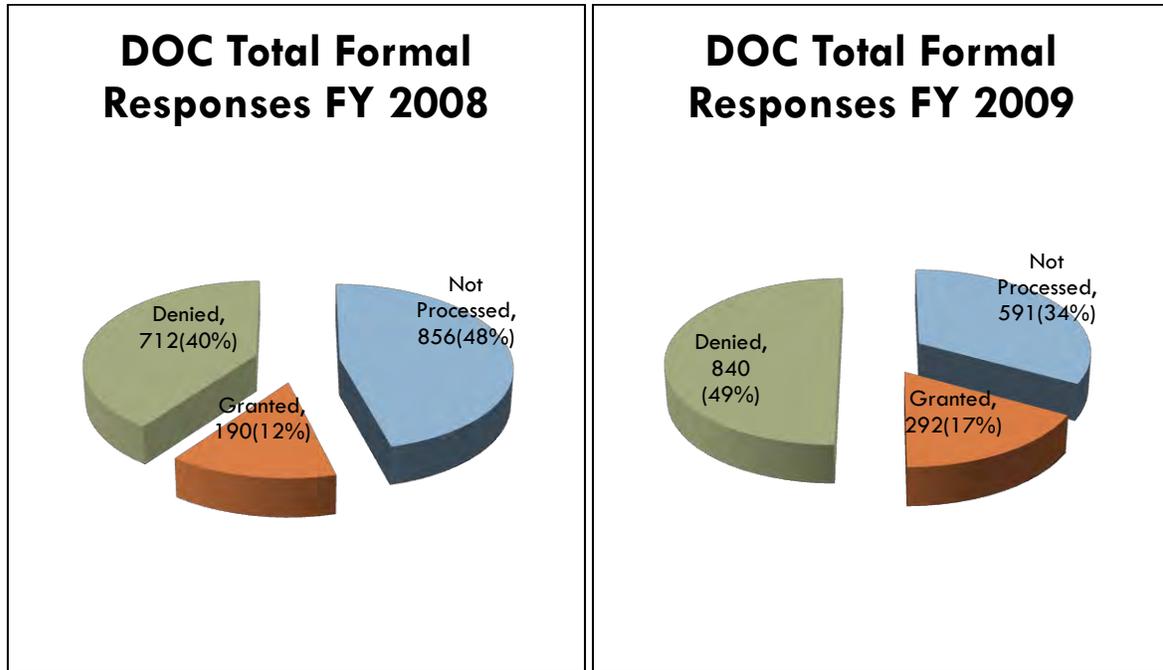


Crossroads Correctional Center has also experienced change. The previous grievance coordinator left the facility and Officer Brandy Sherrard was appointed grievance coordinator. She has had quite a job to do. Officer Sherrard reports, "The facility has adapted well to the policy and the process continues to get better." She has made significant improvements and increased the accuracy of reporting and the overall grievance system at the facility. We have worked with her several times and found both her and CCA to be receptive to our requests and recommendations.

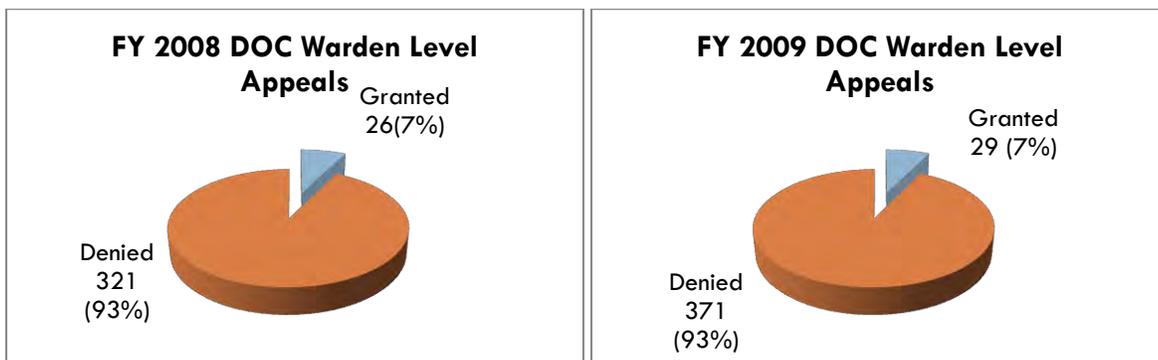
CCA Formal Responses FY 2009

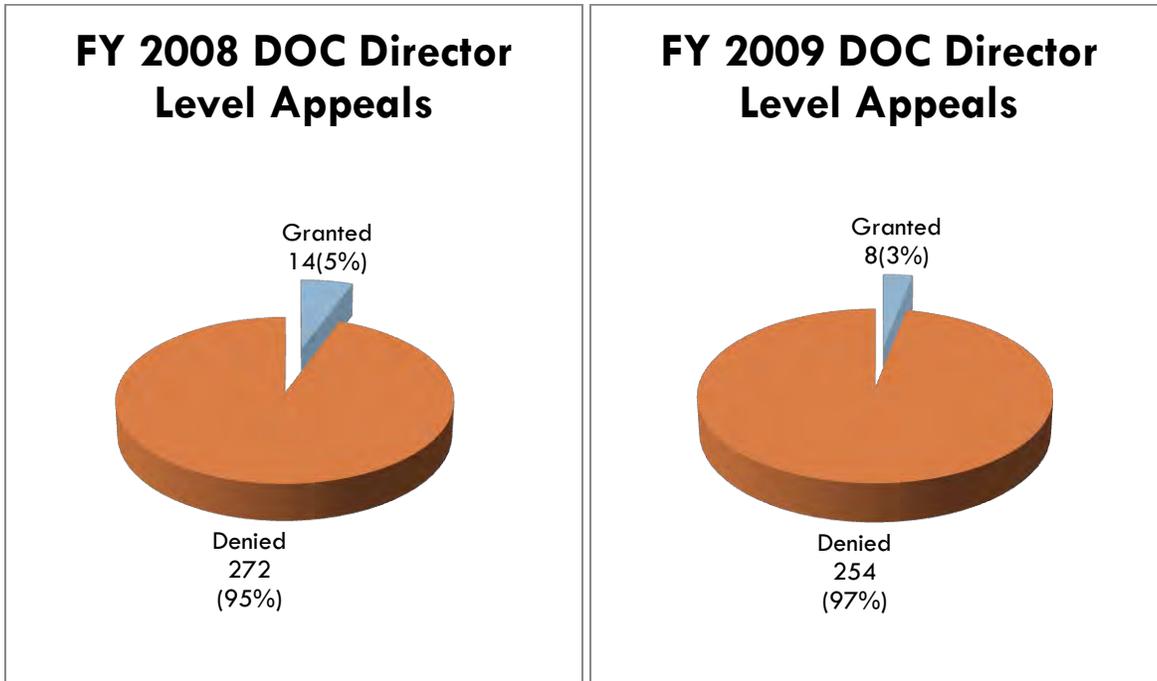


Note: Errors in FY 2009 Grievance Data prohibited accurate charting for CCC for that fiscal year.



Overall “not processed” grievances have decreased substantially since 2009. This is somewhat surprising concerning changes in policy. Some facility populations had more trouble dealing with these changes than others. Mainly this is just a matter of training the population and making them aware of changes in policy through communication and the inmate orientation procedure. I believe we will continue to see a decrease in this number as training continues for the grievance coordinators and awareness is expanded for the inmate.





For this fiscal year there was a small decrease in the number of appeals submitted to the director, the percentage that was granted decreased by 2 percent. I credit this decrease to increased effectiveness at the lower levels and I believe we will see a continued decrease in the number of grievances granted on appeal at all levels. However, due to the fact that sometimes available information does not surface until the appeals process has begun; it is most likely that a small percentage will always be granted on appeal. These percentages are that of the number of grievances that go to appeal rather than of those submitted on the formal level.

Informal Resolutions Submitted

	<i>MSP</i>	<i>MWP</i>	<i>CCC</i>	<i>DCCF</i>	<i>GFRP</i>	<u>TOTALS</u>
2009	<i>2187</i>	<i>392</i>	<i>836</i>	419	<i>328</i>	<u>4162</u>
2008	2130	317	611	443	217	<u>3718</u>

Formal Grievances Submitted

	<i>MSP</i>	<i>MWP</i>	<i>CCC</i>	<i>DCCF</i>	<i>GFRP</i>	<u>TOTALS</u>
2009	<i>1186</i>	46	321	99	<i>71</i>	<u>1723</u>
2008	962	55	575	103	63	<u>1758</u>

Increases are marked in **RED**.

2009 HIGHEST GRIEVED DEPARTMENTS

	MSP	MWP	CCC	DCCF	GFRP	TOTAL
UNITS/HOUSING*	305	0	0	0	2	307
MED./INFIRMARY	166	4	45	2	11	228
PROPERTY	139	2	0	18	11	170
ADMINISTRATION	102	1	9	0	3	115

*This includes all housing units at the facility

2008 HIGHEST GRIEVED DEPARTMENTS

	MSP	MWP	CCC	DCCF	GFRP	TOTAL
ADMINISTRATION	145	12	0	0	6	163
MED./INFIRMARY	145	0	0	0	0	145
PROPERTY	131	3	9	16	12	171
SECURITY	62	0	38	1	0	101

2007 HIGHEST GRIEVED DEPARTMENTS

	MSP	MWP	CCC	DCCF	GFRP	TOTAL
ADMINISTRATION	167	2	1	0	28	198
MED/INFIRMARY	126	29	58	16	4	233
PROPERTY	93	5	34	15	13	160
SECURITY	51	5	77	0	0	133

2009 Highest Grievance Categories

	MSP	MWP	CCC	DCCF	GFRP	TOTAL
Property	225	2	30	10	12	269
Medical	149	4	45	16	7	205
Staff Action	92	17	55	26	6	170
Miscellaneous	114	0	0	0	1	115

2008 Highest Grievance Categories

	MSP	MWP	CCC	DCCF	GFRP	TOTAL
Medical	139	7	31	20	11	208
Property	180	4	19	16	12	231
Policy/Procedure	70	12	14	16	2	114
Staff Action	60	13	21	0	8	102

2007 Highest Grievance Categories

	MSP	MWP	CCC	DCCF	GFRP	TOTAL
Property	203	4	29	15	11	262
Medical	121	30	55	16	9	231
Staff Action	42	10	56	0	35	143
Mail	54	3	8	8	4	77

2008

DOC Grievance Flow

3718 Informal Resolutions
Submitted

47% of these moved to the formal
level.

1758 Formal Grievances
Submitted

12% of these were granted.
20% of these moved to the
Warden's Level of Appeal.

347 to Warden 's Level
Appeal

7% of these were granted.
82% of these moved to the
DOC Level of Appeal.

286 to DOC Level Appeal
5% of these were granted

2009

DOC Grievance Flow

4162 Informal Resolutions
Submitted

42% of these moved to the formal
level.

1723 Formal Grievances
Submitted

17% of these were granted.
22% of these moved to the
Warden's Level of Appeal.

400 to Warden's Level
Appeal

7% of these were granted.
70% of these moved to the
DOC Level of Appeal.

262 to DOC Level Appeal
3% of these were granted

OMIS and the Grievance System

Billie Reich and I continue to work with DOC information and technology staff (I.T.) on the grievance function for the Offender Management Information System (OMIS). It had been our original intention to be up and running with the program for the 2010 Fiscal Year. This proved to be more difficult than originally intended. While working with I.T. on this we continued to encounter issues with the data that we wanted to collect and manage in the system. We finally approached the problems from a start-up perspective rather than a trouble-shooting one. This was immensely successful. Throughout this process I.T. has been extremely helpful and receptive to our ideas and needs.

I.T., Mrs. Reich, and I hope that the regional grievance coordinators will have access to the OMIS system for grievance data entry when we go fully operational for FY 2011. This may not work out as we hope, due to budgetary constraints. We have set up a new grievance report format for that purpose and others. We intend to fully standardize the report throughout the secure facilities. We are working with all the grievance coordinators to finalize that report and the exact criteria that will be used when entering data onto the report. This will eliminate the guesswork that is sometimes involved when the data is entered into the system and the report. This report will correspond fully with how the grievance data is entered into OMIS, creating a very accurate system of reporting. The result will be an excellent management tool, able to identify data trends with hyper-accuracy. We are also eliminating some unnecessary categories from the report; i.e. redundant reasons for denial. As was agreed at the last grievance conference we are also adding a "partially granted" category to the report for formal grievances and appeals. This will more adequately reflect the efforts that are made to address legitimate inmate issues. In the past we assigned partially granted grievances to the denial category. Partially granted grievances will still be allowed to appeal. A copy of this report format will be attached to the appendix of this report.

In conclusion, the Montana Department of Corrections Grievance Program continues to perform effectively and credibly. We will maintain our relationships with the other grievance coordinators with both training and communication throughout the state to develop new systems and promote efficient grievance resolution throughout our correctional system.

Appendix

FY 2009 Statistical Report for the MDOC –pages 12-17

Reporting Format for FY 2011-attached

Reporting Criteria for FY 2011-attached

TO: Mike Ferriter, Montana Department of Correction Director
FROM: Candyce Neubauer; Bureau Chief, Technical Correctional Services Bureau
SUBJECT: Annual Inmate Grievance Statistical Information: FY 2009 (July 2008 – June 2009)
DATE: February 2010

Number of Informal Resolutions Filed:

MSP 2,187 MWP 392 CCC 836 DCCF 419 GFRP 328

Number of Formal Grievances Filed:

MSP 1186 MWP 46 CCC 321 DCCF 99 GFRP 71

Number of Formal Grievances Filed by Overall Category:

MSP:	Standard	<u>913</u>	Emergency	<u>NR</u>	Medical	<u>149</u>	Policy	<u>32</u>	Staff Conduct	<u>92</u>
MWP:	Standard	<u>16</u>	Emergency	<u>1</u>	Medical	<u>4</u>	Policy	<u>8</u>	Staff Conduct	<u>17</u>
CCC:	Standard	<u>203</u>	Emergency	<u>NR</u>	Medical	<u>45</u>	Policy	<u>18</u>	Staff Conduct	<u>55</u>
DCCF:	Standard	<u>72</u>	Emergency	<u>NR</u>	Medical	<u>7</u>	Policy	<u>13</u>	Staff Conduct	<u>7</u>
GFRP:	Standard	<u>32</u>	Emergency	<u>NR</u>	Medical	<u>11</u>	Policy	<u>22</u>	Staff Conduct	<u>6</u>

Informal Grievances Submitted by Inmate Location:

LOCATION:	July 2008	Aug 2008	Sept 2008	OCT 2008	Nov 2008	Dec 2008	Jan 2009	FEB 2009	Mar 2009	April 2009	May 2009	June 2009
MSP -	165	130	147	215	185	233	143	191	189	180	229	180
MWP -	30	22	20	30	42	37	29	21	47	35	41	38
CCC -	NR	NR	NR	89	76	70	105	101	97	88	96	114
DCCF -	63	23	33	26	27	48	27	27	34	26	58	27
GFRP -	35	15	28	35	35	41	19	12	16	50	24	18



FORMAL GRIEVANCES SUBMITTED BY INMATE LOCATION:

LOCATION:	July 2008	Aug 2008	Sept 2008	OCT 2008	Nov 2008	Dec 2008	Jan 2009	FEB 2009	March 2009	April 2009	May 2009	June 2009
MSP -	90	72	85	131	92	110	97	81	100	129	100	99
MWP -	3	2	2	4	0	2	1	6	7	4	6	9
CCC -	NR	NR	NR	44	23	23	35	31	46	41	30	48
DCCF -	13	4	6	7	8	12	6	11	6	6	11	12
GFRP -	6	3	6	13	10	8	2	1	3	18	1	0

FORMAL GRIEVANCES SUBMITTED BY DEPARTMENT/UNIT GRIEVED:

DEPARTMENT	MSP	MWP	CCC	DCCF	GFRP	DEPARTMENT	MSP	MWP	CCC	DCCF	GFRP
Accounting	48	1	7	0	1	Job Assignment / Removal	0	0	0	0	0
Administration	102	1	9	0	3	Law Library	0	0	7	0	0
Case Management	0	0	1	0	0	Library	0	0	3	13	0
Classification	21	0	8	0	1	Mailroom	64	1	16	11	10
Commissary	42	1	9	1	1	Maintenance	11	0	3	0	0
Contract placement	10	0	0	0	0	MCE	5	0	0	0	0
Dental	0	0	2	0	0	Medical	166	4	45	2	11
Disciplinary	35	1	10	2	2	Mental Health	26	1	0	3	0
DOC	0	0	0	0	0	Policy/Procedure	22	10	18	15	22
Food Service	27	0	22	8	5	Property	139	2	0	18	11
Grievances	24	0	2	0	0	MDIU	7	0	0	0	0
Habilitative Services /Programs	35	0	0	4	0	Records	13	0	2	0	0
Hobby	0	0	8	1	0	Security	62	0	25	1	0
Infirmary	166	4	0	2	11	Units/Housing	305	0	0	0	2
Inmates	0	0	0	0	1	Visiting	5	0	65	1	1
Investigations	7	1	0	0	0	Warehouse	0	0	30	0	0
IPPO	1	0	0	0	0	Unknown	0	0	88	0	0

Formal Grievance Submitted By Type of Complaint:

TYPE	MSP	MWP	CCC	DCCF	GFRP	TYPE	MSP	MWP	CCC	DCCF	GFRP
Canteen	15	1	9	2	1	Money	73	1	7	0	2
Classification	23	0	8	1	1	Non-staff actions	5	0	0	0	1
Education	5	0	3	0	0	Non-receipt	0	0	0	0	0
Policy Violation	0	2	0	18	0	Personal Injury	4	0	0	0	0
Grievance Ruling	16	0	2	0	0	Policy/Procedure	32	8	18	18	11
Groups	7	0	0	0	0	Privileges	38	1	0	0	1
Hearing Decision	37	1	0	7	2	Property	225	2	30	15	12
OSR's	0	0	0	0	0	Records	11	0	2	0	0
Laundry	2	0	0	0	1	Recreation/Hobby	3	0	2	4	1
Legal	51		7	17	1	Religious	14	0	22	2	2
Library	28	0	3	1	0	Staff Action	92	17	55	26	6
Living Conditions	42	2	0	0	3	Threats	4	0	0	0	0
Mail	64	3	16	9	8	Unethical Conduct	73	0	0	0	0
Meals	18	0	22	10	4	Visits	9	0	3	1	0
Medical	149	4	45	16	7	Work Programs	9	0	6	7	0
Miscellaneous	114	0	0	0	1	Other	0	0	61	0	0

Grievances Not Processed Due To:

REASON:	MSP	MWP	CCC	DCCF	GFRP
Abuse of process	32	0	2	0	0
Abusive language	7	0	0	3	0
Duplicate/Multiple	38	0	4	1	0
Exceeds limit	1	0	0	0	0
Improper/no informal resolution	88	21	84	0	0
Incomplete/Unclear	23	1	0	0	0
Inmate request	14	0	2	0	0
Non-grievable (classification)	29	0	4	4	1
Non-grievable (discipline)	65	1	11	3	2
Non-grievable (no jurisdiction)	17	0	0	0	0
Not timely	23	0	0	0	0
Resolved	7	2	4	18	0
Technical (i.e., wrote in response section, etc.)	69	2	4	0	0

GRIEVANCES GRANTED DUE TO:

REASON:	MSP	MWP	CCC	DCCF	GFRP
Staff error	39	0	11	0	1
Evidence/staff supports claim	75	0	2	0	9
Request action is reasonable/proper	102	7	26	13	7

GRIEVANCES DENIED DUE TO:

REASON:	MSP	MWP	CCC	DCCF	GFRP
Current policy/practice/procedure is appropriate.	28	1	33	6	17
Evidence does not support claim.	159	2	18	8	6
Inmate was at fault	18	1	10	0	2
No abuse of authority	2	0	5	3	0
No indifference	0	0	0	0	0
No merit to claims	38	0	25	13	5
No staff error	29	1	18	9	3
Not medically indicated/necessary	52	0	2	1	4
Policy/procedure was followed	132	2	29	11	11
Staff response is appropriate.	99	2	27	6	2

Appealed to Warden/Administrator/Designee

DISPOSITION OF APPEAL:	MSP	MWP	CCC	DCCF	GFRP
Appeal Granted	17	1	5	2	4
Appeal Denied	192	8	100	54	17

Appealed to Department of Corrections

DISPOSITION OF APPEAL:	MSP	MWP	CCC	DCCF	GFRP
Appeal Granted	7	0	1	0	0
Appeal Denied	185	5	13	40	11