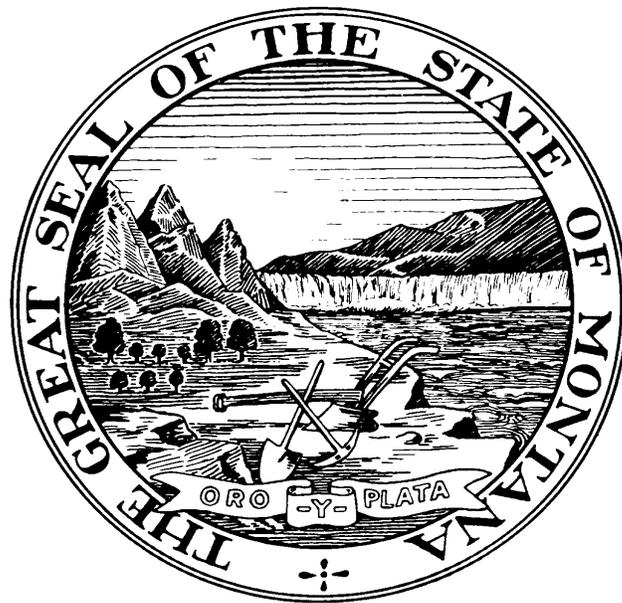


FY2010 ANNUAL GRIEVANCE REPORT



12/1/2010

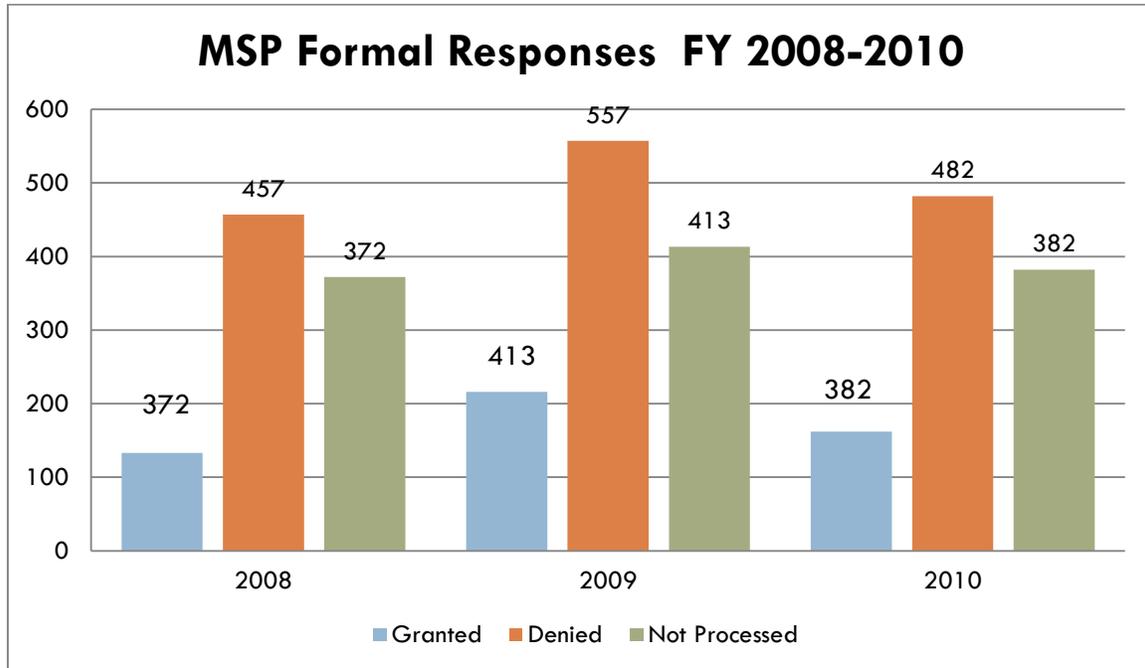
Montana State Prison/Montana Department of Corrections

Candyce Neubauer; Bureau Chief
Technical Correctional Services Bureau

General Comments/Overview

By Billie Reich; Grievance Coordinator, M.S.P

Montana State Prison continues to see many changes in the grievance process. OMIS is finally up and running, the tracking system seems to be working with very little glitches. Due to the process being complete Kris Studeny and Billie Reich worked on a standardized report format that is being utilized by all facilities. The idea was to have areas reported the same across the board, in the past it was very hard to give accurate information with staff tracking information differently.

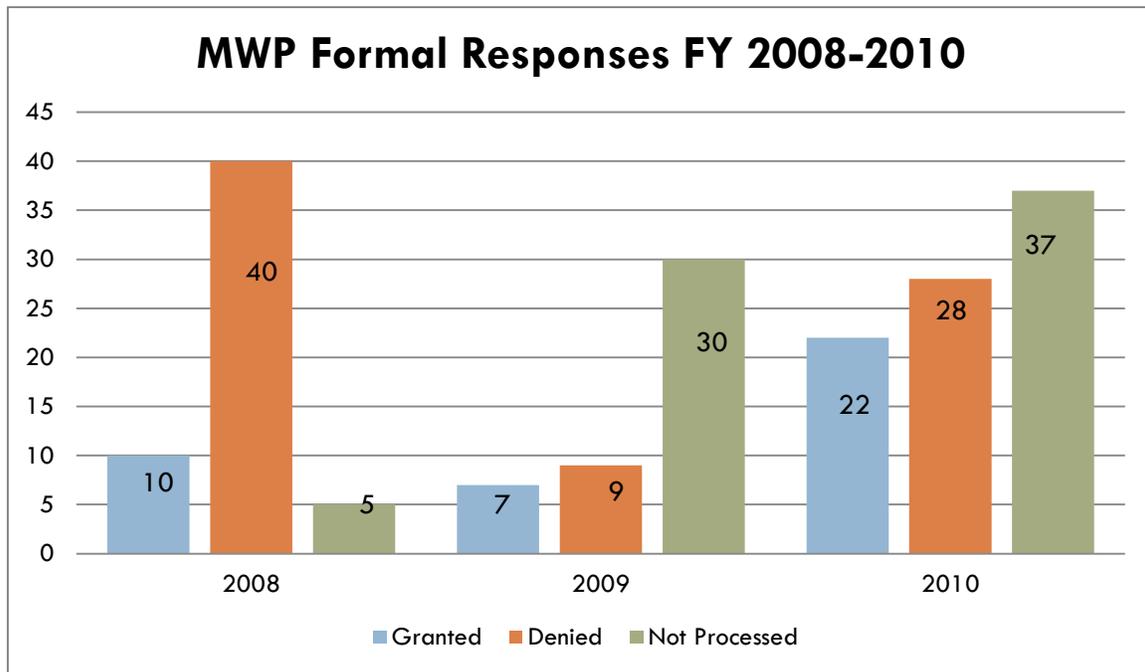


Another change that occurred this year was the start of the grievance quarterly reporting sessions with all facilities conferencing via phone. The information that is shared is very important and administration sees firsthand what issues are pressing inside their facility.

Mail issues continue to be a pressing issue, the different areas include publications, legal mail interpretations, and undeliverable not being received by the inmate or mailroom in a timely fashion. Deputy Warden Ross Swanson has taken a proactive stance in making sure that the issues get addressed and helps with procedure changes as they arise.

Lastly, the biggest change to the grievance process was the elimination of the legal department drafting suggested responses to the Director. Suggested responses are now drafted by the Grievance Coordinators and sent to the Director’s Office. Each grievance is reviewed by the staff member that did not issue the initial response; this ensures that an outside review process is occurring. The new process has brought continuity in the responses and a chance for the grievance coordinators to work closely with the Director’s Office on pressing issues.

Montana Women’s Prison’s grievance coordinator, Charlotte Dolezal, reports that she saw an increase in informal resolutions from D Pod starting in November which she believes is a direct correlation with the end of the ICP unit and the beginning of the “orientation” pod. The Orientation pod had a learning curve as all new programs do and we were able to establish procedures and decide about new issues. The conflict seemed to come from returning inmates who were not interested in the change and wanted to go straight to the floor, but as the year continued complaints lessened and have nearly dissipated since that time.

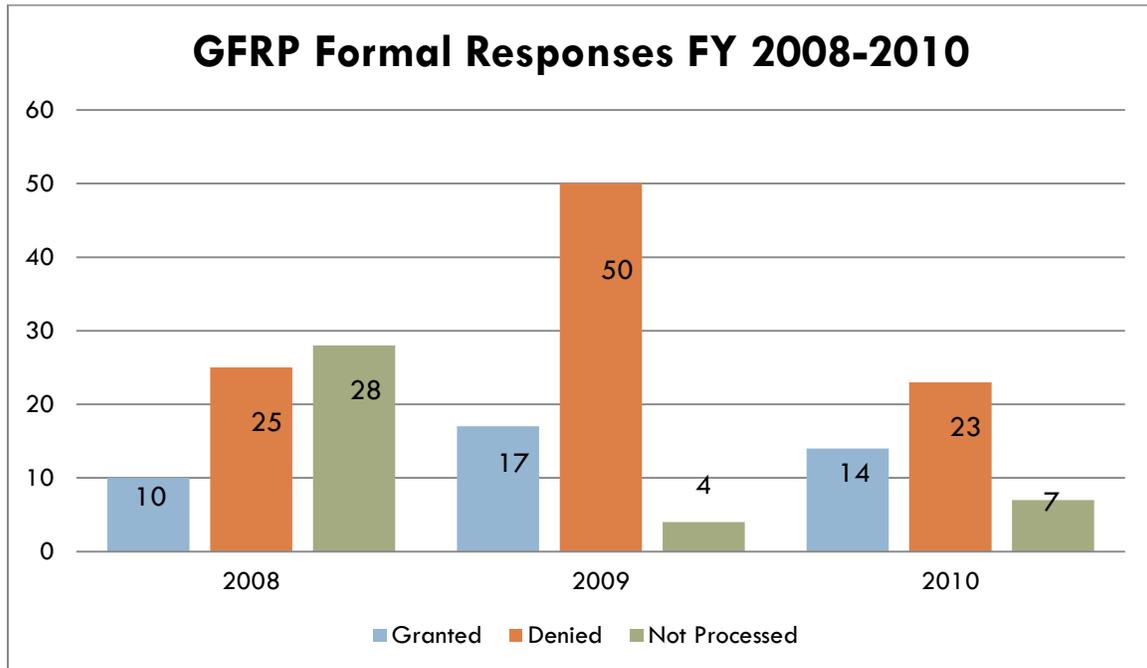


*High number “not processed” due to change in action request policy stipulation.

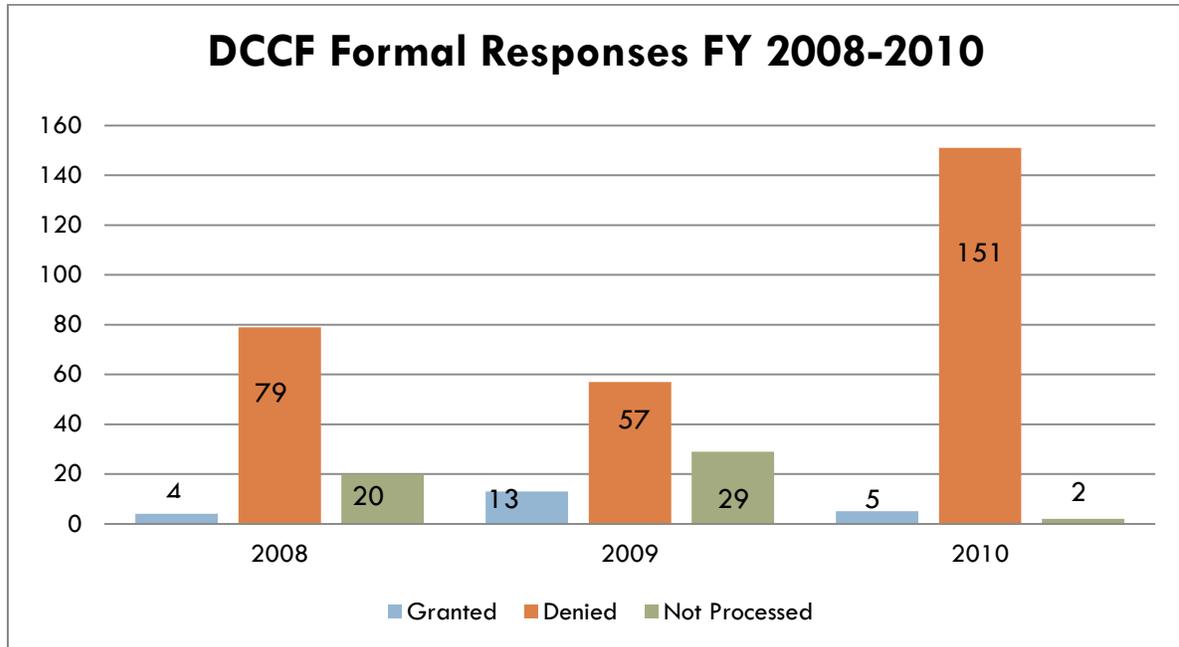
Mrs. Dolezal states that the all information indicates that issues are being handled at the informal level as only 4% were appealed through the director’s office. Although, one issue of concern is the amount of staff conduct grievances that are submitted. It appears that the offenders feel that their issues are not taken serious, therefore it has been discussed and even if an investigation is completed the offender will be allowed to submit the formal grievance so that administration is able to review the complaint.

Great Falls Regional Prison had a significant amount of change in its grievance staff again this year. Officer Corey McKinney, whom had been grievance coordinator for several months, has changed positions. Officer William Komar was than selected as grievance coordinator. It appears that Officer Komar has a good understand of the grievance procedure and has knowledge of the facilities operations which is helpful when dealing with problems or areas of concern.

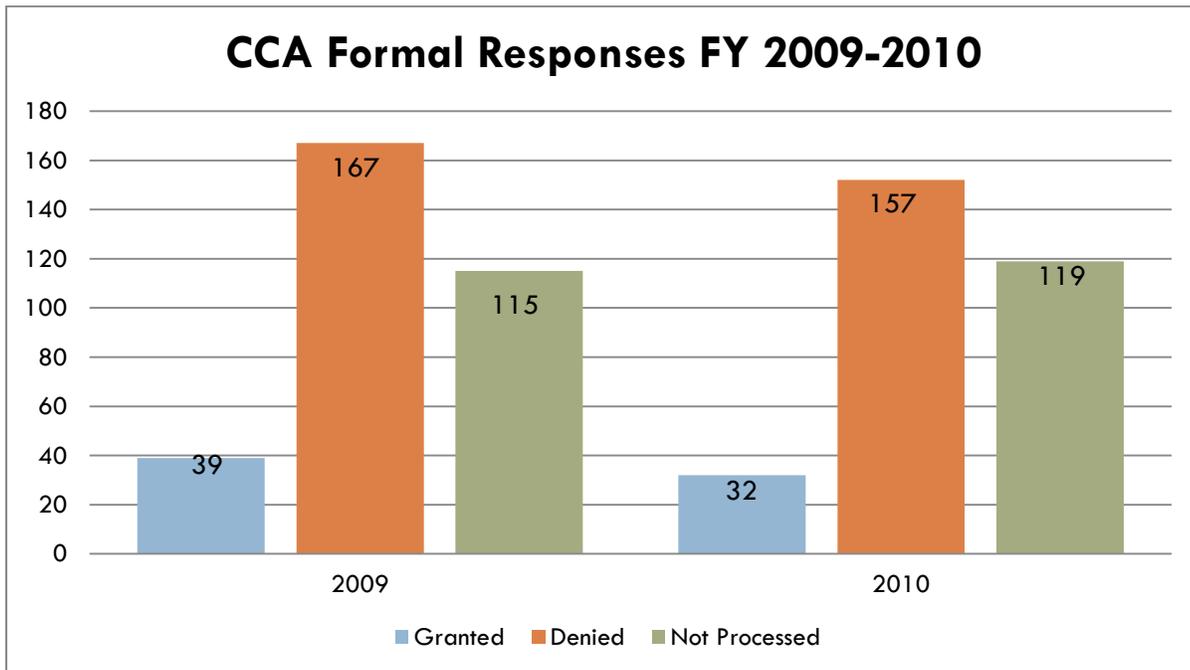
Mr. Wayne Bye, Contract Monitor, has been of assistance in handling of grievances and addressing issues before they are filed. He indicates that he believes that staff changes in the facility have been for the better. The numbers indicate a decrease in filed grievance, it appears the inmate population is getting the response and action they feel is appropriate on the informal resolution.

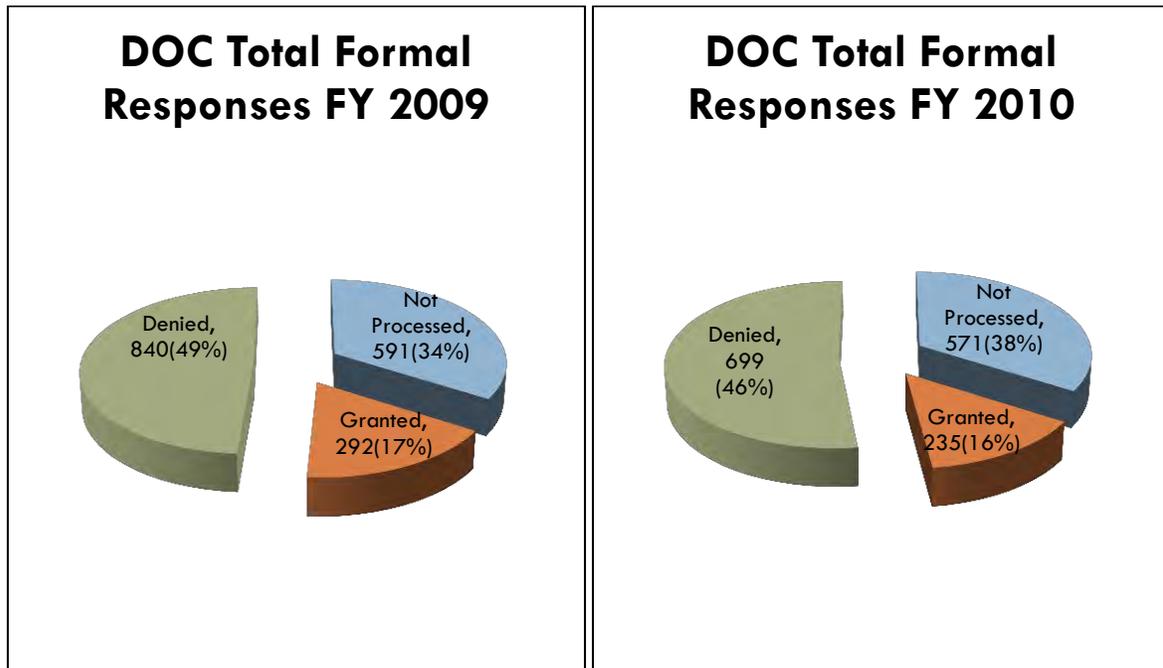


Dawson County Correctional Facility continues to see a higher number of grievances when compared to facilities with similar amount of offenders in the system. Officer Wayne Heimbuch is currently the grievance coordinator/hearing officer. Earlier in the year Billie Reich traveled to the regional facilities to complete an audit of the grievance system. There were several issues of concern, such as the tracking of grievances and written responses that were being provided to the offenders. After the audit a follow up session was scheduled and it appeared the facility had made the corrective changes that were need to comply with procedure. The utilization of the standardized grievance report has brought clarity to the process and administrators are able to track the different areas of concern.

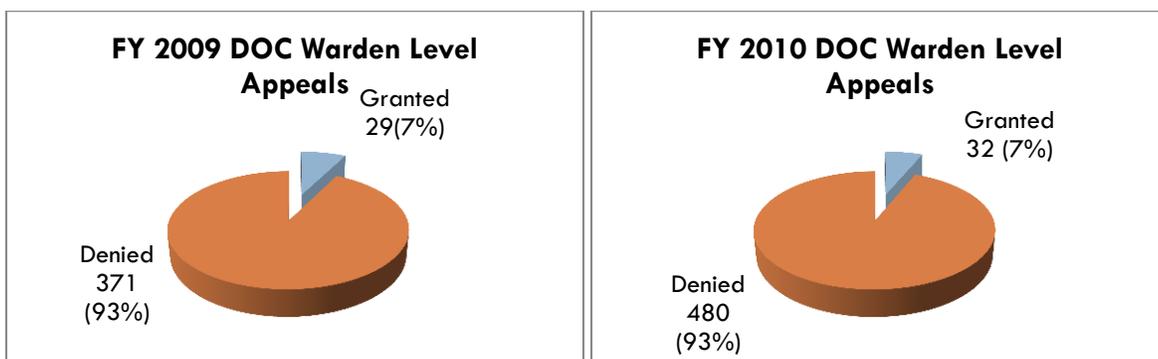


Crossroads Correctional Center Brandy Sherrard the Grievance coordinator at CCC continues to maintain a high level of pride when responding to grievances. Again, I believe the standardized report format gave better direction to the facility on how to track grievances.

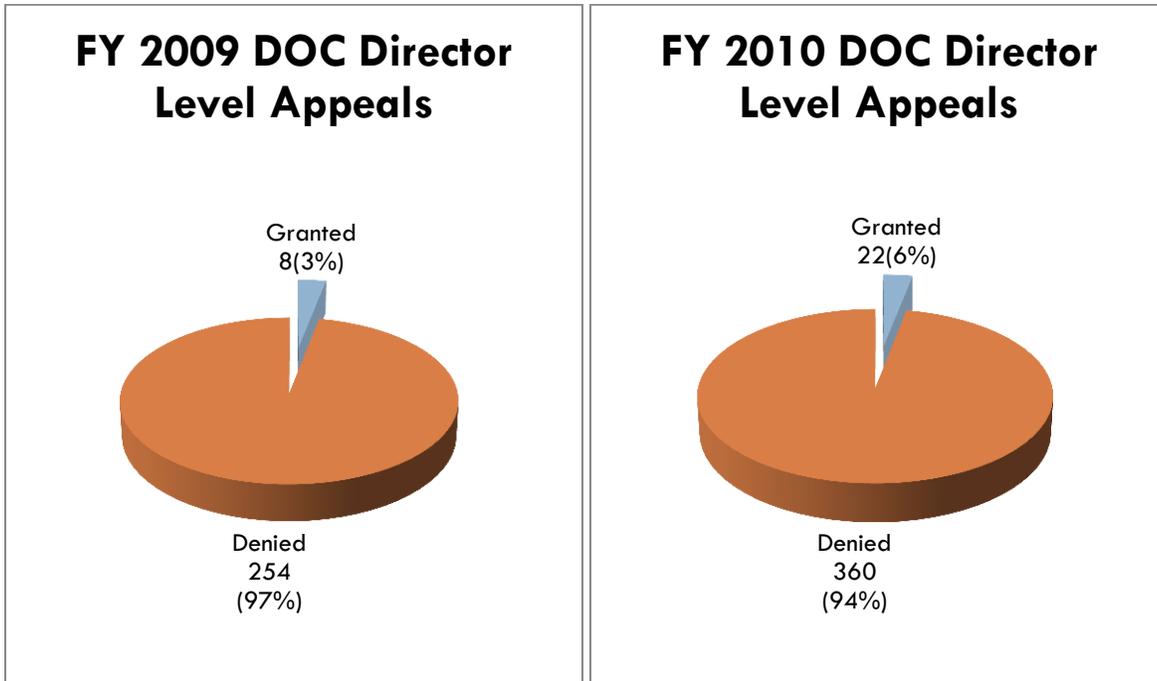




The total numbers of DOC formal grievances submitted have decreased by 218 from FY 2009. Staff attribute this to being in the units more often and spending time working with inmates before the issue become bad enough that the inmates grieve the department. The total numbers of not processed grievances have also decreased; grievance staffs have stated they believe that this is due to the education that is being given to the population. The percentage of granted and denied are close to the same, there is no real indicator except that staff are consistent in their responses to offenders.



The total numbers of warden level appeals have increased in FY 2010. The policy and procedure changed to have a 4 step process for the medical grievances. Previous to this the procedure passed the warden step going straight to the director level. Although, having this step added has increased the warden level appeals this added step gives the medical director Dr. Rantz a chance to review all complaints and issues.



The DOC Director level appeals have also increased this year, looking that the number of issues Billie Reich attributed this increase to the number of staff conduct grievance submitted as while as the number of policy request changes. Staff conduct grievance and policy changes are answered on the first level by the warden and/or designee therefore the warden level appeal is bypassed. With that being said the total number of staff conduct grievances have increased by 1% or 3 grievances and policy change request by 3% or 14 grievances.

Informal Resolutions Submitted

	MSP	MWP	CCC	DCCF	GFRP	TOTALS
2010	2256	524	989	484	262	4515
2009	2187	392	836	419	328	4162
2008	2130	317	611	443	217	3718

Formal Grievances Submitted

	MSP	MWP	CCC	DCCF	GFRP	TOTALS
2010	1026	91	308	158	42	1625
2009	1186	46	321	99	71	1723
2008	962	55	575	103	63	1758

Increases are marked in **RED**.

2010 HIGHEST GRIEVED DEPARTMENTS

	MSP	MWP	CCC	DCCF	GFRP	TOTAL
UNITS/HOUSING*	354	18	15	34	6	427
MED./INFIRMARY	133	9	72	11	15	240
PROPERTY	92	5	13	10	3	123
ADMINISTRATION	128	0	4	0	1	133

*This includes all housing units at the facility

*Note- MWP and DCCF did not have any reported Formal grievances filed against Administration.

2009 HIGHEST GRIEVED DEPARTMENTS

	MSP	MWP	CCC	DCCF	GFRP	TOTAL
UNITS/HOUSING*	305	16	0	42	2	307
MED./INFIRMARY	166	4	45	2	11	228
PROPERTY	139	2	0	18	11	170
ADMINISTRATION	102	1	9	1	3	115

*This includes all housing units at the facility

*Note- for FY2009 CCC did not have any reported Formal grievances against a unit/pod or property; all reported grievances were against other departments.

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

2010 Highest Grievance Categories

	MSP	MWP	CCC	DCCF	GFRP	TOTAL
Medical	131	9	78	NR	15	226
Property	176	7	13	NR	3	209
Miscellaneous	160	2	6	NR	0	162
Staff Action	49	36	71	NR	3	103

- NR- Not Rated, this item was not rated or tracked by the facility for FY2010

2009 Highest Grievance Categories

	MSP	MWP	CCC	DCCF	GFRP	TOTAL
Property	225	2	30	15	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

2008

DOC Grievance Flow
3718 Informal Resolutions Submitted
38% of these moved to the formal level.

1394 Formal Grievances Submitted
 14% of these were granted.
 25% 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.

1726 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.

2010

DOC Grievance Flow
4330 Informal Resolutions Submitted
38% of these moved to the formal level.

1625 Formal Grievances Submitted
 14% of these were granted.
 32% of these moved to the Warden's Level of Appeal.

526 to Warden's Level Appeal
 6% of these were granted.
 74% of these moved to the DOC Level of Appeal

390 to DOC Level Appeal
 6% of these were granted.

Conclusion: Annual reports from each facility were reviewed and compared to FY2009 for this report. These reports are on file with the Technical Correction Services Bureau Chief and are available upon request. All Coordinators are encouraged to review their reports regularly with their administrators and to pay close attention to increased numbers involving particular types of complaints, or involving particular departments, units or staff members. By reviewing them regularly, any problems or pending grievances or appeals can be identified and resolved.

A special thank you goes out to Billie Reich and Kris Studeny. These two individuals took extra steps to work on a standardized grievance report form which has resulted in more accurate reporting. The dedication these two individuals have given to ensure that there is consistency and continuity within the grievance program and that the grievance policy and procedure are followed, not just at MSP, but in the contract facilities, is commendable.

Appendix

FY 2010 Statistical Report for the MDOC –pages 12-17

TO: Mike Ferriter, Montana Department of Correction Director

FROM: Technical Correctional Services Bureau

SUBJECT: Annual Inmate Grievance Statistical Report: FY 2010 (July 2009 – June 2010)

DATE: December 2010

General Comments/Overview:

Number of Informal Resolutions Filed:

MSP 2071 MWP 524 CCC 989 DCCF 484 GFRP 262

Number of Formal Grievances Filed:

MSP 1026 MWP 91 CCC 308 DCCF 158 GFRP 45

Informal Grievances Submitted by Inmate Location:

LOCATION:	July 2009	Aug 2009	Sept 2009	OCT 2009	Nov 2009	Dec 2009	Jan 2010	FEB 2010	Mar 2010	April 2010	May 2010	June 2010
MSP -	111	210	181	181	144	210	174	181	185	134	190	170
MWP -	51	42	45	40	36	42	81	40	40	48	28	31
CCC -	85	110	71	78	57	65	52	92	89	95	82	113
DCCF -	71	72	36	42	16	52	12	22	48	36	38	39
GFRP -	23	23	35	30	35	16	31	8	20	10	24	7

FORMAL GRIEVANCES SUBMITTED BY INMATE LOCATION:

LOCATION:	July 2009	Aug 2009	Sept 2009	OCT 2009	Nov 2009	Dec 2009	Jan 2010	FEB 2010	March 2010	April 2010	May 2010	June 2010
MSP -	79	97	85	98	69	73	102	73	76	93	88	93
MWP -	5	5	11	5	7	8	7	3	20	5	10	5
CCC -	34	34	22	22	35	21	14	24	34	26	15	27
DCCF -	32	33	7	17	7	5	7	4	11	15	12	8
GFRP -	4	7	9	2	6	6	0	3	3	1	0	1

FORMAL GRIEVANCES SUBMITTED BY DEPARTMENT/UNIT GRIEVED:

DEPARTMENT	MSP	MWP	CCC	DCCF	GFRP	DEPARTMENT	MSP	MWP	CCC	DCCF	GFRP
Accounting	12	0	8	1	0	Job Assignment / Removal	0	0	0	0	2
Administration	128	0	4	0	1	Law Library	0	0	5	4	0
Case Management	0	0	0	0	0	Library	0	0	7	0	0
Classification	10	0	4	0	1	Mailroom	58	2	8	8	5
Commissary	31	0	7	1	0	Maintenance	2	1	4	0	0
Contract placement	1	0	0	0	0	MCE	9	0	0	0	0
Dental	0	0	5	0	0	Staff Conduct	0	35	43	21	0
Disciplinary	19	0	15	4	1	Mental Health	7	0	1	1	0
DOC	0	0	0	1	0	Policy/Procedure	18	15	10	18	2
Food Service	17	3	18	12	3	Property	92	5	13	10	3
Grievances	30	0	4	2	0	MDIU	0	0	0	0	0
Habilitative Services /Programs	37	0	4	0	0	Records	9	0	0	0	0
Hobby	0	0	3	2	0	Security	48	1	9	7	0
Infirmary	133	9	72	11	15	Units/Housing	354	18	15	34	6
Inmates	3	2	0	0	0	Visiting	4	0	2	1	1
Investigations	0	0	0	0	1	Warehouse	0	0	19	0	0
IPPO	0	0	2	0	0	Unknown	0	0	0	0	0

Outside Entity	0	0	6	0	0	Treatment	4	0	8	15	1
RAC	0	0	12	3	0						

Formal Grievance Submitted By Type of Complaint:

TYPE	MSP	MWP	CCC	DCCF	GFRP	TYPE	MSP	MWP	CCC	DCCF	GFRP
Canteen	10	0	7	NR	0	Money	44	0	8	NR	0
Classification	11	0	4	NR	0	Non-staff actions	2	0	0	NR	0
Education	2	0	3	NR	0	Non-receipt	0	0	0	NR	0
Policy Violation	0	3	0	NR	0	Personal Injury	0	0	0	NR	1
Grievance Ruling	17	0	4	NR	0	Policy/Procedure	47	17	10	NR	1
Groups	7	11	0	NR	1	Privileges	40	0	8	NR	2
Hearing Decision	37	0	15	NR	0	Property	176	7	13	NR	3
OSR's	0	0	0	NR	0	Records	11	1	0	NR	0
Laundry	4	0	2	NR	0	Recreation/Hobby	0	0	7	NR	0
Legal	12	0	0	NR	0	Religious	11	0	12	NR	0
Library	9	0	7	NR	0	Staff Action	49	36	71	NR	3
Living Conditions	83	1	0	NR	3	Threats	0	0	0	NR	0
Mail	48	3	8	NR	5	Unethical Conduct	70	0	0	NR	2
Meals	12	0	18	NR	3	Visits	15	0	2	NR	1
Medical	131	9	78	NR	15	Work Programs	18	1	0	NR	2
Miscellaneous	160	2	6	NR	0	Other	0	0	25	NR	0

***NR- Non-Rated, this information was not tracked or recorded for FY 2010.

Note: CCA Grievance Coordinator did not track the Type of Complaint for FY 2010. After request for this information for this report the Grievance Coordinator reviewed all files for FY 2010 and was able to obtain the requested information.

Grievances Not Processed Due To:

REASON:	MSP	MWP	CCC	DCCF	GFRP
Abuse of process	84	0	1	7	1
Abusive language	5	0	0	0	0
Duplicate/Multiple	44	1	3	1	0
Exceeds limit	0	0	2	7	0
Improper/no informal resolution	45	15	70	1	3
Incomplete/Unclear	16	2	2	0	2
Inmate request	20	0	3	0	0
Non-grievable (classification)	22	0	1	4	0
Non-grievable (discipline)	41	0	10	3	1
Non-grievable (no jurisdiction)	14	0	5	1	0
Not timely	19	1	1	0	0
Resolved	0	0	0	1	0
Technical (i.e., wrote in response section, etc.)	57	17	15	0	0
Non-Emergent	15	1	6	0	0

GRIEVANCES GRANTED DUE TO:

REASON:	MSP	MWP	CCC	DCCF	GFRP
Staff error	5	2	5	0	2
Evidence/staff supports claim	51	0	3	0	0
Request action is reasonable/proper	106	20	24	5	12

GRIEVANCES DENIED DUE TO:

REASON:	MSP	MWP	CCC	DCCF	GFRP
Current policy/practice/procedure is appropriate.	38	2	17	15	0
Evidence does not support claim.	159	5	22	28	2
Inmate was at fault	5	2	25	0	0
No abuse of authority	0	0	4	17	1
No indifference	0	0	0	1	0
No merit to claims	14	2	9	23	15
No staff error	0	2	13	10	0
Not medically indicated/necessary	61	2	7	5	2
Policy/procedure was followed	91	7	33	6	1
Staff response is appropriate.	114	6	22	5	5

Appealed to Warden/Administrator/Designee

DISPOSITION OF APPEAL:	MSP	MWP	CCC	DCCF	GFRP
Appeal Granted	20	4	6	2	0
Appeal Denied	259	25	79	105	12

Appealed to Department of Corrections

DISPOSITION OF APPEAL:	MSP	MWP	CCC	DCCF	GFRP
Appeal Granted	5	3	3	9	2
Appeal Denied	231	16	46	59	8

- The total number of appeals does not match the number of grievances that went to appeal due to appeals that was pending at the time the report was compiled.