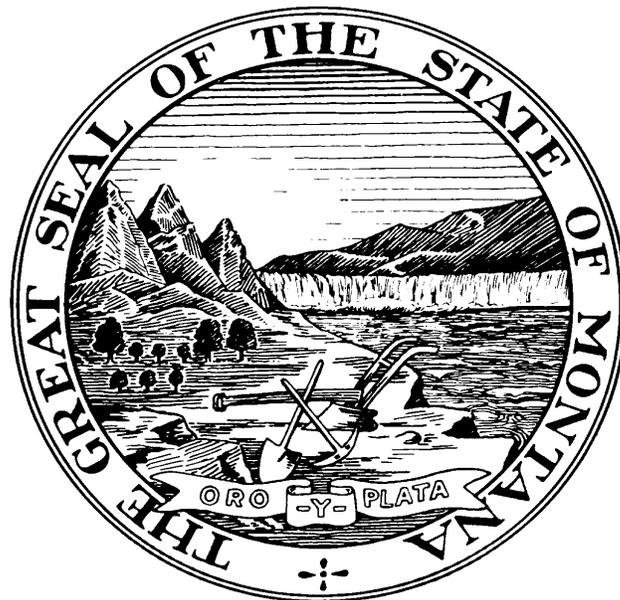


# FY2011 ANNUAL GRIEVANCE REPORT



12/20/2011

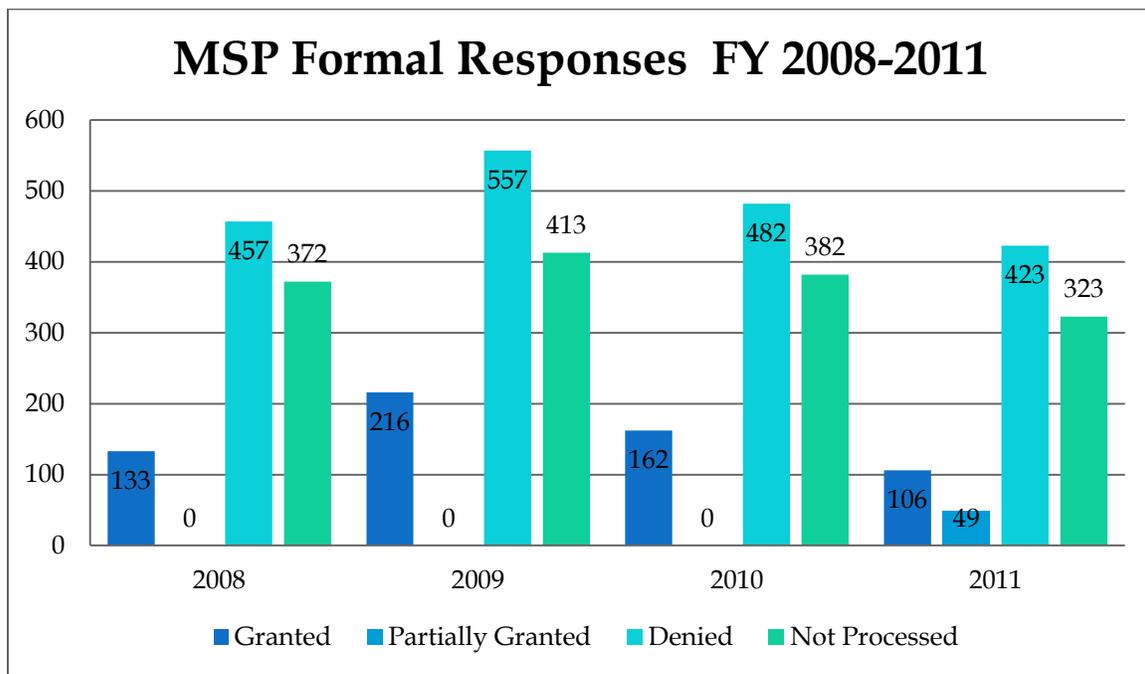
Montana State Prison/Montana Department of  
Corrections

Candyce Neubauer; Bureau Chief  
Technical Correctional Services Bureau

General Comments/Overview

By Kristy Cobban; Grievance Coordinator, M.S.P

**Montana State Prison** is utilizing the OMIS system to track all formal level grievances and appeals. Billie Reich and Kristy Cobban met with Jason Nelson of Technical Support this year to discuss incorporating the informal grievances into OMIS as well. Mr. Nelson will be working on developing that function in fiscal year 2012. The standardized report format that the previous grievance coordinator, Kris Studeny, and Billie Reich developed is currently being utilized by all facilities. This allows an easy comparison of each facilities grievance program due to the standardization of the report.

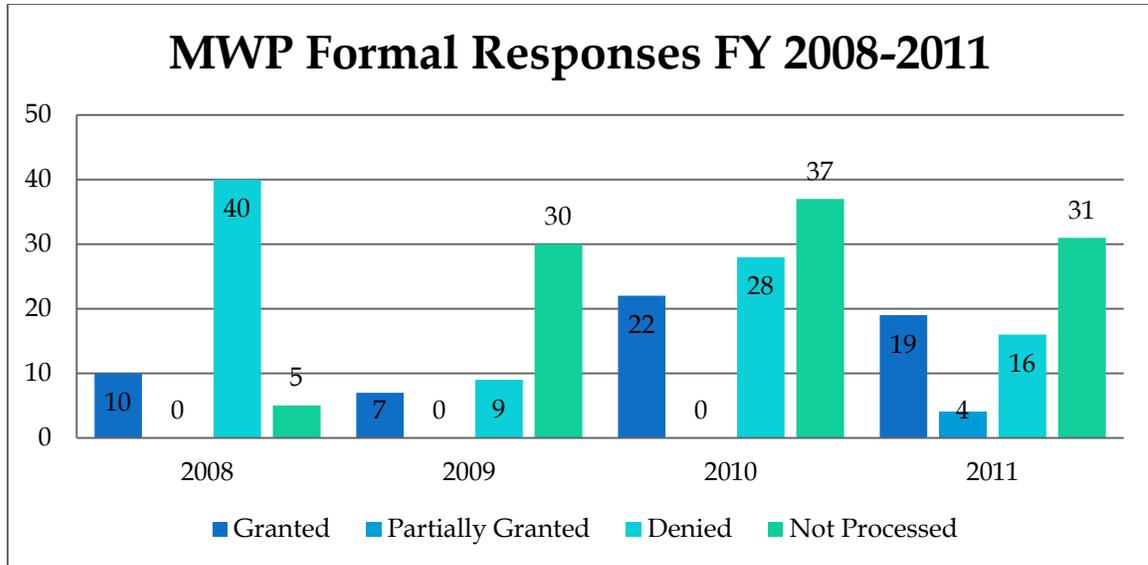


Due to correspondence issues continuing to be a highly grieved area in regards to publications, legal mail interpretations, and the nudity definition restricting many magazines, the Correspondence Policy 5.4.1 was reviewed. Deputy Warden Ross Swanson led a group that included grievance staff, to develop Policy 3.3.6 that replaced 5.4.1 on December 12<sup>th</sup>, 2011. This new policy clarifies what legal mail is, updates the nudity definition which allows for clarification on what publications are allowable in a clear manner, as well as standardizes maximum book size. This should reduce the amount of grievances that are filed in regards to the mail and decrease variations of interpretation of this policy.

An important change that occurred this past year in the grievance department was the implementation of a new PREA Investigations Procedure which included the utilization of grievance staff. This procedure places the grievance staff as the individual to do the initial inquiry with the inmate if the inmate is not in immediate danger. These types of reports are treated as an emergent grievance and are answered as such. There are a few areas to still iron out with this procedure in regards to the treatment of the report as an emergent grievance. The main issue is as an emergent grievance, the grievance would be responded to in 48 hours with an option to appeal to the Director after the response is given. We encounter a time issue when a grievance staff member decides the information needs forwarded to the DOC Investigators for further investigation. The emergent grievance is answered stating that this was the outcome and the inmate is asked if he would like to appeal or not. As there is currently no time limit set for response for Investigators for this procedure, it is difficult for the inmate to know if he should or should not appeal as he will not know the outcome from the investigators at the time given the first response. If we allow the inmate to wait until response from the investigator to appeal the response, it would leave the grievance open in our system. This will skew the grievance data for reporting purposes as an open grievance is not a completed grievance. The department will be working with Dale Tunnell to resolve this issue in the coming year.

**Montana Women's Prison's** grievance coordinator, Charlotte Dolezal, reports that MWP still handles most grievances at the informal level, as reported in the 2009-2010 fiscal year. She states that 14% of informal grievances go on to the Formal level; only 3% continue on to the Director's level grievance. Medical receives the most informal grievances at 21% of the total; 50% of the Formal level grievances are appealed for medical issues.

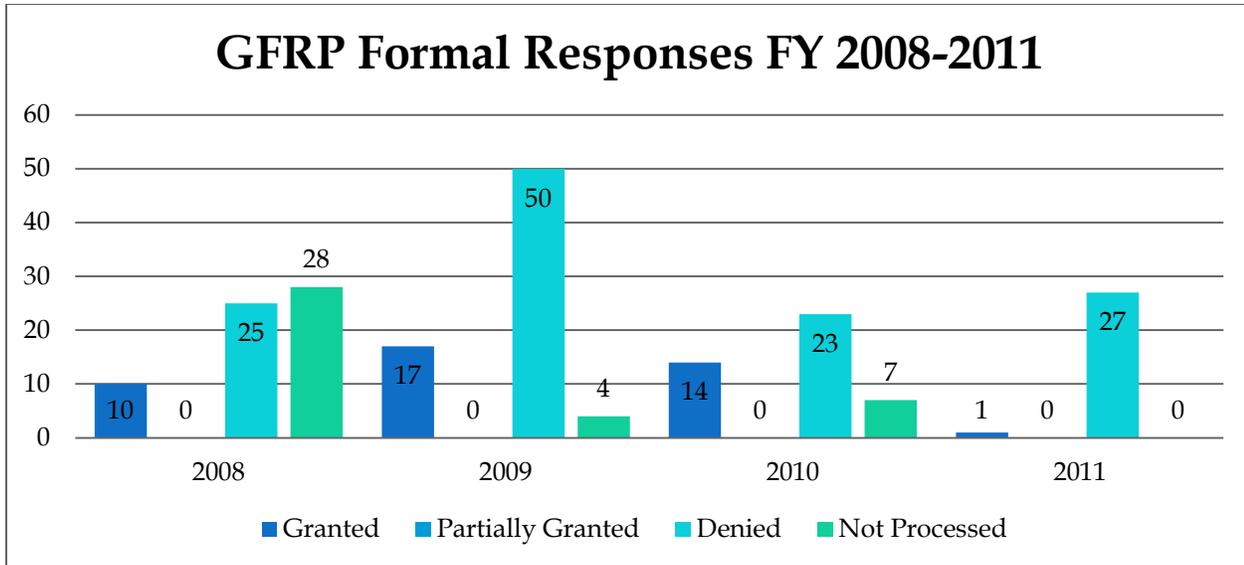
December 1, 2010 was the deadline for inmates to meet the Phase-up requirements in the Right Living Community (RLC) to keep radios & televisions; grievances were filed in regards to this. Another issue arose from the RLC phase-ups; inmates were confused about the extra yard time awarded to higher phases and chose to file grievances that brought about clarification of the policy.



Ms. Dolezal reports that she has been pleasantly surprised that two events passed and were not grieved as she anticipated; July 1, 2011 - new pay policy and August 1, 2011 Intake Unit increased from a 30 day to a 60 day program. She anticipated these changes to be grieved due to past grievances related to these sorts of policy changes.

At MWP Informal grievances were filed by 172 different people in fiscal year 2010-2011. It is reported 81 of these individuals filed only 1 informal for the year. Another 13% of the informal grievances were filed by 4 individual inmates. The Formal grievances were filed by 28 different individuals with 24% of the Formals being filed by the same person and 37% were filed by 5 individual inmates. Ms. Dolezal thinks this further illustrates the fact that most grievances are handled at the informal level, and it is generally the same people appealing to higher levels that aren't satisfied with the disposition of their grievances.

**Great Falls Regional Prison** grievance coordinator, Officer William Komar, reports that since a change in management occurred in January 2011 an increase in informal resolutions and grievances were filed. He attributes this to a different management style than the inmates were accustomed to, thus leading to the increase in grievances. There were a high percentage of grievances on the mail room this past year, mainly attributed to a couple of inmates grieving magazines being denied due to nudity. Other categories highly represented this fiscal year with grievances were food service, property, and medical.

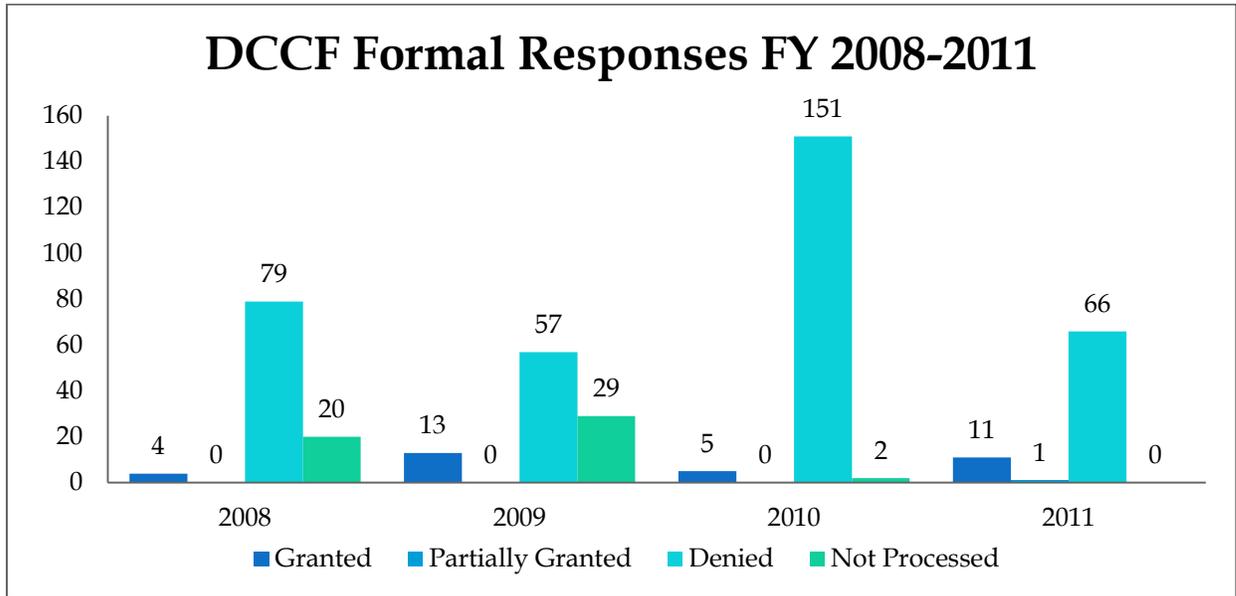


A total of 186 informal resolutions were filed during the fiscal year. Almost 40 percent were from F block which is the higher custody block at Great Falls Regional Prison. Only 9 percent of the informal resolutions were not processed and 22 percent were granted. Out of 186 informal resolutions submitted, only 28 grievances moved on to formal level grievances. All of them were processed and only 1 was granted. There were 16 appeals to the Warden and 13 appeals to the Department of Corrections. One Warden’s appeal was granted and the other appeals were all denied. Mail was the highest formally grieved category this past year, followed by property and medical. There were no emergency grievances filed and only one staff conduct grievance filed. Again this year F block submitted the majority of grievances representing 65% of filed grievances.

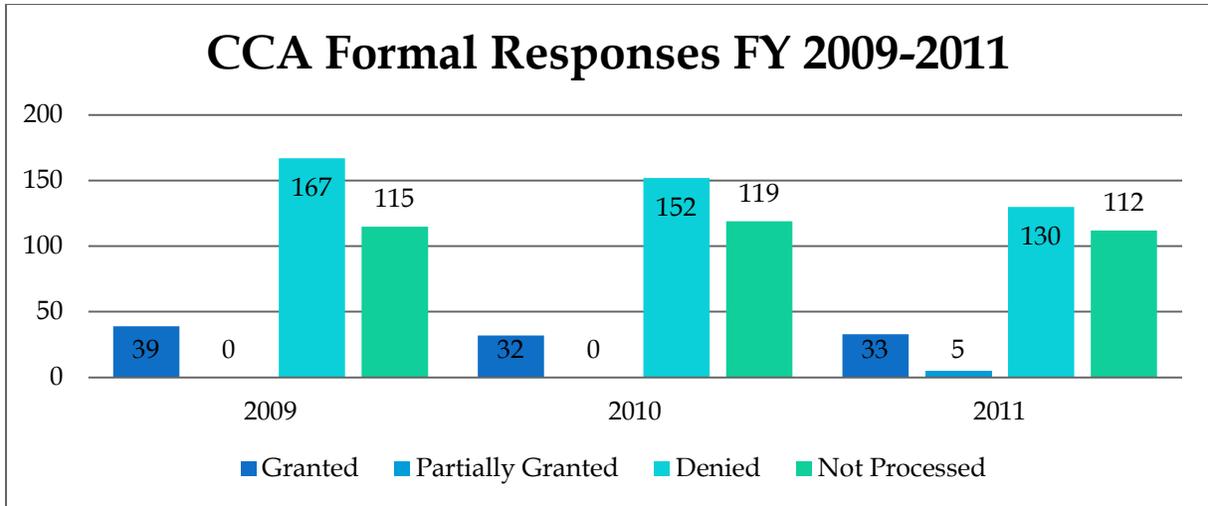
Mr. Komar, Grievance Coordinator has been doing a good job at tracking and answering the grievances. Mr. Wayne Bye, Contract Monitor, has been of assistance in handling of grievances and addressing issues before they are filed. Again, the numbers are very low compared to 2 years ago and before. As there seems to be increased communication with staff and inmates, many issues are handled without the inmates using the formal grievance system.

**Dawson County Correctional Facility** grievance coordinator, Wayne Heimbuch, reports the religious activity of sweat lodge was the most formally grieved issue this past year. He indicates this is due to the lack of outside facility for this activity. The inmates are allowed to practice this ceremony but not in the way they feel is appropriate. Another highly grieved area was food service at the facility noting that most grievances for this area were in regards to the quality and quantity of food the inmates are being served. Mr. Heimbuch reports that the facility has been working to improve this area and has made great strides towards resolving all

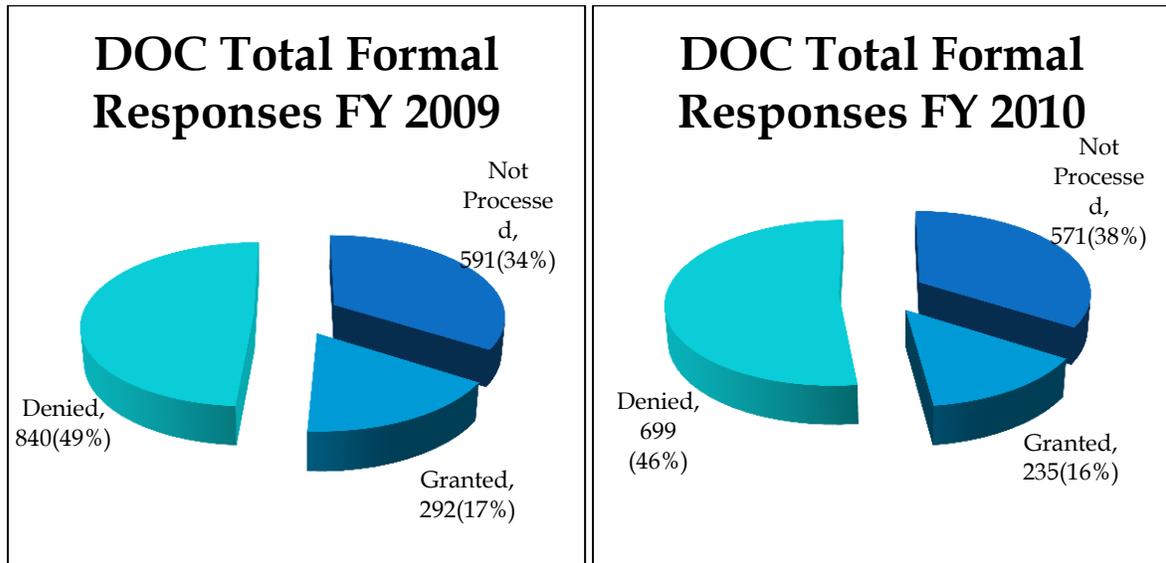
food related issues. He further reported that with a recent schedule change and no back up available for his position when he is gone; he believes that the grievance program may not get the appropriate amount of attention and that a solution may need to be found to this program coverage issue.

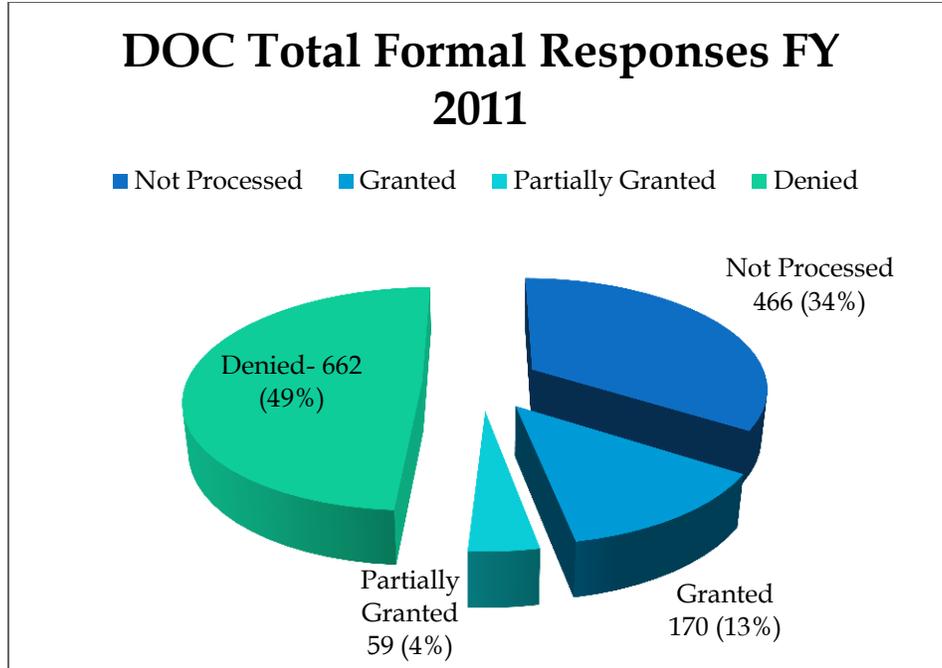


**Crossroads Correctional Center** Ranae Buchman the Grievance coordinator at CCC reports that property and medical issues were the areas grieved the most at CCA. Ms. Sherrard stated that many of the medical grievances were in reference to procedures that need prior approval from the Medical Director before they can be performed. Increased communication is the resolution that she believes will resolve this issue in the future. Property officers are to have more training this coming Fiscal Year from MSP Property staff with the hopes of resolving any conflicting procedural issues that are leading to property grievances at CCA.

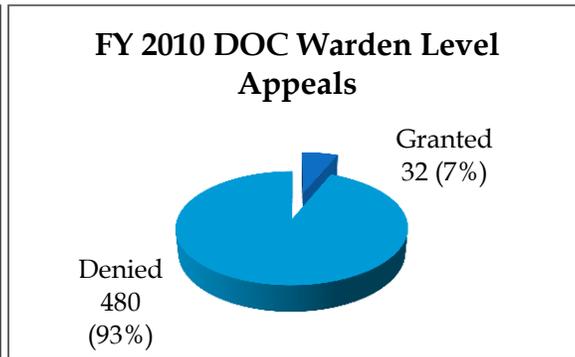
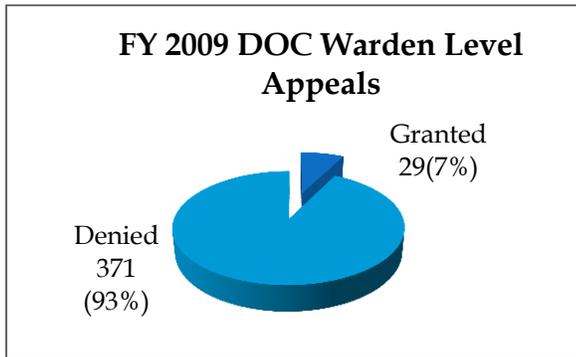


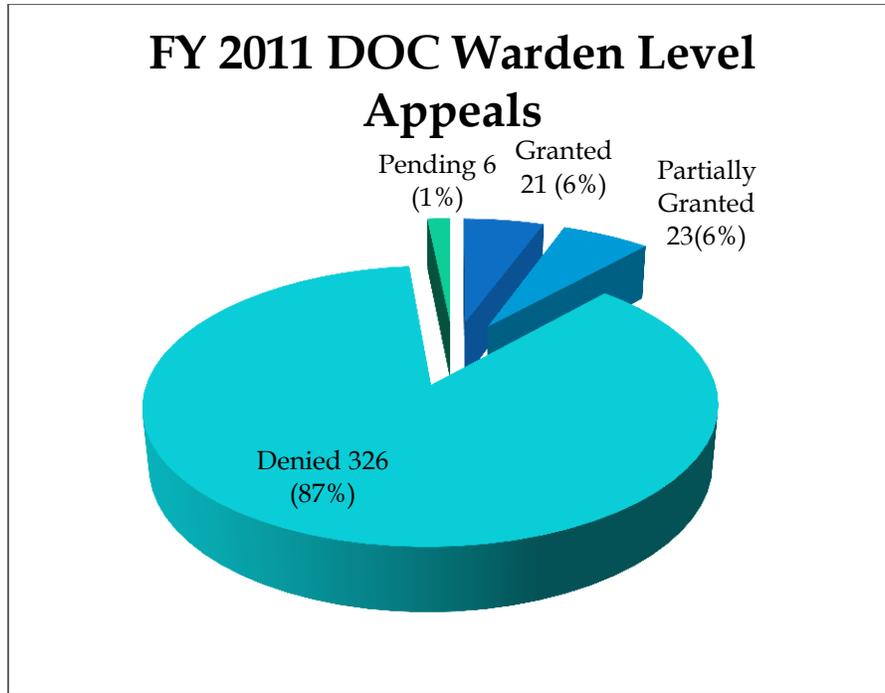
## DOC Combined Totals





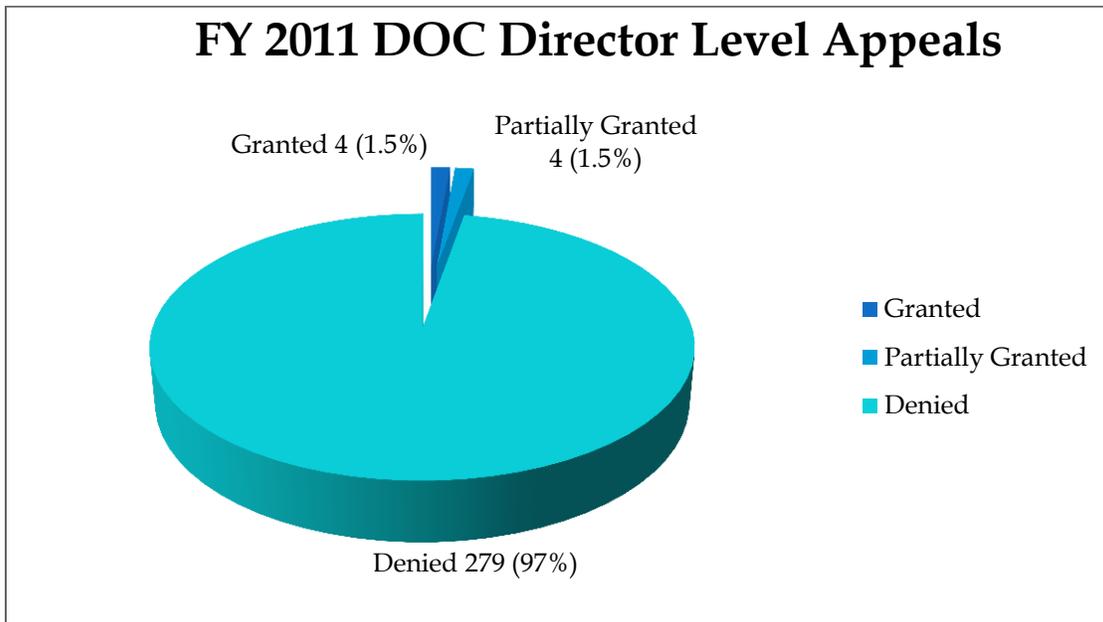
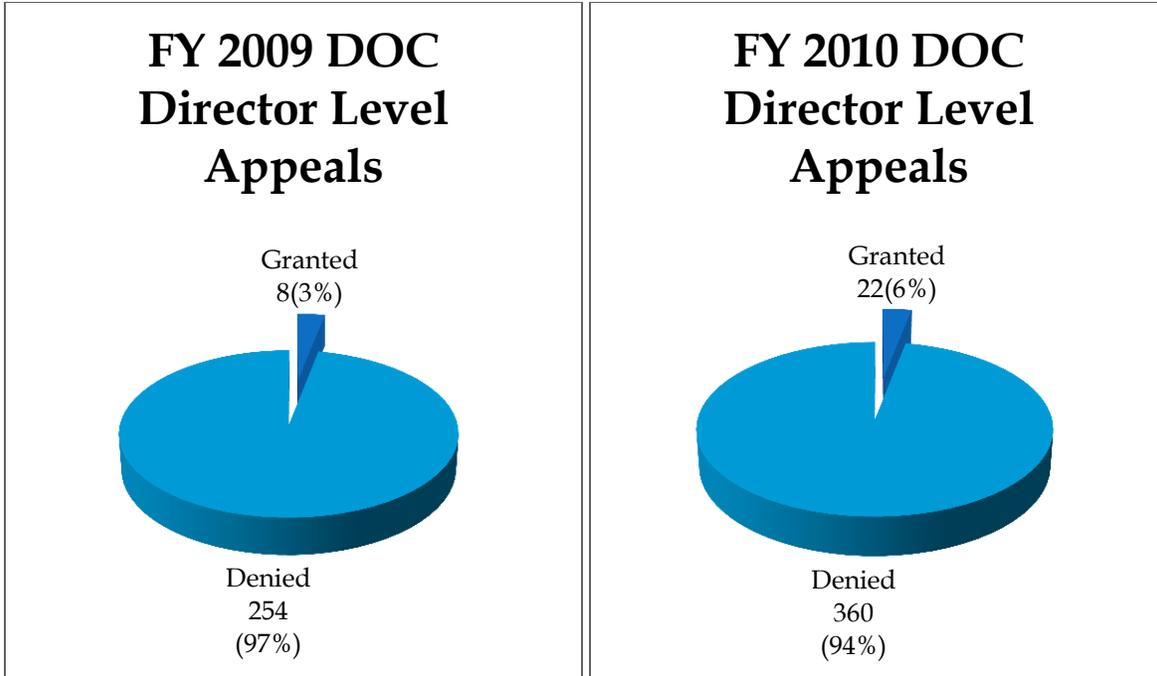
The total numbers of DOC formal grievances submitted have decreased by 268 from FY2010 to FY2011.





The total numbers of warden level appeals have decreased in FY 2011. In FY 2010 in approximately 31% of formal grievances the inmate chose to move to the Warden Level Appeal. In FY 2011 only approximately 28% of inmates chose to escalate their grievance to the Warden Level Appeal. This decrease may be due to the partially granted grievances that provided the inmate some form of relief for their issue without needing to move on to the next level.

It should be noted that the Warden or his/her designee respond to Emergent, Staff Conduct and Policy grievances at the Formal Grievance Level. If the inmate seeks further resolution through an appeal, the appeal will be to the Director Level for these types of grievances. In FY 2011 there was a total of 148 Formal Level grievances for the DOC that were responded to in this manner that if appealed would have bypassed the Warden Level appeal straight to the Director Level appeal in the system. These grievances are not reflected in the Warden Level Appeal numbers but instead in the Formal Grievance response numbers.



The DOC Director level appeals have also decreased this year, after review many of the appeals were in regards to requests for policy change or related to the UA procedure. As the lower level responses had clearly addressed the inmate’s grievance and adhered to policy the Director chose to uphold the lower level decisions in each matter by denying the appeal.

**Informal Resolutions Submitted**

	<i>MSP</i>	<i>MWP</i>	<i>CCC</i>	<i>DCCF</i>	<i>GFRP</i>	<u>TOTALS</u>
<b>2011</b>	2027	497	932	269	186	<u>3911</u>
<b>2010</b>	2071	524	989	484	262	<u>4330</u>
<b>2009</b>	2187	392	836	419	328	<u>4162</u>

**Formal Grievances Submitted**

	<i>MSP</i>	<i>MWP</i>	<i>CCC</i>	<i>DCCF</i>	<i>GFRP</i>	<u>TOTALS</u>
<b>2011</b>	901	70	280	78	28	<u>1357</u>
<b>2010</b>	1026	91	308	158	42	<u>1625</u>
<b>2009</b>	1186	46	321	99	71	<u>1723</u>

Increases are marked in **RED**.

**2011 HIGHEST GRIEVED DEPARTMENTS**

	<i>MSP</i>	<i>MWP</i>	<i>CCC</i>	<i>DCCF</i>	<i>GFRP</i>	<b>TOTAL</b>
<b>UNITS/HOUSING*</b>	291	37	77	2	1	408
<b>MED./INFIRMARY**</b>	115	18	46	14	3	196
<b>PROPERTY</b>	85	6	39	6	5	141
<b>Mailroom</b>	79	2	8	3	6	98

\*This includes all housing units at the facility. \*\* Includes Medical, Infirmary, Dental, Vision and Mental Health.

**2010 HIGHEST GRIEVED DEPARTMENTS**

	<i>MSP</i>	<i>MWP</i>	<i>CCC</i>	<i>DCCF</i>	<i>GFRP</i>	<b>TOTAL</b>
<b>UNITS/HOUSING*</b>	133	9	72	0	15	238
<b>MED./INFIRMARY</b>	128	15	0	34	0	177
<b>PROPERTY</b>	102	0	0	0	3	105
<b>ADMINISTRATION</b>	92	5	0	0	3	100

\*This includes all housing units at the facility

**2009 HIGHEST GRIEVED DEPARTMENTS**

	<i>MSP</i>	<i>MWP</i>	<i>CCC</i>	<i>DCCF</i>	<i>GFRP</i>	<b>TOTAL</b>
<b>ADMINISTRATION</b>	305	0	0	0	2	307
<b>MED./INFIRMARY</b>	166	4	45	2	11	228

<b>PROPERTY</b>	139	2	0	18	11	170
<b>SECURITY</b>	102	1	9	0	3	115

**2011 Highest Grievance Categories**

	<b>MSP</b>	<b>MWP</b>	<b>CCC</b>	<b>DCCF</b>	<b>GFRP</b>	<b>TOTAL</b>
<b>Disallowed or confiscated improperly</b>	86	0	18	0	3	107
<b>Health Services- includes Medical, dental, vision and mental health</b>	74	5	35	15	3	132
<b>Staff Actions</b>	73	6	22	8	3	112
<b>Policy</b>	50	13	8	2	0	73

**2010 Highest Grievance Categories**

	<b>MSP</b>	<b>MWP</b>	<b>CCC</b>	<b>DCCF</b>	<b>GFRP</b>	<b>TOTAL</b>
<b>Property</b>	122	9	72	9	15	226
<b>Medical</b>	176	7	13	10	3	209
<b>Staff Action</b>	160	2	0	0	0	162
<b>Miscellaneous</b>	49	36	43	21	3	103

**2009 Highest Grievance Categories**

	<b>MSP</b>	<b>MWP</b>	<b>CCC</b>	<b>DCCF</b>	<b>GFRP</b>	<b>TOTAL</b>
<b>Medical</b>	149	4	45	16	7	205
<b>Property</b>	92	17	55	26	6	170
<b>Policy/Procedure</b>	114	0	0	0	1	115
<b>Staff Action</b>	149	4	45	16	7	205

2009

DOC Grievance Flow

4162 Informal Resolutions Submitted

41% of these moved to the formal level..

1723 Formal Grievances Submitted

34% of these were not processed.

17% of these were granted.

23% of these moved to the Warden's Level of Appeal.

400 to Warden's Level Appeal

7% of these were granted.

66% 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.

1628 Formal Grievances Submitted

35% of these were not processed.

14% of these were granted.

31% of these moved to the Warden's Level of Appeal.

512 to Warden's Level Appeal

6% of these were granted.

75% of these moved to the DOC Level of Appeal

382 to DOC Level Appeal

6% of these were granted.

2011

DOC Grievance Flow

3911 Informal Resolutions Submitted

35% of these moved to the formal level.

1357 Formal Grievances Submitted

35% of these were not processed.

13% of these were granted and 4% were partially granted.

28% of these moved to the Warden's Level of Appeal or the Director Level of Appeal is the Warden responded at this stage.

376 to Warden's Level Appeal

6% of these were granted and 6% were partially granted.

76% of these moved to the DOC Level of Appeal

The Warden answers some Formal grievances. In such cases the next level will then be an appeal to the Director, thus skipping this level of response.

287 to DOC Level Appeal

1% of these were granted and 1% were partially granted.

Conclusion: Annual reports from each facility were reviewed and compared to FY 2009 and FY2010 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.

## **Appendix**

FY 2011 Statistical Report for the MDOC -pages

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

**FROM: Technical Correctional Services Bureau**

**SUBJECT: Annual Inmate Grievance Statistical Report: FY 2011 (July 2010 – June 2011)**

**DATE: December 2011**

**General Comments/Overview:**

Overall the amount of grievances has decreased from FY 2010 to FY2011. Grievance staff identified key issues that Administration was able to resolve with policy and procedural changes. These changes should continue to show a decrease in the number of grievances in FY2012.

**Number of Informal Resolutions Filed:**

MSP    **2027**                      MWP    **497**                      CCC    **932**                      DCCF    **269**                      GFRP    **186**

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**Number of Formal Grievances Filed:**

MSP    **901**                      MWP    **70**                      CCC    **280**                      DCCF    **78**                      GFRP    **28**

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**Informal Grievances Submitted by Inmate Location:**

LOCATION:	July 2010	Aug 2010	Sept 2010	OCT 2010	Nov 2010	Dec 2011	Jan 2011	FEB 2011	Mar 2011	April 2011	May 2011	June 2011
MSP -	156	191	129	119	245	210	160	181	180	167	136	153
MWP -	44	51	31	47	30	31	49	52	53	49	34	26
CCC -	103	97	95	87	61	70	74	75	73	62	77	58
DCCF -	35	21	38	29	41	19	2	12	20	12	17	23
GFRP -	17	11	12	16	20	20	11	12	17	16	16	18

**FORMAL GRIEVANCES SUBMITTED BY INMATE LOCATION: TOTAL:1357**

LOCATION:	July 2010	Aug 2010	Sept 2010	OCT 2010	Nov 2010	Dec 2010	Jan 2011	FEB 2011	March 2011	April 2011	May 2011	June 2011
MSP -	62	67	65	51	81	101	78	79	108	60	69	80
MWP -	1	3	8	2	5	1	13	12	10	7	6	2
CCC -	39	20	31	13	25	24	22	28	20	14	24	20
DCCF -	5	5	18	7	10	6	7	2	4	4	4	6
GFRP -	2	1	1	2	2	0	4	1	2	3	4	6

**FORMAL GRIEVANCES SUBMITTED BY DEPARTMENT/UNIT GRIEVED: TOTAL:1357**

DEPARTMENT	MSP	MWP	CCC	DCCF	GFRP	DEPARTMENT	MSP	MWP	CCC	DCCF	GFRP
Accounting	14	0	5	0	2	Mailroom	79	2	8	3	6
Administration	48	1	2	0	0	Maintenance	1	1	7	1	2
Canteen	18	1	6	0	3	Mental Health	7	1	1	1	0
Classification	13	0	6	4	0	Policy/Procedure	44	1	10	15	0
Contract placement	1	0	0	1	0	Property	85	6	39	6	5
Dental	8	0	3	0	0	Records	8	0	0	1	0
Disciplinary	24	0	8	6	2	Security	25	0	26	3	0
Rehab. Service/Education/ Library	37	0	6	3	0	Treatment	11	0	3	0	0
Food Service	14	1	8	9	4	Visiting	3	1	5	1	0
Grievance	15	0	4	0	0	Disability Related	4	0	1	0	0
Hobby	0	0	0	0	0	Transportation	1	0	0	1	0
Industries- MCE	4	0	0	0	0	Religious Activities Center	20	0	6	2	0
Infirmary (Medical/Vision)	115	18	46	14	3	Units/Housing	291	37	77	2	1
Other	6	0	0	0	0	Intake	0	0	0	0	0
Investigations	1	0	0	4	0	Warehouse	0	0	2	0	0
IPPO	4	0	1	1	0						

Formal Grievance Submitted By Type of Complaint: (The 466 Not processed not included in this portion) Total: 891

TYPE	MSP	MWP	CCC	DCCF	GFRP	TYPE	MSP	MWP	CCC	DCCF	GFRP
Sentence Calculations	0	0	0	1	0	Offender/Staff Communication	11	1	4	4	3
Lost/Damaged by Staff	48	1	16	4	1	Privileges	29	3	5	7	0
Disallowed or confiscated improperly	86	0	18	0	3	Work Program/Job Opportunities	8	0	1	3	3
Lost/Damaged inter-facility	1	0	3	0	0	Staff Actions	73	6	22	8	3
Offender Funds	21	0	4	0	2	Business Practice/Canteen	17	0	3	0	0
Access to Courts	2	0	1	0	0	Staff Conduct (Physical/Verbal/Retaliation)	40	2	19	0	1
Mail/Correspondence/Publications	53	2	9	4	6	Policy	50	13	8	2	0
Religious freedoms/Activities	13	0	2	2	0	Medical	64	4	34	11	2
Food	3	1	3	8	1	Dental	3	0	0	1	1
Disability accommodations	5	1	1	0	0	Mental Health	4	1	1	1	0
Sanitation/Hygiene	15	1	1	8	1	Vision	3	0	0	2	0
Security	1	0	6	4	0	Emergent-Actual/Threaten Assault	0	0	0	0	0
Records	5	0	2	1	0	Emergent-Actual/Threaten failure to treat	2	1	0	0	0
Education/Rehab. services	4	0	0	4	1	Emergent-Actual/Threaten institutional neglect/harm	0	0	0	0	0
Grievance Ruling	3	0	1	2	0	Emergent- PREA-Inmate/Inmate	1	0	0	0	0
Library Services	10	0	0	1	0	Emergent- PREA-Staff/Inmate	3	2	4	0	0

Grievances Not Processed Due To: Total: 466

<b>REASON:</b>	<b>MSP</b>	<b>MWP</b>	<b>CCC</b>	<b>DCCF</b>	<b>GFRP</b>
Abuse of process	33	6	11	0	0
Violation of Grievance Notice	15	0	0	0	0
Improper/no informal resolution	37	9	53	0	0
Inmate request	9	0	1	0	0
Technical	124	10	29	0	0
Non-grievable (classification)	36	0	5	0	0
Non-grievable (no jurisdiction)	12	0	1	0	0
Non-grievable (disciplinary)	43	0	9	0	0
Non-Emergent	14	6	3	0	0

GRIEVANCES GRANTED DUE TO: TOTAL: 229

<b>REASON:</b>	<b>MSP</b>	<b>MWP</b>	<b>CCC</b>	<b>DCCF</b>	<b>GFRP</b>
Partially Granted	49	4	5	1	0
Evidence/staff supports claim	35	3	8	1	1
Request action is reasonable	71	16	25	10	0

GRIEVANCES DENIED DUE TO: TOTAL: 662

REASON:	MSP	MWP	CCC	DCCF	GFRP
Current policy/practice/procedure is appropriate.	139	7	29	24	16
Evidence does not support claim.	181	2	39	33	3
Not medically indicated/necessary	36	1	13	6	3
Staff response is appropriate.	67	6	49	3	5

Appealed to Warden/Administrator/Designee: Total: 376

DISPOSITION OF APPEAL:	MSP	MWP	CCC	DCCF	GFRP
Appeal Partially Granted	20	3	0	0	0
Appeal Granted	11	2	6	1	1
Appeal Denied	199	12	59	41	15
Appeal Pending from Inmate	0	0	0	0	0
Appeal Response Pending	0	0	6	0	0

Appealed to Department of Corrections: Total: 287

DISPOSITION OF APPEAL:	MSP	MWP	CCC	DCCF	GFRP
Appeal Partially Granted	4	0	0	0	0
Appeal Granted	3	0	1	0	0
Appeal Denied	196	13	30	27	13
Appeal Pending from Inmate	0	0	0	0	0
Appeal Response Pending	0	0	0	0	0