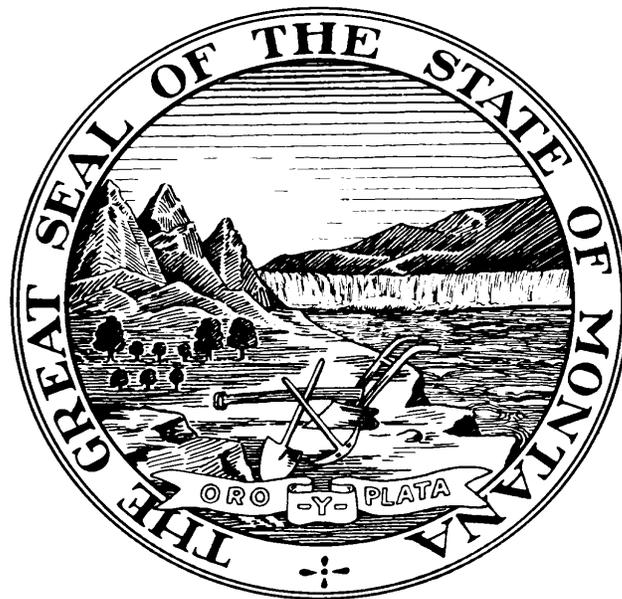


# FY2012 ANNUAL GRIEVANCE REPORT



12/26/2012

Montana State Prison/Montana Department of Corrections

Candyce Neubauer; Bureau Chief

Technical Correctional Services Bureau

## Definitions:

Abuse Notice- If an inmate demonstrates a pattern of abuse of the inmate grievance program, the Warden/Facility Administrator or designee will notify the inmate, in writing, that such actions are creating an administrative burden at the expense of legitimate complaints. The abuse notice will contain specific reasons for the decision and notify the inmate that the GC will return future grievances that demonstrate a continued pattern of abuse. Abuse notices are not be subject to appeal.

Denied- a grievance response that denies the action requested in its entirety.

Emergency Grievance – a grievance concerning matters that subject (or has subjected) an inmate to a substantial risk of immediate personal injury or serious harm. This is to include PREA related matters.

Facility Health Administrator (FHA) - the staff member assigned to administer the facility's health services.

Granted- a grievance response that grants the action requested in its entirety.

Grievance – an individual complaint filed by an inmate concerning subject matter as outlined in this operational procedure.

Grievance Coordinator (GC) – the staff member assigned to administer, investigate, and respond to inmate grievances. The responsibilities of this position may also apply to that person's designee.

Health Services Grievance – a grievance concerning matters of health services care and judgment. Includes matters of medical, vision, dental, and mental health care.

Informal Resolution- an individual complaint filed by an inmate as the first step outlined in this operational procedure.

Not Processed- a grievance that is filed on an issue that is non-grievable such as items outside of jurisdiction; a grievance that contains abusive language; the inmate failed to provide a copy of the informal when requested; an inmate filed a grievance on behalf of another inmate; a grievance that an inmate raises any issue that was not raised in the previous level; a duplicate grievance on the same issue; or grievances filed that are in violation of the abuse notice.

Partially Granted- a grievance response that grants part of the requested action, but not the grievance in its entirety.

Policy / Operational Procedure Grievance – a grievance concerning written policies and procedures.

Staff Conduct Grievance – a grievance concerning prohibited conduct as defined in *DOC 1.3.12*.

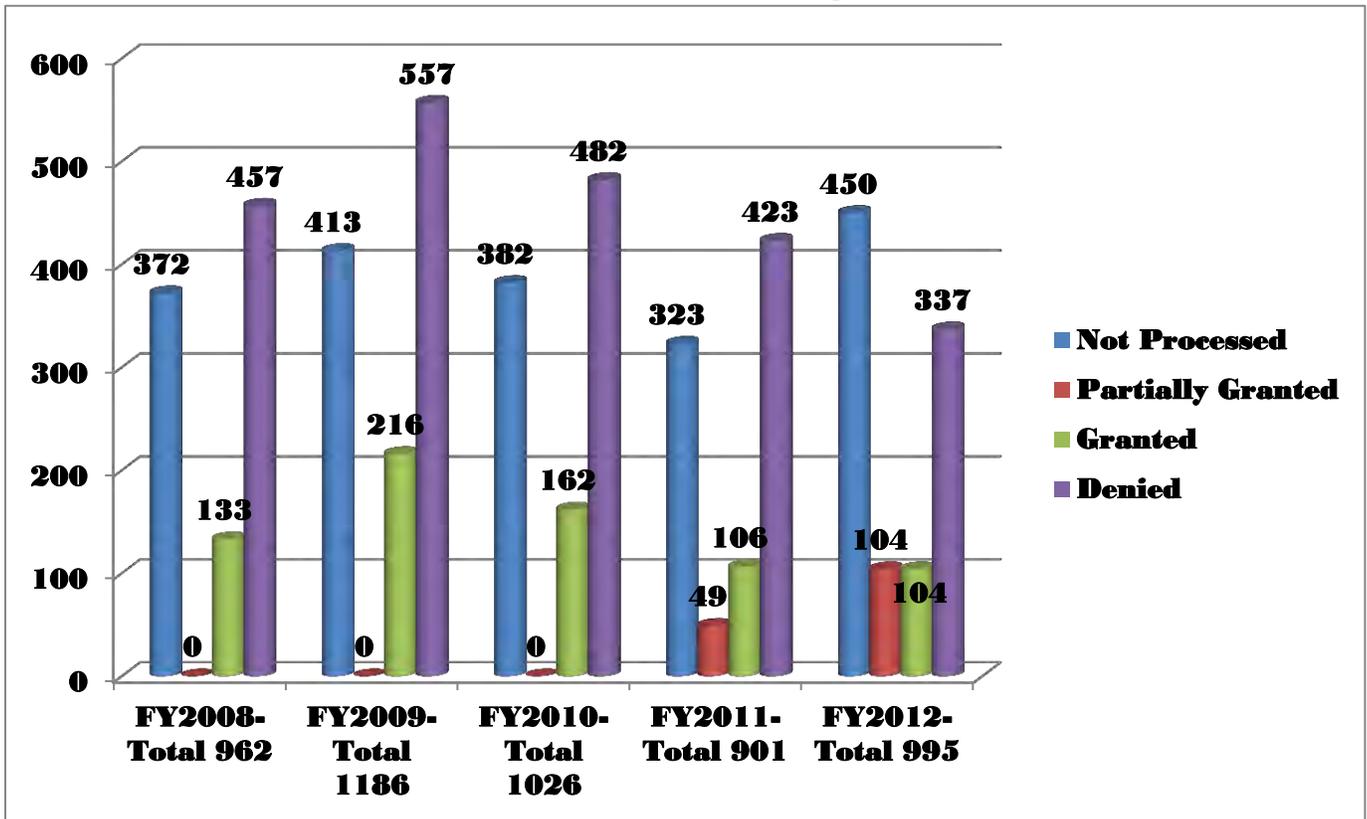
Standard Grievance – a grievance concerning all other matters not specifically categorized below.

## General Comments/Overview by Facility

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

Montana State Prison reports an increase in grievances this fiscal year, partially due to the large number of policy and procedural grievances filed this year. Many grievances filed were a direct result of many changes to the MSP Correspondence, Property and Visitation procedures. After review of the complaints it was very evident that the inmate population felt that they were not given enough information or enough time to process the changes that occurred. In an effort to change this perception, the administration made sure that the procedures were not only posted in each unit but also placed on the inmate informational channel. Staff members were also updated on the changes through the communication phone service, unit meetings which in turn would ensure that inmates were given the correct information if they had questions. After review of the grievance numbers it is thought that the increase could also be attributed to the new handling of all PREA related incidents. Although the new process of handling the PREA incidents has increased the work load in the grievance department it is felt the benefits out weight the increased work load. The new procedure allows for better resource allocation through the tracking and handling of issues at an administrative level. After review of all fiscal information it is evident the inmate population is still utilizing the grievance process to resolve issues.

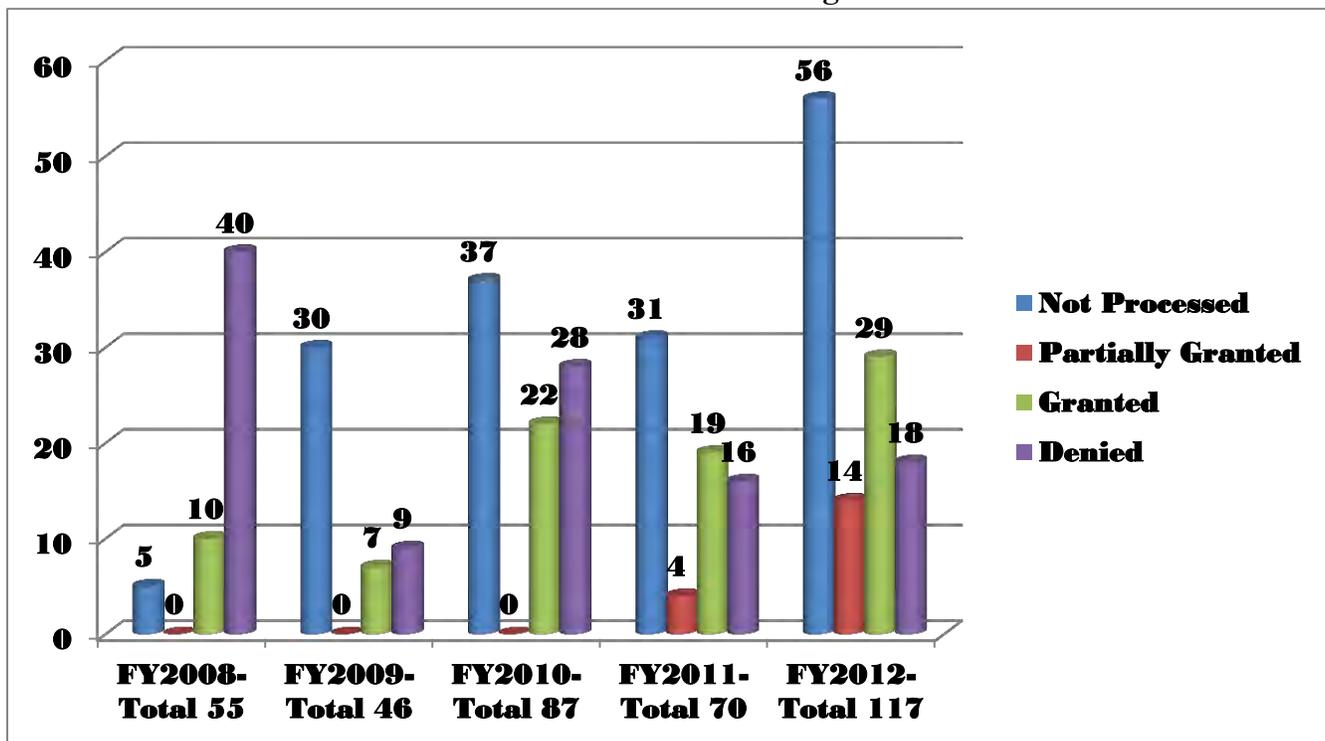
Montana State Prison  
Formal Grievances FY2008 through FY2012



Montana Women’s Prison’s grievance coordinator, Charlotte Dolezal, reports that MWP Informal Resolutions have been increasing; this increase started in April 2011 and has continued each month through June 2011. Medical had the highest number of informal resolutions. MWP has had several women with major medical issues this past year that chose to grieve issues related to their care. There was a significant change in Medical with RiverStone Health not renewing their contract for medical services. The new medical staff has been much more discerning in HSR’s they give out and have discontinued some of the medications that they felt were unnecessary. B Pod has had a trying year; there were some significant behavioral problems that resulted in block management for a while, followed by a Right Living Community General Meeting which lasted a few days. MWP has also tightened up the property requirements and has been firmly enforcing the changes. This change was grieved by many of the inmates.

Formal grievances increased at the end of the fiscal year in correlation to the informal resolutions. E pod had the highest number of formals followed by B Pod, thus having switched positions with the informal resolutions. Medical is the highest area that was grieved. Generally speaking, medical grievances have usually been the highest number of appeals. The formals are evenly spread out as well among the remaining categories to grieve. Two of the women with medical issues that filed grievances on many issues have been discharged so we will most likely see a major drop in medical grievances in the coming fiscal year. MWP had a lot of turnover in staff this fiscal year, so training will be a key issue as we move into fall. MWP began talking and planning at the end of this fiscal year in regards to changes in officer staffing on the pods, this may also decrease some of the grievances as well. The staff grievances generally increase when the officers rotate and Ms. Dolezal will continue to monitor the trends in regards to these issues in FY2012.

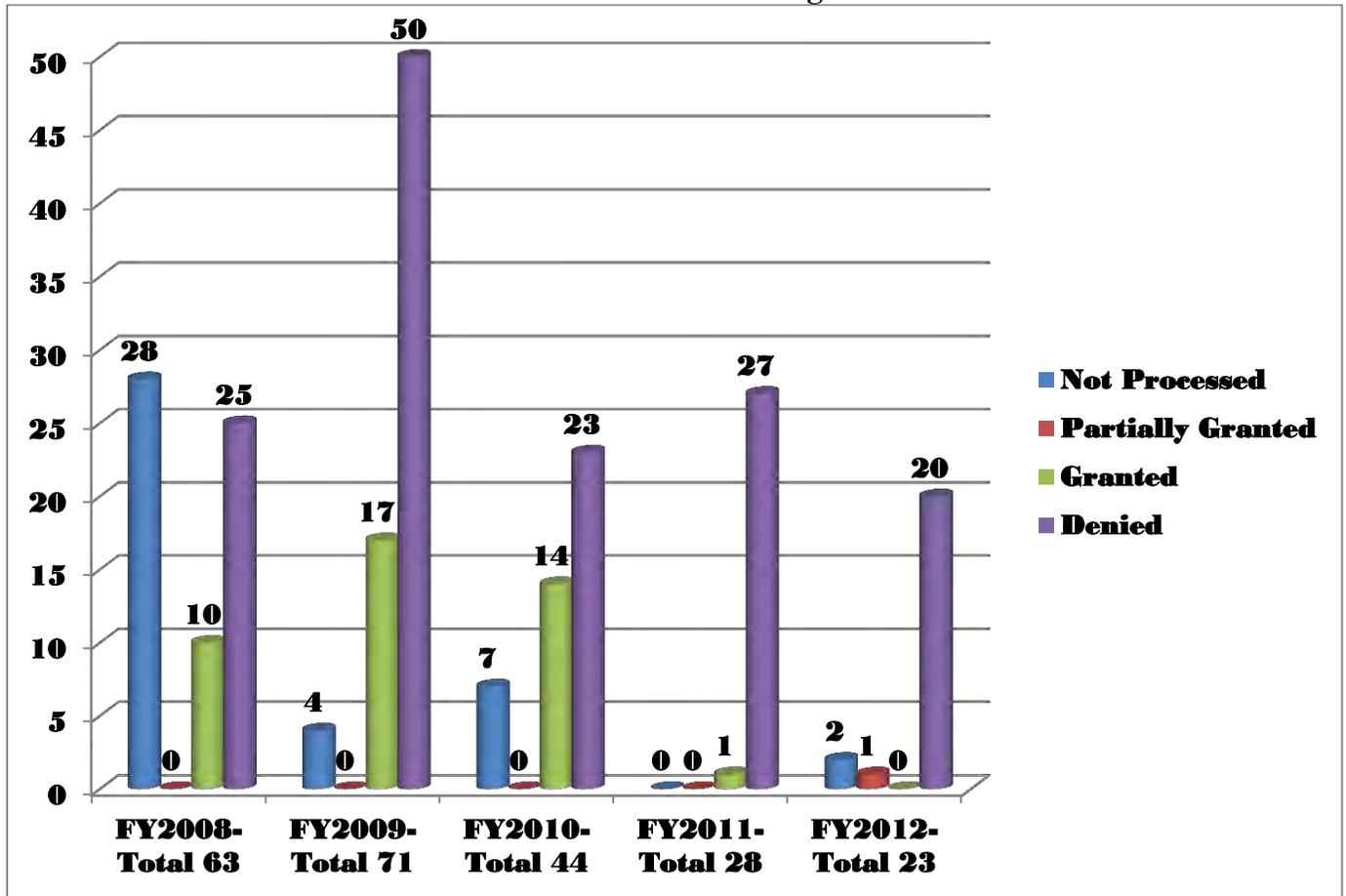
**Montana Women’s Prison  
Formal Grievances FY2008 through FY2012**



Great Falls Regional Prison grievance coordinator, Officer William Komar, reports a decrease this fiscal year in formal grievances filed. Though there were only 23 formal grievances filed there were 249 informal resolutions filed this year. Of the 249 there were 63 resolved through granting or partially granting the requested action. The remaining informal resolutions that were not processed or denied were responded to in such a way that the inmate was satisfied enough with the response enough to decide not to proceed in all but the 23 cases.

Food Service was the highest grieved department and category for this facility; followed by Medical and Mail/Correspondence. These were issues related to quality of service, care and disallowed items. These are areas that the facility is working diligently on improving even though through investigation these complaints were not found to be valid and denied in the grievance response. Great Falls Regional Prison administrators utilize the information from the grievance program to look for areas to improve in operations and respond accordingly.

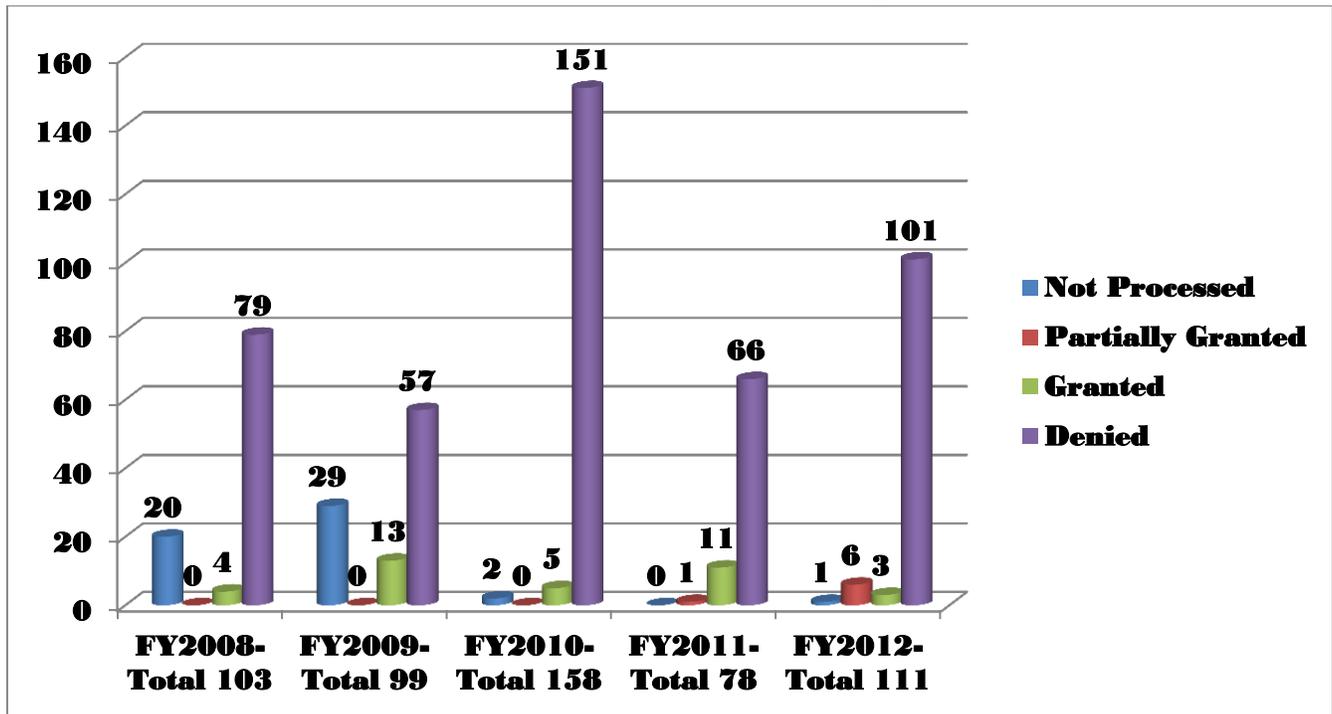
Great Falls Regional Prison  
Formal Grievances FY2008 through FY2012



**Dawson County Correctional Facility** grievance coordinator, Wayne Heimbuch, reports an increase in formal grievances this fiscal year. The total of 111 formal level grievances filed is higher than the 78 filed fiscal year 2011 but relatively close to the years prior to 2011. He states that Food Service and Policy were the highest grieved areas for this facility. Food Service has had numerous issues to contend with, most notably the quality of the food. The beans tend to not be cooked enough to be softened and the fruit is often times either not ripe when served or over ripened and too soft. As the department is following the menu set for the day if a fruit such as bananas is on the menu that is what is served to the inmates, regardless of if the fruit is ripe or not. It should be noted that nutritionally serving the fruit in the un-ripened state or over-ripe state does not affect the value, just the palatability to the consumer. Dawson County Correctional Facility Administrators are currently working on viable solutions such as switching the fruit on the menu for one of equal value that is in a better state on that date for palatability. This affects many aspects of operations and any changes will require further research, but is an area for improvement that was identified through the grievance process this year.

The Policy/Procedure grievances that were filed this year focused mainly on the Religious Activities Center practice of Sweat or lack thereof at this facility. Currently due to the physical plant and security needs of the facility there is no Sweat activity offered. Inmates that attended this activity at other facilities prior to transfer here grieved that they were not being afforded to same opportunity as other inmates at other facilities. They asked that policy be changed to require this facility to offer this activity. As there is no funding available at this time to build the necessary secure area for this activity this issue will continue to need attention in the future fiscal year.

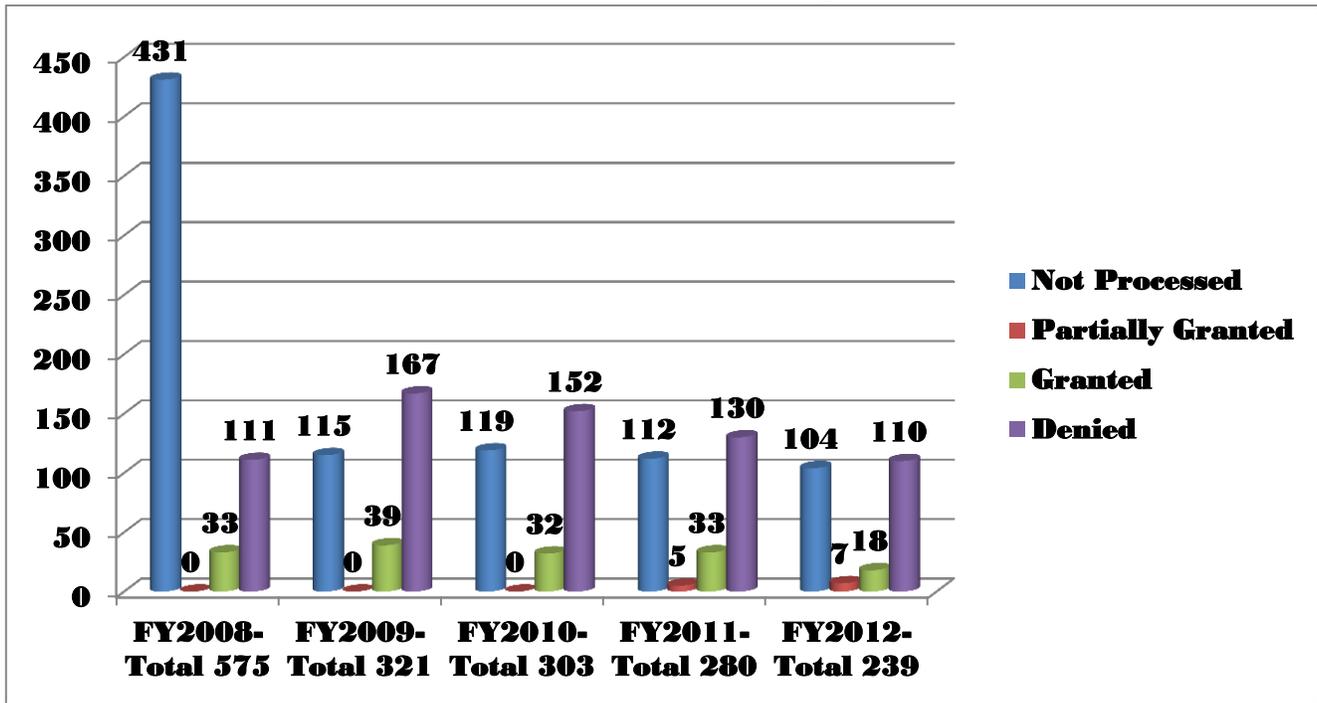
**Dawson County Correctional Facility  
Formal Grievances FY2008 through FY2012**



**Crossroads Correctional Center** The Grievance Coordinator position has had change in regards to different staff holding the position through this fiscal year. At the time of this report the position is currently vacant with Associate Warden Timothy Shoop overseeing this area until a replacement is hired.

A review of the grievance report for fiscal year 2012 shows that there were 239 grievances filed with Medical and Property listed as the highest grieved departments. These departments historically have been the highest grieved for this facility due to the high volume of inmates that utilize each of them. With no current staff member to advise on trends at this facility there is nothing further to note.

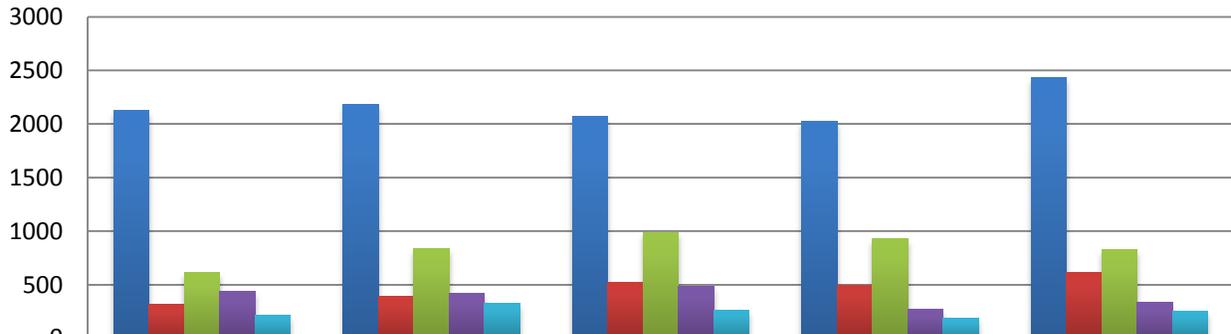
**Crossroads Correctional Center  
Formal Grievances FY2008 through FY2012**



\*FY2008 Not Processed Number is an unexplained error by CCA and was not included in the DOC Formal Grievance Totals due to the error.

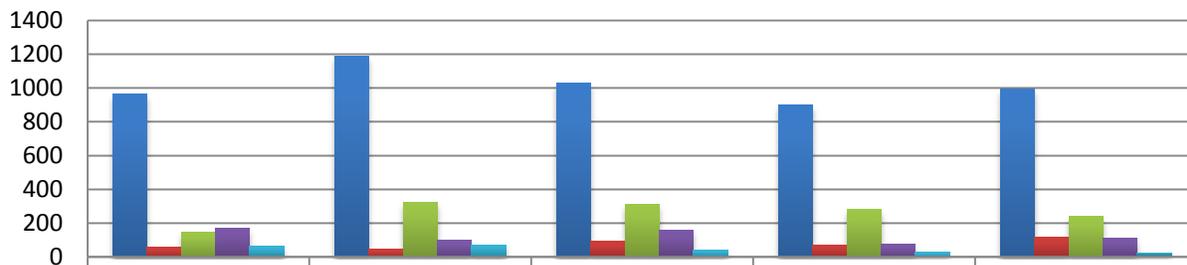
## DOC Combined Section

### Informal Resolutions Submitted by Facility FY2008 through FY2012



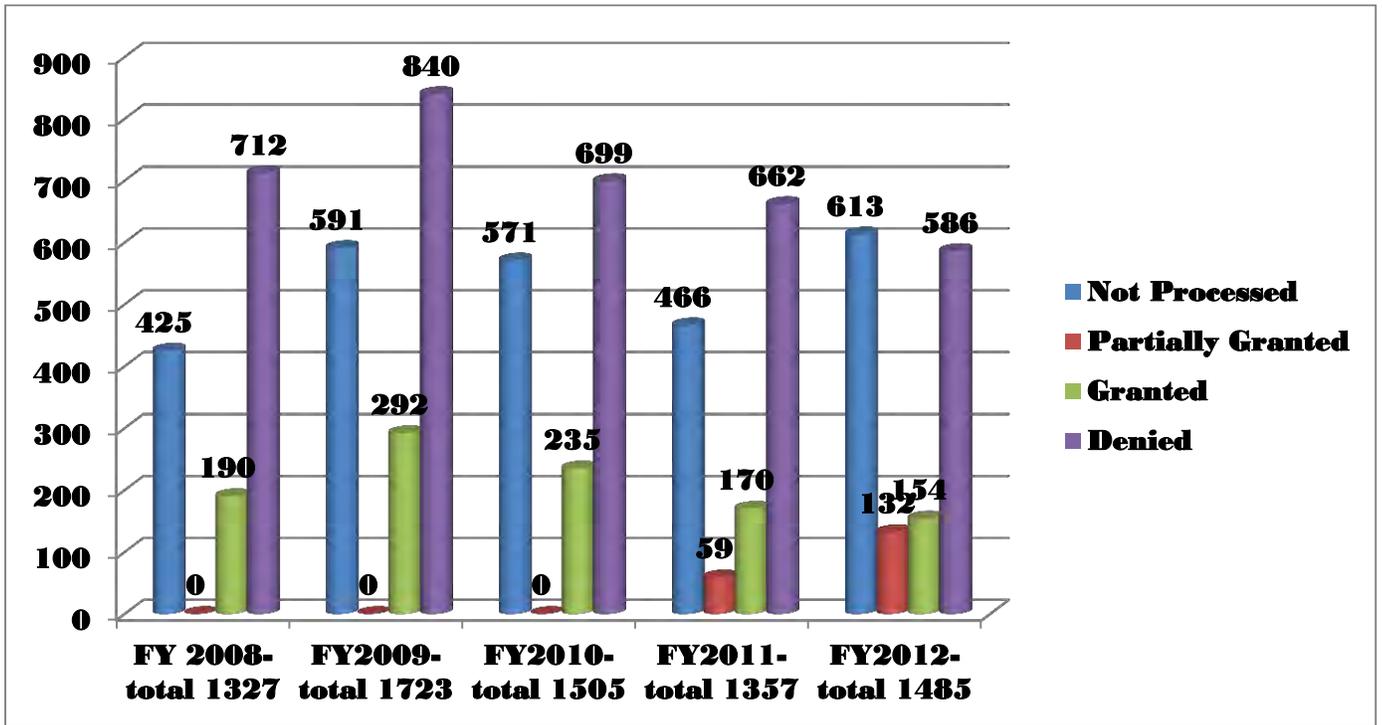
	FY2008- Total 3718	FY2009- Total 4162	FY2010- Total 4330	FY2011- Total 3911	FY2012- Total 4465
MSP	2130	2187	2071	2027	2437
MWP	317	392	524	497	614
CCC	611	836	989	932	827
DCCF	443	419	484	269	338
GFRP	217	328	262	186	249

### Formal Grievances Submitted by Facility FY2008 through FY2012



	FY2008- Total 1394	FY2009- Total 1723	FY2010- Total 1625	FY2011- Total 1357	FY2012- Total 1485
MSP	962	1186	1026	901	995
MWP	55	46	91	70	117
CCC	144	321	308	280	239
DCCF	170	99	158	78	111
GFRP	63	71	42	28	23

DOC Combined Total  
FORMAL RESPONSES

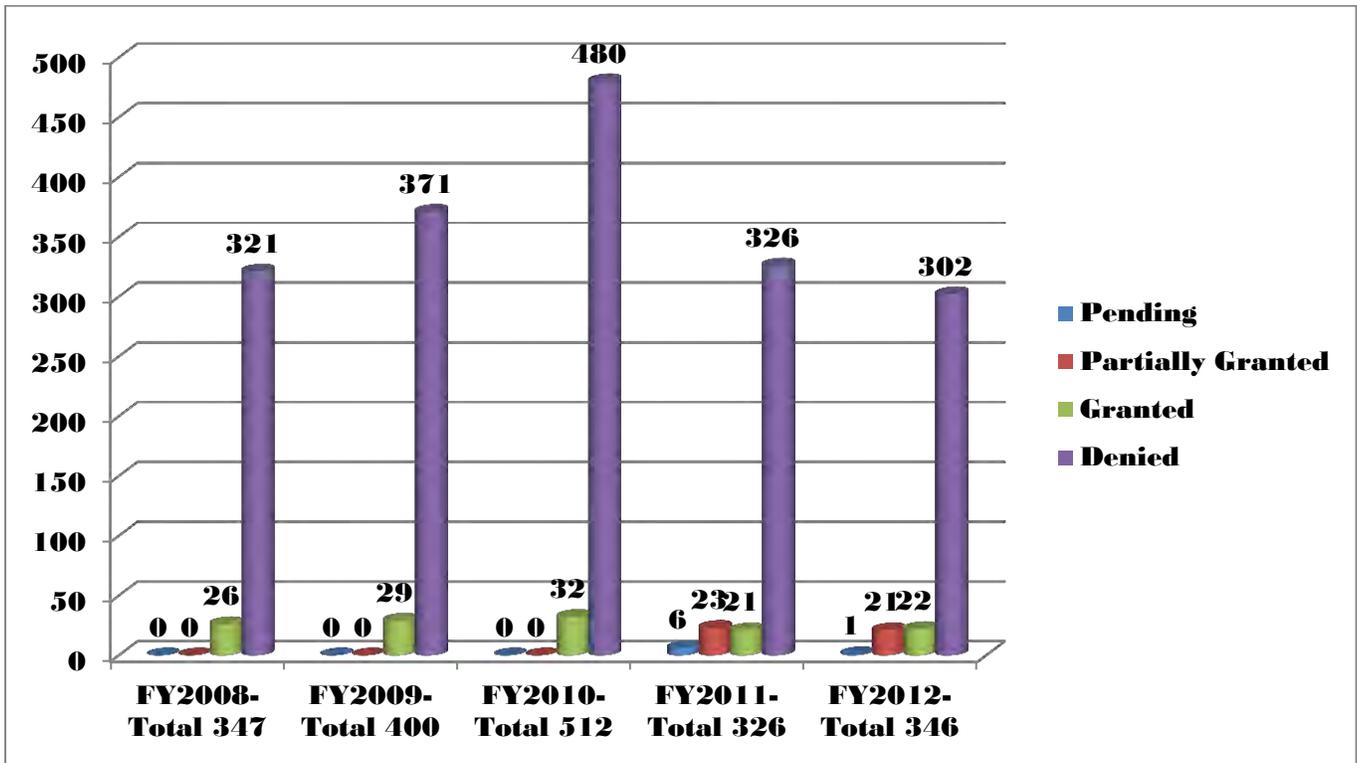


\*FY2008 Not Processed Number is an unexplained error by CCA and was not included in the DOC Formal Grievance Totals due to the error.

The total numbers of DOC formal grievances increased this fiscal year. This increase was driven by the increase in policy grievances seen at Montana State Prison and Dawson County Correctional Facility. As all policy grievances are responded to at the formal level by the Warden or designee if an immediate change was not implemented in response to the grievance the action requested was noted for consideration at the regularly scheduled review of that specific policy. The average number of formal grievances filed from fiscal year 2008 through fiscal year 2012 was approximately 1,479. This is just 6 less than the amount filed in 2012. Fiscal year 2009 was over 200 more than the next highest year, 2010. The high number of grievances filed in 2009 was related to policy changes as well. Inmates often are uncomfortable with change or feel that information about the change is not relayed to them in a manner that they understand and as a direct result they choose to grieve the change.

The increase in “Not Processed” grievances in fiscal year 2012 is a result of a few inmates being on a grievance restriction that limits the type or amount of grievances they can file. This restriction is a direct result of their behavior choice and often times when on restriction the inmate still chooses to file a grievance that is in violation of their restriction. These grievances are then not processed per policy and increase the number in this category for the time they are on restriction. Though these are officially not processed grievance coordinators still review every grievance to identify if a valid issue exists and render assistance if necessary.

**DOC Combined Total  
WARDEN APPEAL RESPONSES**

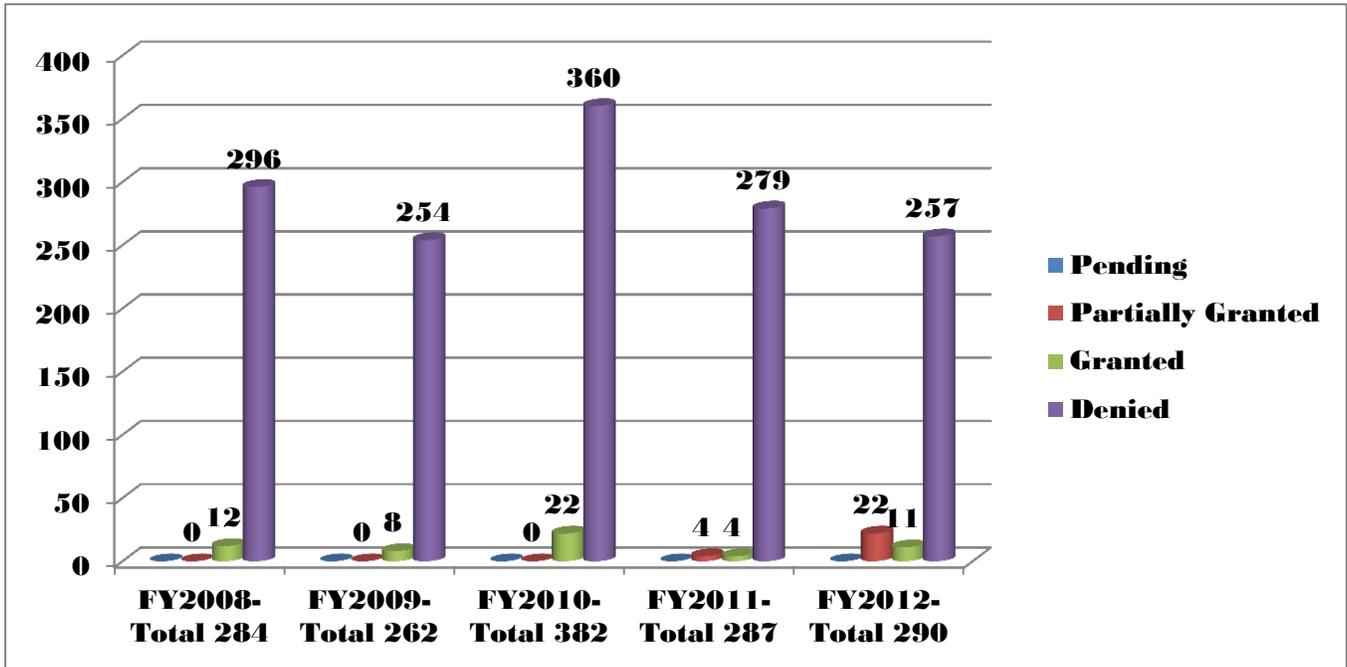


The total numbers of Warden level appeals have increased slightly this fiscal year. There was no specific issue to note on the increase other than grievance coordinators ensuring that inmates are notified or educated in regards to their right to appeal grievances that were denied or only partially granted. Inmates then can choose for themselves if they wish to continue the process. The one pending grievance response for fiscal year 2012 was due to a Warden level at Montana State Prison that Medical Staff misplaced and a response was not given. The inmate then chose to appeal to the Director due to no response in the time frames allowed. The Director researched the issue and then responded appropriately to the grievance.

The numbers of Warden level appeals are relatively close from year to year with the exception of fiscal year 2010. This increase in 2010 was due to a procedural change which added a four step process for the medical grievances. This change allows for the medical director to respond at the Warden level for all medical and mental health grievances prior to the Director. This increased the number of appeals temporarily during that transition.

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.

**DOC Combined Total  
DIRECTOR APPEAL RESPONSES**



The DOC Director level appeals have increased by three between FY2011 and FY2012. Overall the percentage of inmates that choose to escalate their grievance to the Director Level is relatively steady between each fiscal year with one high year in 2010. The increase in 2010 was a result of policy and staff conduct grievances that were filed. These are responded to by the Warden or designee and therefore the only appeal is to the Director.

## DOC COMBINED TRENDS

<b>Highest Grieved <i>Departments</i> by Facility FY2008 through FY2012</b>							
<b>FY</b>	<b>Department</b>	<b>MSP</b>	<b>MWP</b>	<b>CCC</b>	<b>DCCF</b>	<b>GFRP</b>	<b>Totals</b>
<b>FY2008</b>	Units/Housing	115	0	3	0	0	<b>118</b>
	Med./Infirmary	158	7	28	28	8	<b>229</b>
	Administration	145	12	0	0	6	<b>163</b>
	Security	62	0	38	1	0	<b>101</b>
<b>FY2009</b>	Med./Infirmary	166	4	45	2	11	<b>228</b>
	Property	139	2	0	18	11	<b>170</b>
	Administration	305	0	0	0	2	<b>307</b>
	Security	102	1	9	0	3	<b>115</b>
<b>FY2010</b>	Units/Housing	133	9	72	0	15	<b>238</b>
	Med./Infirmary	128	15	0	34	0	<b>177</b>
	Property	102	0	0	0	3	<b>105</b>
	Administration	92	5	0	0	3	<b>100</b>
<b>FY2011</b>	Units/Housing	291	37	77	2	1	<b>408</b>
	Med./Infirmary	115	18	46	14	3	<b>196</b>
	Property	85	6	39	6	5	<b>141</b>
	Mailroom	79	2	8	3	6	<b>98</b>
<b>FY2012</b>	Units/Housing	255	40	27	18	1	<b>341</b>
	Med./Infirmary	159	42	46	10	5	<b>262</b>
	Property	73	7	36	8	2	<b>126</b>
	Policy/Procedure	91	6	1	14	1	<b>113</b>

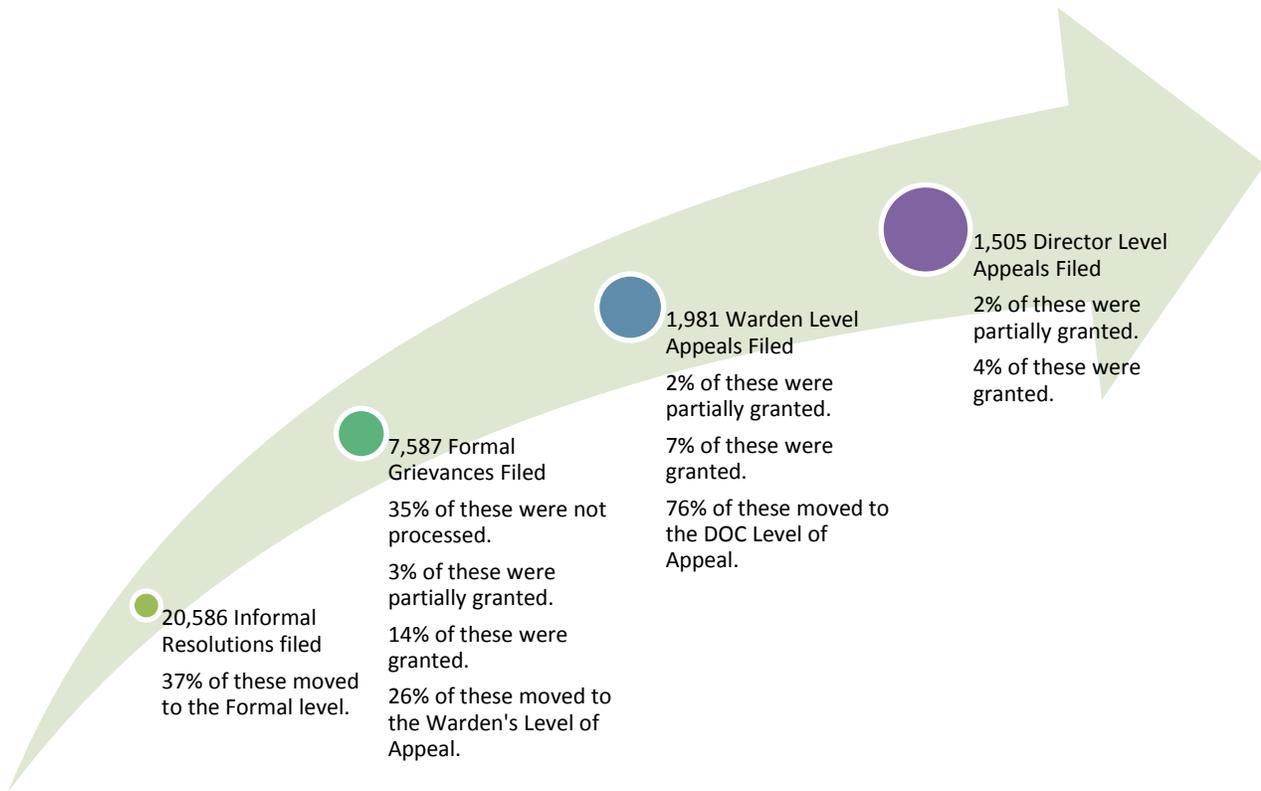
\*This includes all housing units at the facility. \*\* Includes Medical, Infirmary, Dental, Vision and Mental Health.

## Highest Grieved *Categories* by Facility FY2008 through FY2012

<b>FY</b>	<b>Department</b>	<b>MSP</b>	<b>MWP</b>	<b>CCC</b>	<b>DCCF</b>	<b>GFRP</b>	<b>Totals</b>
<b>FY2008</b>	Policy/Procedure	70	12	14	16	2	<b>114</b>
	Med./Infirmary	139	7	31	20	11	<b>208</b>
	Property	180	4	19	16	12	<b>231</b>
	Staff Actions	60	13	21	0	8	<b>102</b>
<b>FY2009</b>	Med./Infirmary	149	4	45	16	7	<b>205</b>
	Property	92	17	55	26	6	<b>170</b>
	Policy/Procedure	114	0	0	0	1	<b>115</b>
	Staff Actions	149	4	45	16	7	<b>205</b>
<b>FY2010</b>	Staff Actions	160	2	0	0	0	<b>162</b>
	Med./Infirmary	176	7	13	10	3	<b>209</b>
	Property	122	9	72	9	15	<b>226</b>
	Miscellaneous	49	36	43	21	3	<b>103</b>
<b>FY2011</b>	Staff Actions	73	6	22	8	3	<b>112</b>
	Med./Infirmary	74	5	35	15	3	<b>132</b>
	Disallowed or confiscated Property	86	0	18	0	3	<b>107</b>
	Policy/Procedure	50	13	8	2	0	<b>73</b>
<b>FY2012</b>	Lost/Damaged by Staff	52	0	24	4	1	<b>81</b>
	Med./Infirmary	92	21	32	10	3	<b>158</b>
	Disallowed or confiscated Property	101	4	3	1	2	<b>111</b>
	Policy/Procedure	76	2	2	7	0	<b>87</b>

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

## FY2008 through FY2012 Combined DOC Grievance Flow



### Conclusion

Annual reports from each facility were reviewed and compared to FY2008, FY 2009, FY2010, FY2011 and FY2012 for this report. Overall the same departments or categories are the highest grieved areas each fiscal year. Though staff and administrators continually work to improve operations due to the volume of inmates that these departments work with on a regular basis there will always be room for improvement or an inmate that is not satisfied with a service provided for various reasons. If there had not been significant policy or procedural changes this past fiscal year the amount of grievances would have been reduced for a third year. With the changes administrators are making to help better the communication of change to inmates there should not be such a marked increase in grievances in years that policies are updated or improved upon.

### Appendix

FY 2012 Statistical Report for the MDOC – pages 13 through 17

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

**FROM: Technical Correctional Services Bureau**

**SUBJECT: Annual Inmate Grievance Statistical Report: FY 2012 (July 2011 – June 2012)**

**DATE: December 26, 2012**

**General Comments/Overview:**

Overall the amount of grievances has increased slightly this past fiscal year. This was a direct result of numerous policy changes to areas that directly affect inmates on a regular basis such as Correspondence, Visiting and Property; and the inmates discomfort with these changes.

**Number of Informal Resolutions Filed: 4465**

<b>MSP</b>	2437	<b>MWP</b>	614	<b>CCC</b>	827	<b>DCCF</b>	338	<b>GFRP</b>	249
------------	------	------------	-----	------------	-----	-------------	-----	-------------	-----

**Number of Formal Grievances Filed: 1485**

<b>MSP</b>	995	<b>MWP</b>	117	<b>CCC</b>	239	<b>DCCF</b>	111	<b>GFRP</b>	23
------------	-----	------------	-----	------------	-----	-------------	-----	-------------	----

Informal Grievances Submitted by Inmate Location: Total: 4465

<b>LOCATION:</b>	<b>July 2011</b>	<b>Aug 2011</b>	<b>Sept 2011</b>	<b>OCT 2011</b>	<b>Nov 2011</b>	<b>Dec 2011</b>	<b>Jan 2012</b>	<b>FEB 2012</b>	<b>Mar 2012</b>	<b>April 2012</b>	<b>May 2012</b>	<b>June 2012</b>
MSP -	189	233	211	211	214	213	175	209	170	153	184	275
MWP -	40	37	39	43	45	37	49	56	49	69	73	77
CCC -	50	73	71	79	80	56	57	85	73	68	51	84
DCCF -	31	32	28	41	22	50	33	20	16	35	17	13
GFRP -	11	17	10	18	38	11	34	12	23	23	27	25

FORMAL GRIEVANCES SUBMITTED BY INMATE LOCATION: TOTAL: 1485

LOCATION:	July 2011	Aug 2011	Sept 2011	OCT 2011	Nov 2011	Dec 2011	Jan 2012	FEB 2012	Mar 2012	April 2012	May 2012	June 2012
MSP -	62	96	73	88	104	109	102	69	100	73	66	53
MWP -	11	5	6	4	8	3	9	8	11	17	16	19
CCC -	20	28	21	21	17	15	14	25	20	26	12	20
DCCF -	10	16	12	14	12	15	18	0	2	5	5	2
GFRP -	1	0	4	0	1	2	4	1	6	0	1	3

FORMAL GRIEVANCES SUBMITTED BY DEPARTMENT/UNIT GRIEVED: TOTAL: 1485

DEPARTMENT	MSP	MWP	CCC	DCCF	GFRP	DEPARTMENT	MSP	MWP	CCC	DCCF	GFRP
Accounting	13	0	10	1	1	Mailroom	84	2	12	3	3
Administration	35	0	3	1	1	Maintenance	1	1	0	2	0
Canteen	18	0	7	0	0	Mental Health	21	1	1	1	0
Classification	15	0	15	2	0	Policy/Procedure	91	6	1	14	1
Contract placement	3	0	1	2	0	Property	73	7	36	8	2
Dental	6	2	4	2	0	Records	8	0	0	2	0
Disciplinary	28	0	1	5	1	Security	32	0	16	7	0
Rehab. Service/Education/ Library	28	4	6	8	2	Treatment	27	1	3	1	0
Food Service	32	3	18	11	5	Visiting	12	6	5	7	0
Grievance	7	0	3	1	0	Disability Related	17	0	0	0	0
Hobby	0	0	1	0	0	Transportation	6	0	0	0	1
Industries- MCE	15	0	0	0	0	Religious Activities Center	24	2	19	4	0
Infirmary (Medical/Vision)	138	41	45	9	5	Units/Housing	255	40	27	18	1
Other	1	0	0	0	0	Intake	0	0	0	0	0
Investigations	2	1	0	0	0	Warehouse	0	0	3	0	0
IPPO	2	0	2	2	0	Inmates	1	0	0	0	0

Formal Grievance Submitted By Type of Complaint: (The Not processed not included in this portion) Total: 872

TYPE	MSP	MWP	CCC	DCCF	GFRP	TYPE	MSP	MWP	CCC	DCCF	GFRP
Sentence Calculations	5	0	0	1	0	Offender/Staff Communication	7	0	0	3	2
Lost/Damaged by Staff	52	0	24	4	1	Privileges	21	4	6	16	0
Disallowed or confiscated improperly	101	4	3	1	2	Work Program/Job Opportunities	5	0	0	1	0
Lost/Damaged inter-facility	0	0	0	2	0	Staff Actions	45	10	7	14	0
Offender Funds	17	0	8	0	1	Business Practice/Canteen	21	0	4	0	0
Access to Courts	0	0	0	1	0	Staff Conduct (Physical/Verbal/Retaliation)	33	4	2	12	1
Mail/Correspondence/Publications	16	1	10	4	3	Policy	76	2	2	7	0
Religious freedoms/Activities	7	3	10	4	1	Medical	65	18	30	7	3
Food	11	2	14	10	5	Dental	5	2	1	2	0
Disability accommodations	8	0	0	0	0	Mental Health	15	1	1	1	0
Sanitation/Hygiene	7	0	1	3	1	Vision	7	0	0	0	0
Security	1	0	6	6	0	Emergent-Actual/Threaten Assault	0	0	0	0	0
Records	2	0	0	3	0	Emergent-Actual/Threaten failure to treat	1	0	0	0	0
Education/Rehab. services	3	3	4	6	1	Emergent-Actual/Threaten institutional neglect/harm	0	2	0	0	0
Grievance Ruling	0	0	1	1	0	Emergent- PREA-Inmate/Inmate	0	1	0	0	0
Library Services	4	3	1	1	0	Emergent- PREA-Staff/Inmate	10	1	0	0	0

Grievances Not Processed Due To: Total: 613

<b>REASON:</b>	<b>MSP</b>	<b>MWP</b>	<b>CCC</b>	<b>DCCF</b>	<b>GFRP</b>
Abuse of process	166	9	10	0	0
Violation of Grievance Notice	31	1	0	0	0
Improper/no informal resolution	22	20	66	0	0
Inmate request	8	0	1	1	1
Technical	101	16	9	0	1
Non-grievable (classification)	40	0	12	0	0
Non-grievable (no jurisdiction)	13	0	4	0	0
Non-grievable (disciplinary)	54	0	0	0	0
Non-Emergent	15	10	2	0	0

GRIEVANCES GRANTED DUE TO: TOTAL: 286

<b>REASON:</b>	<b>MSP</b>	<b>MWP</b>	<b>CCC</b>	<b>DCCF</b>	<b>GFRP</b>
Partially Granted	104	14	7	6	1
Evidence/staff supports claim	33	4	9	1	0
Request action is reasonable	71	25	9	2	0

GRIEVANCES DENIED DUE TO: TOTAL: 586

<b>REASON:</b>	<b>MSP</b>	<b>MWP</b>	<b>CCC</b>	<b>DCCF</b>	<b>GFRP</b>
Current policy/practice/procedure is appropriate.	133	4	27	29	2
Evidence does not support claim.	94	2	34	61	6
Not medically indicated/necessary	52	1	20	5	3
Staff response is appropriate.	58	11	29	6	9

Appealed to Warden/Administrator/Designee: Total: 346

<b>DISPOSITION OF APPEAL:</b>	<b>MSP</b>	<b>MWP</b>	<b>CCC</b>	<b>DCCF</b>	<b>GFRP</b>
Appeal Partially Granted	20	0	1	0	0
Appeal Granted	11	6	3	2	0
Appeal Denied	160	25	44	64	9
Appeal Pending from Inmate	0	0	0	0	0
Appeal Response Pending	1	0	0	0	0

Appealed to Department of Corrections: Total: 290

<b>DISPOSITION OF APPEAL:</b>	<b>MSP</b>	<b>MWP</b>	<b>CCC</b>	<b>DCCF</b>	<b>GFRP</b>
Appeal Partially Granted	21	0	0	0	1
Appeal Granted	8	0	2	1	0
Appeal Denied	170	16	32	33	6
Appeal Pending from Inmate	0	0	0	0	0
Appeal Response Pending	0	0	0	0	0