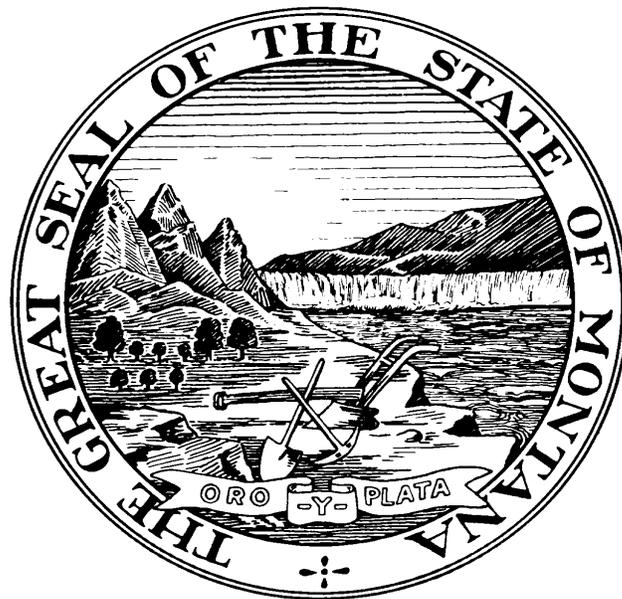


# FY2013 ANNUAL GRIEVANCE REPORT



12/4/2013

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 MSP Procedure 3.3.3.

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 (MSP)** grievance coordinator, Kristy Cobban, reports a decrease in the number of grievances filed in FY 2013. This is attributed to a reduction in policy changes and an increase in unit management teams resolving issues at the lowest level possible. Key issues that were grieved this fiscal year were maintenance issues with the MP3 player kiosks, requests for specific medical procedures or medications, lost or damaged property and staff located in the individual units. As the units, infirmary and property have regular contact with a large number of inmates and the kiosk system has a large user base these high numbers are not outside of the norm. The grievance department continues to work with Department IT on the OMIS functions to move towards the goal of all facilities utilizing this system for tracking and reporting purposes and expects movement forward on this project in the coming fiscal year. There was a noted decline in PREA reported incidents from last year. This is attributed to increased knowledge by the inmate population that standard clothed body searches are intrusive by nature but are not sexually based resulting in a decrease of false or inaccurate reports from inmates in regards to this issue. This year MSP tracked the amount spent on granted informal resolutions and granted formal grievances resulting in a total cost to MSP of \$3,488.85. This information was distributed to Warden Kirkegard and his direct reports so they could address any areas of concern or areas for improvement with their staff. Kristy Cobban has spoken to the other grievance officers about the value of tracking this information by department and hopes that each facility will be able to provide this information for future reports.

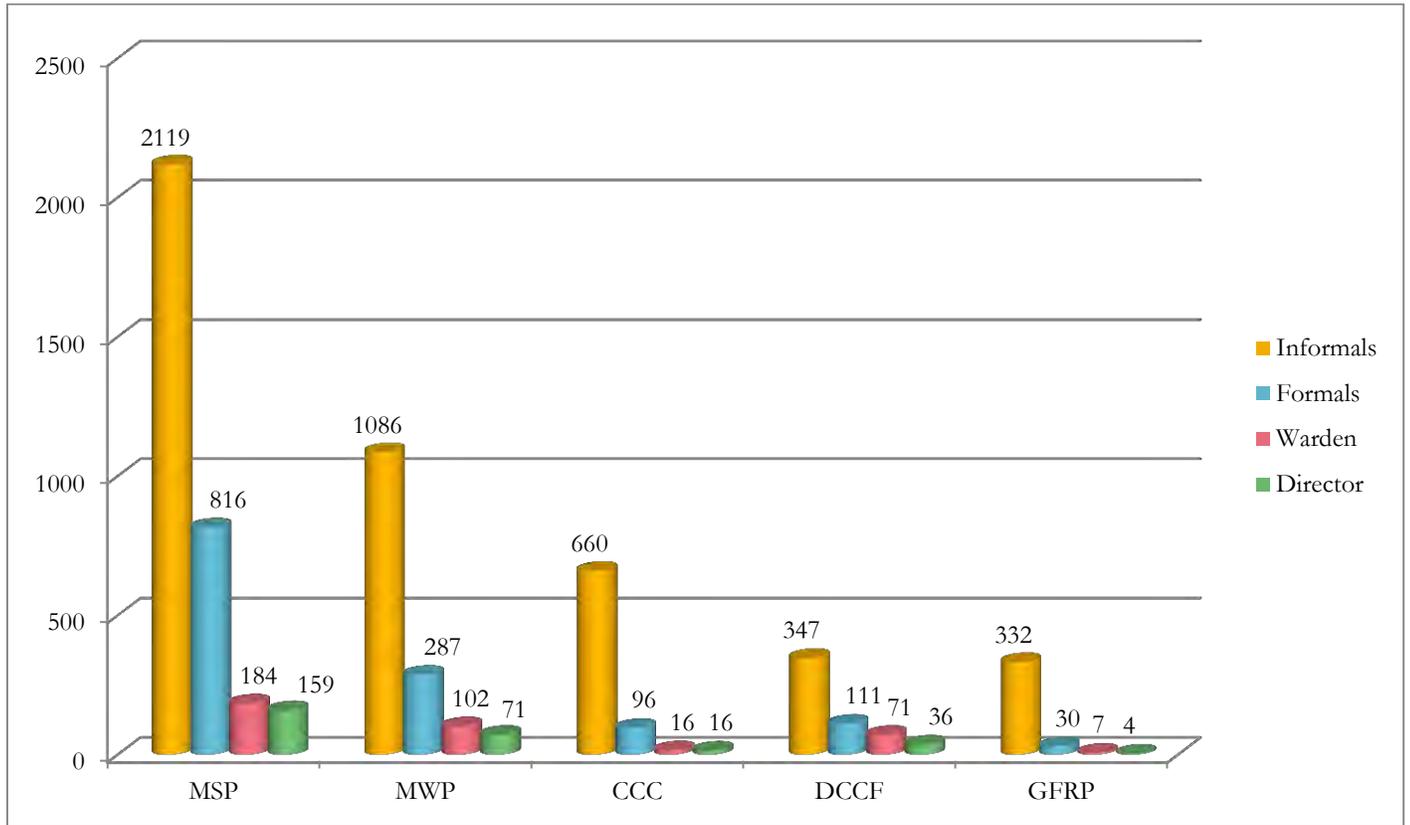
**Montana Women's Prison's (MWP)** grievance coordinator, Charlotte Dolezal, reports that grievances increased significantly this fiscal year due to several changes at the facility. The largest issue grieved at MWP was a coffee restriction put in place for inmate safety due to the construction of a "coffee bomb" that would then be consumed by inmates. Due to the health risks, and issues resulting from this creation, staff intervened with a coffee restriction. This has since been resolved by facility administration. In addition, a new medical provider was hired during FY 2013 and many inmates filed a grievance in regards to medical to have their issues addressed with medical staff. Through the assurance of administrators inmates were re-directed to the proper procedure to address these issues more directly. One inmate filed a large amount of grievances related to medical on issues she has previously grieved. Ms. Dolezal attempted to educate this inmate regarding the abuse of the grievance process but to no avail. These issues resulted in an increase in the number of grievances at this facility even if they were not processed.

**Crossroads Correctional Center (CCC)** grievance coordinator, James Crandall, reports a significant decrease in the number of grievances filed at CCC this fiscal year. This is attributed to CCC having unit teams and administrators more visible and available to inmates; that this increased access is during mealtimes has also allowed inmates to communicate their issues or concerns in person without having to utilize the grievance process. They have enhanced supervision and are taking responsibility for any issues that arise immediately instead of waiting for an inmate to address an issue in grievance format. Medical, mail and staff were the highest grieved areas this past year at this facility. This is attributed to the high contact with offenders these areas have and therefore more opportunity for errors or perceived errors.

**Dawson County Correctional Facility (DCCF)** grievance coordinator, Wayne Heimbuch, reports receiving the exact same number of formal level grievances as the previous fiscal year. There was a small increase in informal resolutions filed. The inmates this past year were attempting to compare their medical services to MSP and were unhappy that it operates differently. Policy and Medical were the highest grieved areas for this facility and this is directly related to this operational difference. They have had an increased amount of issues resolved at the OSR level thus not needing to progress to utilization of the grievance process allowing DCCF to maintain a low number per population base. Mental Health contracted staff come three times per week and has not been grieved since this system was implemented. This is seen as a great asset at this facility and they hope to maintain this availability. Work programs or an opportunity for work was also a highly grieved area. The lack of current opportunities based on facility size is a change for many offenders who transfer to DCCF from larger facilities so they grieve this issue. This is being addressed by MCE currently as they are looking at viable sustainable options that will best fit the facilities space and staffing restraints.

**Great Falls Regional Prison (GFRP)** grievance coordinator, Officer William Komar, reports a small increase in formal level grievances filed this fiscal year. The number is still low in comparison to other facilities and this is attributed to the staff's belief that open communication with inmates has been essential; as well as consistency in the type of responses given by individual staff members even with many staffing changes. There was a switch from hot to cold breakfast and this facility now utilizes powdered milk which is reflected in the September informal grievance numbers being double that of any other single month this fiscal year. In July the main swamp cooler failed on a weekend due to a breaker issue and thus inmates filed grievances against maintenance as they perceived it as being too hot at the facility without the cooler operating. The temperatures were closely monitored by administrators and at no time did the temperature rise above normal operational ranges. This facility reported the infirmary was the highest grieved area for the formal level grievances. This is due to the amount of inmates that utilize the infirmary and the perception that they need to file a grievance to get a certain medication or procedure approved. This procedure approval process when non-emergent can be lengthy and therefore inmates become impatient and file a grievance in an attempt to resolve the issue. Mr. Komar has addressed this issue through ongoing individual education of the proper process with inmates at this facility.

## DOC Combined for Fiscal Year 2013 by Type of Grievance

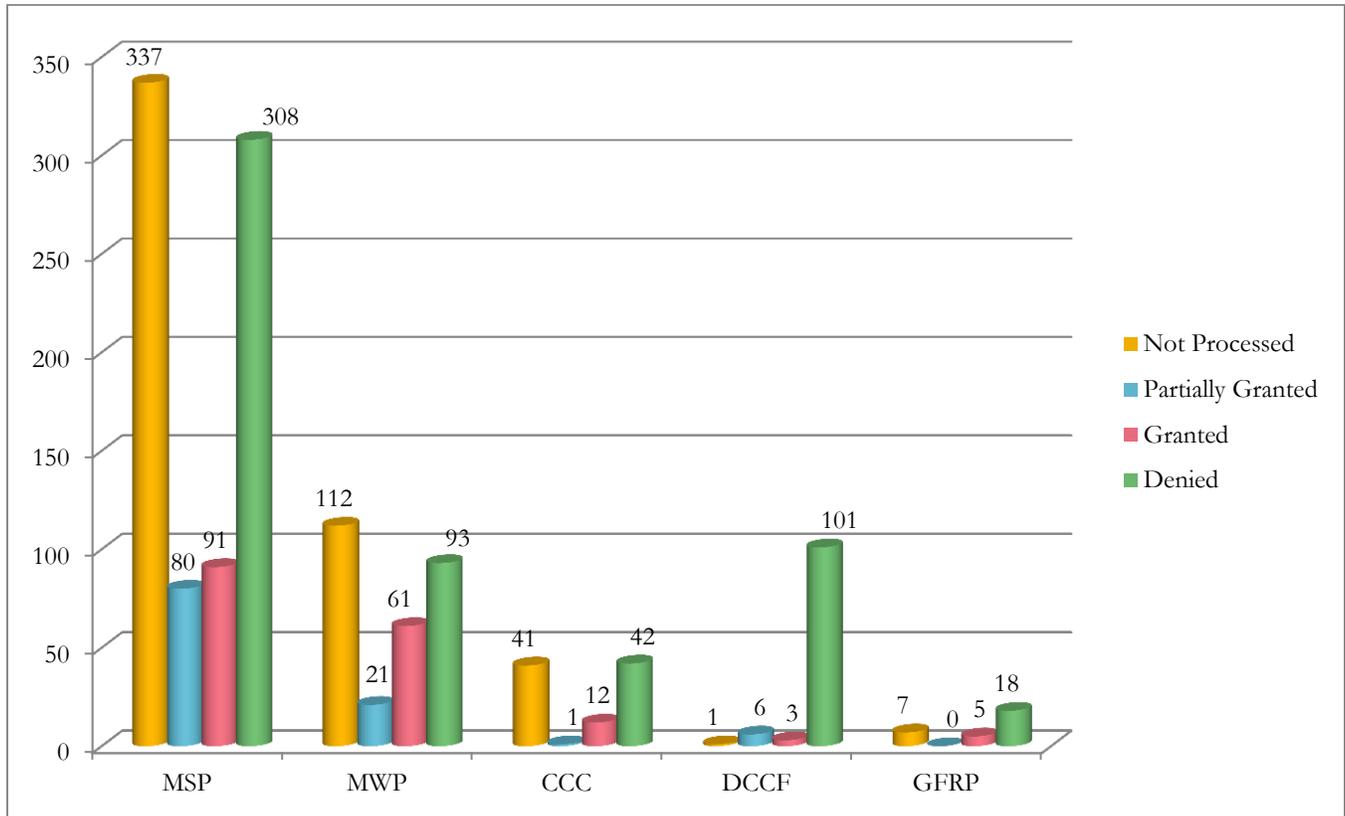


Fiscal year 2013 resulted in a decrease in informal resolutions and formal grievances filed at MSP and CCC where MWP and GFRP saw an increase in informal resolutions and formal grievances filed at their facilities. DCCF saw a very slight increase in informal resolutions and had the same number of formal grievances as the previous year. Formal grievances show the most significant changes for each facility with an 18% decrease for MSP; a 69% increase for MWP; a 67% decrease for CCC; DCCF remained unchanged; and a 30% increase for GFRP.

Departments that had a significant increase in formal level grievances were: Canteen, Classification and Mental Health. Canteen had issues with the kiosks operating properly. Many inmates chose to grieve in an attempt to find resolution. Classification is a non-grievable issue but inmates unhappy with their custody or placement attempted to utilize the grievance procedure when the classification appeal process did not result in the inmate’s favor. Mental Health had a change in provider that resulted in some medication changes or reductions that inmates chose to grieve.

The type of formal level grievances that had a significant decrease from the previous year were: lost or damaged property; disallowed or confiscated improperly; Food; Staff Actions; Staff Conduct and PREA related reports. This is attributed to staff diligence in following policies or procedures and resolving issues at the lowest level possible.

## DOC Combined for Fiscal Year 2013 by Response Given at Formal Level

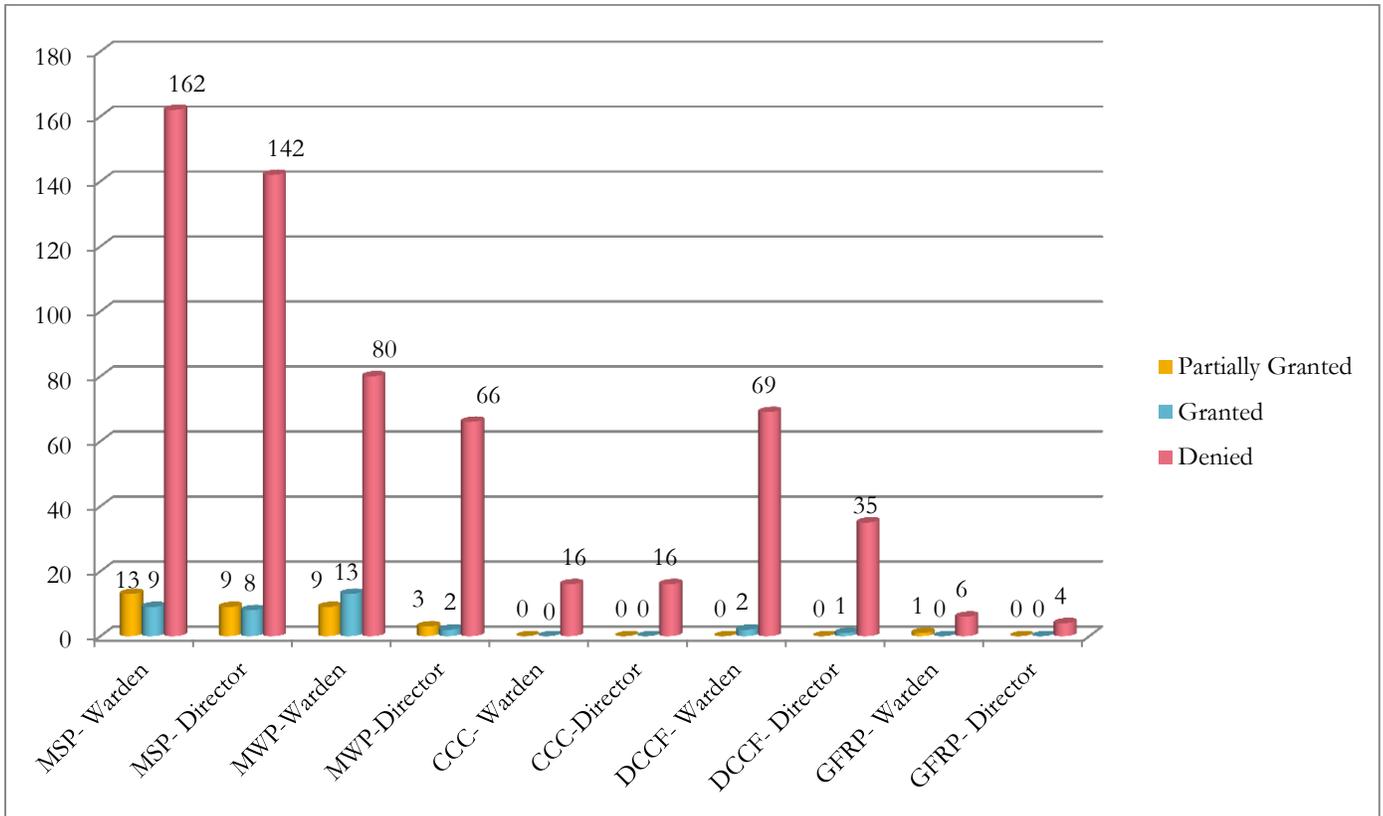


In Fiscal Year 2013 there was a reduction in the amount of grievances that were not processed. There was an increase in the amount of not processed grievances at MWP and GFRP. MWP reported that there was an inmate who was filing numerous grievances on the same issues which is a violation of policy and thus resulted in the grievances not being processed.

The amount of granted or partially granted formal level grievances was similar to the previous fiscal year. Each facility granted or granted in part at the following percentages based on the number of grievances filed at each facility: MSP 21%; MWP 29%; CCC 14%; DCCF 8%; and GFRP 16%.

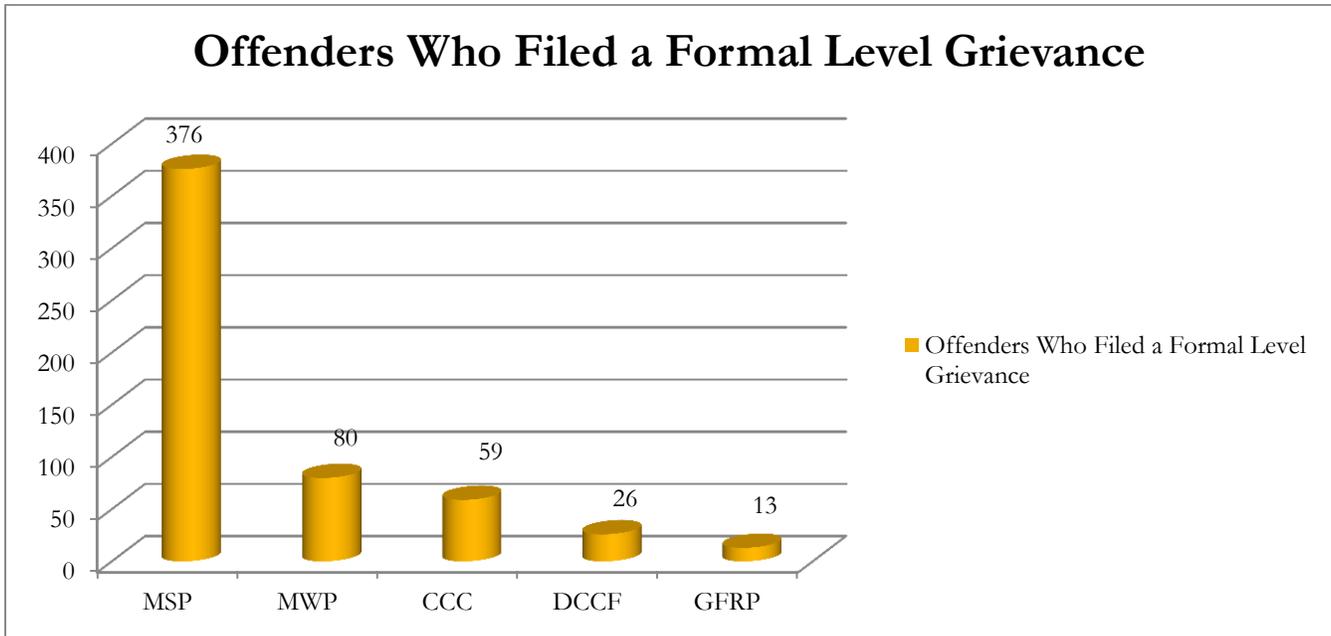
Formal level grievances that were denied reduced slightly and this is attributed to the number of grievances reducing from 1485 in Fiscal Year 2012 to 1340 in Fiscal Year 2013.

## DOC Combined for Fiscal Year 2013 by Response Given at Warden and Director Appeal Level



There were a total of 380 Warden level appeals and 286 Director level appeals this fiscal year. This was an increase of 34 Warden level appeals and a decrease of 4 Director level appeals in comparison with last fiscal year. This resulted in a few more granted appeals at the Warden level and a reduction in the amount granted at the Director level. This does however show that upper administration does indeed review each grievance closely and will take corrective action through the granting of the grievance if evidence supports the claim or a reasonable request for a change for the betterment of the facility is identified.

## DOC Combined for Fiscal Year 2013 Showing Number of Individual Offenders that Filed a Formal Level Grievance



This year we addressed how many individual inmates file formal level grievances at each facility. This allows a grievance officer or administrator to identify when an individual inmate or several inmates are driving the number of grievances for that facility for the year. MSP for example had 376 individual inmates file the formal level grievances this year resulting in 816 formal level grievances; showing that each inmate was on average responsible for at least 2 grievances being filed. Other facilities resulted in the following: MWP had 80 inmates accountable for the 287 grievances; CCC had 59 inmates accountable for the 96 grievances; DCCF had 26 inmates accountable for the 111 grievances; and GFRP had 13 inmates accountable for the 30 grievances. This further identifies that even if an inmate is placed on a grievance abuse notice resulting in the grievance not being processed our procedure is to still number it to account for it in the not processed section of the standardized report consequentially still showing a high number of grievances for the year even if they were all filed by one individual inmate.

### Conclusion

Administrators and Grievance Coordinators at each facility are working diligently to correct any issues or perceived issues at the lowest level possible through open communication and increased availability of staff to the inmate population. This has resulted in a decrease in formal level grievances since last fiscal year.

### Appendix

FY 2013 Statistical Report for the MDOC – pages 8-12; FY 2013 Individual Site Reports Supplemental

**TO:** Mike Batista, Montana Department of Correction Director  
**FROM:** Technical Correctional Services Bureau  
**SUBJECT:** Annual Inmate Grievance Statistical Report: FY 2013 (July 2012 – June 2013)  
**DATE:** December 04, 2013

**General Comments/Overview:**

Overall the amount of grievances has decreased since last fiscal year. Medical and Property are still the highest grieved areas in a majority of the facilities due to the large volume of inmates they have contact with each year. With the increase of staff visibility and availability at each facility this decline should continue in future years.

**NUMBER OF INFORMAL RESOLUTIONS FILED:** Total: 4544

<b>MSP</b>	2119	<b>MWP</b>	1086	<b>CCC</b>	660	<b>DCCF</b>	347	<b>GFRP</b>	332
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**NUMBER OF FORMAL GRIEVANCES FILED:** Total: 1340

<b>MSP</b>	816	<b>MWP</b>	287	<b>CCC</b>	96	<b>DCCF</b>	111	<b>GFRP</b>	30
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**INFORMAL GRIEVANCES SUBMITTED BY INMATE LOCATION:** Total: 4544

LOCATION:	July 2012	Aug 2012	Sept 2012	OCT 2012	Nov 2012	Dec 2012	Jan 2013	FEB 2013	Mar 2013	April 2013	May 2013	June 2013
MSP -	197	178	155	199	137	197	143	167	195	169	208	174
MWP -	84	115	56	60	133	82	90	72	110	102	81	101
CCC -	72	52	72	71	20	59	47	44	53	55	54	61
DCCF -	31	32	28	41	22	50	33	20	16	35	18	21
GFRP -	49	17	57	25	26	44	24	22	25	24	10	9

**FORMAL GRIEVANCES SUBMITTED BY INMATE LOCATION:** Total: 1340

LOCATION:	July 2012	Aug 2012	Sept 2012	OCT 2012	Nov 2012	Dec 2012	Jan 2013	FEB 2013	Mar 2013	April 2013	May 2013	June 2013
MSP -	95	82	54	66	55	77	48	61	63	74	68	73
MWP -	27	17	18	12	39	13	20	21	25	24	26	45
CCC -	1	2	24	20	6	4	7	2	2	7	9	12
DCCF -	10	16	12	14	12	15	18	0	2	5	5	2
GFRP -	3	2	4	2	4	3	3	2	0	2	5	0



FORMAL GRIEVANCES SUBMITTED BY DEPARTMENT/UNIT GRIEVED: Total: 1340

DEPARTMENT	MSP	MWP	CCC	DCCF	GFRP	DEPARTMENT	MSP	MWP	CCC	DCCF	GFRP
Accounting	15	4	2	1	0	Mailroom	31	18	10	3	2
Administration	29	4	0	1	0	Maintenance	4	1	1	2	0
Canteen	35	27	3	0	0	Mental Health	31	4	0	1	0
Classification	12	4	0	2	0	Policy/Procedure	33	10	4	14	0
Contract placement	1	0	3	2	0	Property	63	23	9	8	3
Dental	5	1	1	2	0	Records	6	0	0	2	0
Disciplinary	13	3	1	5	1	Security	21	5	19	7	0
Rehab. Service/Education/ Library	30	1	0	8	1	Treatment	7	7	0	1	0
Food Service	17	3	7	11	2	Visiting	12	4	0	7	1
Grievance	10	2	7	1	0	Disability Related	17	1	0	0	0
Hobby	0	0	0	0	0	Transportation	3	0	0	0	0
Industries- MCE	8	0	0	0	0	Religious Activities Center	12	2	1	4	1
Infirmary (Medical/Vision)	142	90	21	9	12	Units/Housing	255	73	0	18	7
Other	4	0	0	0	0	Intake	0	0	0	0	0
Investigations	0	1	0	0	0	Warehouse	0	0	7	0	0
IPPO	0	0	0	2	0	Inmates	0	0	0	0	0

FORMAL GRIEVANCE SUBMITTED BY TYPE OF COMPLAINT: Total: 842 (The Not processed not included in this portion)

TYPE	MSP	MWP	CCC	DCCF	GFRP	TYPE	MSP	MWP	CCC	DCCF	GFRP
Sentence Calculations	3	0	0	1	0	Offender/Staff Communication	2	0	0	1	0
Lost/Damaged by Staff	39	1	2	4	4	Privileges	23	18	0	3	0
Disallowed or confiscated improperly	58	28	2	1	0	Work Program/Job Opportunities	5	3	2	16	1
Lost/Damaged inter-facility	5	1	0	2	0	Staff Actions	41	11	1	1	1
Offender Funds	17	2	0	0	2	Business Practice/Canteen	35	2	0	14	0
Access to Courts	0	2	0	1	0	Staff Conduct (Physical/Verbal/Retaliation)	23	1	0	12	3
Mail/Correspondence /Publications	18	13	11	4	1	Policy	30	13	9	7	0
Religious freedoms/Activities	7	2	2	4	0	Medical	89	48	19	7	6
Food	5	0	2	10	2	Dental	3	1	2	2	0
Disability accommodations	5	5	3	0	0	Mental Health	26	4	0	1	0
Sanitation/Hygiene	18	4	0	0	0	Vision	7	0	0	0	0
Security	1	9	0	3	0	Emergent-Actual/Threaten Assault	0	0	0	0	0
Records	6	0	0	6	0	Emergent-Actual/Threaten failure to treat	0	1	0	0	0
Education/Rehab. services	5	6	0	3	1	Emergent-Actual/Threaten institutional neglect/harm	0	0	0	0	0
Grievance Ruling	1	0	0	6	2	Emergent- PREA-Inmate/Inmate	0	0	0	0	0
Library Services	5	0	0	1	0	Emergent- PREA-Staff/Inmate	2	0	0	0	0

GRIEVANCES NOT PROCESSED DUE TO: Total: 498

<b>REASON:</b>	<b>MSP</b>	<b>MWP</b>	<b>CCC</b>	<b>DCCF</b>	<b>GFRP</b>
Abuse of process	142	12	0	0	4
Violation of Grievance Notice	48	0	0	0	0
Improper/no informal resolution	8	54	21	0	0
Inmate request	0	0	0	1	1
Technical	43	18	14	0	2
Non-grievable (classification)	26	1	4	0	0
Non-grievable (no jurisdiction)	12	0	0	0	0
Non-grievable (disciplinary)	39	2	2	0	0
Non-Emergent	19	25	0	0	0

GRIEVANCES GRANTED DUE TO: Total: 280

<b>REASON:</b>	<b>MSP</b>	<b>MWP</b>	<b>CCC</b>	<b>DCCF</b>	<b>GFRP</b>
Partially Granted	80	21	1	6	0
Evidence/staff supports claim	36	14	2	1	2
Request action is reasonable	55	47	10	2	3

GRIEVANCES DENIED DUE TO: Total: 562

<b>REASON:</b>	<b>MSP</b>	<b>MWP</b>	<b>CCC</b>	<b>DCCF</b>	<b>GFRP</b>
Current policy/practice/procedure is appropriate.	109	16	25	29	8
Evidence does not support claim.	110	24	9	61	1
Not medically indicated/necessary	67	18	7	5	2
Staff response is appropriate.	22	35	1	6	7

APPEALED TO WARDEN/ADMINISTRATOR/DESIGNEE: Total: 380

<b>DISPOSITION OF APPEAL:</b>	<b>MSP</b>	<b>MWP</b>	<b>CCC</b>	<b>DCCF</b>	<b>GFRP</b>
Appeal Partially Granted	13	9	0	0	1
Appeal Granted	9	13	0	2	0
Appeal Denied	162	80	16	69	6

APPEALED TO DEPARTMENT OF CORRECTIONS: Total: 286

<b>DISPOSITION OF APPEAL:</b>	<b>MSP</b>	<b>MWP</b>	<b>CCC</b>	<b>DCCF</b>	<b>GFRP</b>
Appeal Partially Granted	9	3	0	0	0
Appeal Granted	8	2	0	1	0
Appeal Denied	142	66	16	35	4