



**DEPARTMENT OF CORRECTIONS
PROBATION AND PAROLE DIVISION
OPERATIONAL PROCEDURE**

Procedure:	PPD 6.3.405 PROBATION & PAROLE OFFENDER COMPLAINTS
Effective Date:	10/01/2020 Page 1 of 4
Revisions Date(s):	
Reference(s):	PPD 1.1.1700; DOC 1.3.12; DOC 3.3.20
Signature / Title:	/s/ Kevin Olson, Probation and Parole Division Administrator

I. PURPOSE:

The Probation and Parole Division will provide a complaint process to offenders on community supervision with the Probation & Parole Bureaus to resolve complaints in a timely manner.

II. DEFINITIONS:

Complaint – For the purpose of this operational procedure, a written allegation from an offender regarding a violation of law, policy, or procedure against Probation & Parole Bureau staff as outlined in this procedure.

Discrimination – Unfair treatment including statements, decisions or acts based upon the offender’s race, color, religion, creed, political ideas, sex, age, marital status, physical or mental disability, or national origin.

Harassment – Harassment, including sexual harassment, is offensive and unwelcome conduct including, but not limited to, offensive jokes, slurs, epithets or name calling, physical assaults or threats, intimidation, ridicule or mockery, insults or put-downs, and offensive objects or pictures, based upon the offender’s race, color, religion, creed, political ideas, sex, age, marital status, physical or mental disability, or national origin, or in retaliation against an offender because the offender has opposed any discriminatory practices or because the offender has filed a complaint, testified, assisted, or participated in any manner in a discrimination investigation or proceeding.

PPD-Probation and Parole Division – The Division oversees the Probation & Parole regional offices and interstate transfers.

Retaliation – A significant adverse act taken against an offender because the offender has opposed any forbidden discriminatory practices or because the offender has filed a complaint, testified, assisted, or participated in any manner in a discrimination investigation or proceeding. As set forth in *ARM 24.9.603*, significant adverse acts are those that would dissuade a reasonable person from engaging in protected activity.

III. PROCEDURES:

A. GENERAL GUIDELINES:

1. An offender on community supervision must deliver or mail a complaint in writing using *PPD 6.3.405(A) Offender Complaint Form* to the supervising POII within five (5) business days of the action that caused the complaint. The *Complaint Form* must include the offender’s requested action for resolution.

2. Complaints may not be submitted for the following:
 - a. disciplinary decisions; and
 - b. actions by outside entities not under the jurisdiction of the Department, including the Sentence Review Board and the Board of Pardons and Parole.

3. Complaints may be submitted for:
 - a. Staff misconduct: Must fit the specific criteria noted in *DOC Policy 1.3.12, Staff Association and Conduct with Offenders*.
 - b. Discrimination, harassment, or retaliation: Must fit the specific criteria noted in *DOC Policy 3.3.20, Offender Nondiscrimination*.
 - c. Policy and/or operational procedures: Complaints must specifically demonstrate with factual basis that the offender has been, in some manner, unfairly or personally adversely affected by the application or operation of a policy and/or operational procedure.
 - d. Discretionary issues related to the standard and special conditions of the offender's supervision (e.g., residence, travel, employment, association).

4. During business hours, PPD staff members will be available to provide this procedure, the complaint form, and instructions on properly completing the form. PPD staff will also assist offenders who do not speak English, as well as those who are visually or otherwise disabled.

5. The following apply to all submissions:
 - a. If an offender submits an issue of concern on a form other than *PPD 6.3.405(A) Offender Complaint Form*, he/she risks having it returned without processing.
 - b. Each form should provide all requested identifying information to ensure contact can be maintained throughout the process.
 - c. The offender must request an action he/she feels will resolve the issue; however, requests for staff termination, reprimand, and/or an apology letter, or for money for punitive reasons, will not be accepted.
 - d. A single issue, or a reasonable number of closely related issues, will be described on the form and an action will be requested. The name of the individual(s) against whom the offender is making a complaint will be listed.
 - e. If multiple unrelated issues are included on a single form, it will be returned with a response advising the offender to use a separate form for each unrelated issue.
 - f. If two (2) or more offenders file issues on the same form, it will be returned with a response advising the offenders to use separate forms.

6. Abuse of the complaint process by an offender includes the use of threats and submitting multiple complaints in reference to the same issue(s). If it is determined an offender is demonstrating a pattern of abuse, he/she will be notified on *PPD 6.3.405(A) Offender Complaint Form* the reasons for the determination and that future complaints continuing the pattern of abuse will be returned as an abuse notice violation.

7. If the offender's requested action is granted, it is understood all administrative remedies have been exhausted.

8. If the offender's requested action is not granted, or a response is not received from the POII within 20 business days from the submission of *P&P Offender Complaint Form*, within five (5) business days, the original *Complaint Form* may be submitted for review by the Deputy Chief:

- a. Offender will mark the box on the *Complaint Form* requesting a review by the Deputy Chief, give the date and initial the form.
 - b. However, any complaints submitted in violation of an abuse notice will be reviewed by the Deputy Chief but may be marked as an abuse notice violation and returned to the offender unanswered.
9. The Deputy Chief's response is final and exhausts all administrative remedies available to the offender through the complaint process.
10. An offender will not be subjected to retaliation for utilizing the complaint process. Staff violating this directive will be subject to disciplinary action.

B. PROCEDURES FOR REVIEW OF COMPLAINT:

1. Each region will maintain an electronic file to store and track offender complaints. Saved complaint forms will be made available to Probation & Parole Bureau Chiefs and/or PPD central office staff when requested.
2. The staff member receiving *PPD 6.3.405(A) Offender Complaint Form* will sign the form, fill in the date and time received, and deliver it to the appropriate supervising POII.
3. The POII will investigate the complaint and attempt to resolve it. The complaint may be referred to another POII due to any conflict of interest, or to a more appropriate department.
 - a. A signed response will be provided within 20 business days of receiving it from the offender.
 - b. The POII or designee will save a copy of the *Complaint Form* and any other documentation received in the region's electronic file.
 - c. POII will return the original, completed *Complaint Form* to the offender.
4. If offender submits the complaint form to the Deputy Chief within five (5) business days of receiving the POII's response:
 - a. Deputy Chief will investigate the complaint and respond on the *Complaint Form* within 20 business days of receiving the complaint.
 - b. A signed response is saved and the original is returned to the offender.
5. A complaint determined by the POII or Deputy Chief to be misconduct, discrimination, harassment, or retaliation by P&P staff will be reported to the PPD Administrator or designee as soon as possible. The Administrator or designee will promptly report the information to Human Resources.
6. If POII determines the complaint is an abuse of the process, he/she will give the reasons for the determination in the response section and state that future complaints continuing the pattern of abuse will be returned as an abuse notice violation on the *Complaint Form*. POII will also mark that the requested action is denied.
 - a. A copy of the form is saved, a chronological entry in offender's OMIS record regarding the abuse notice is made, and the original is returned to offender.
 - b. If offender submits a complaint form that violates an abuse notice, the POII will mark that the complaint is an abuse notice violation, save a copy of the form, and return original to offender. An abuse notice violation will not be reviewed by the Deputy Chief.

IV. CLOSING:

Questions regarding this procedure should be directed to the POII or Deputy Chief.

V. FORMS:

PPD 6.3.405 (A) Offender Complaint Form

MONTANA DEPARTMENT OF CORRECTIONS
PROBATION AND PAROLE DIVISION

OFFENDER COMPLAINT FORM

Date: _____

Printed Name: _____ DOC ID #: _____

Printed Address: _____

Phone #: _____ Work #: _____ Location of P&P Office: _____

1. Describe the problem. Include date and time the incident occurred, names of staff involved, description of any evidence, and names of any witnesses. WHAT did they do? WHEN did they do it? WHERE did this happen? and WHAT have you done so far to get the problem resolved? (Continue on back if necessary.) A single issue, or a reasonable number of closely related issues, will be described.

2. ACTION REQUESTED (required): _____

3. OFFENDER SIGNATURE: _____

By my signature above, I waive confidentiality to any records necessary to investigate and resolve my complaint and certify the truth of all my statements herein.

Office Staff: Received by: _____ Date: _____ Time: _____
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POII RESPONSE: The requested action is: Granted Denied An Abuse Notice Violation

The action you request is / is not appropriate because _____

You may submit this complaint within 5 business days to the Deputy Chief for review if this response does not satisfy you unless this submission is an abuse notice violation.

POII (or designee) SIGNATURE

DATE

This is to request a review by the Deputy Chief.

Date of request: _____

Offender's initials: _____

DEPUTY CHIEF RESPONSE: The requested action is Granted Denied An Abuse Notice Violation

The action you request is / is not appropriate because _____

DEPUTY CHIEF (or designee) SIGNATURE

DATE

