



COMMUNITY CORRECTIONS FACILITIES AND PROGRAMS BUREAU FACILITY OPERATIONAL REQUIREMENT

Requirement:	FPB 6.2.430 GRIEVANCE PROGRAM REQUIREMENTS
Effective Date:	10/01/2020 Page 1 of 3
Revision Date(s):	08/11/2021; 04/24/2026
Signature/Title:	/s/ Scott Eychner, Rehabilitative and Enterprise Division Chief

This requirement is referenced as **ACCD 3.3.300 Grievances** in Section 3.K.2. Offender Management; Offender Rights; Grievances, in the following contracts: Alternatives, Inc., Butte Prerelease, Gallatin County Reentry Program, Helena Prerelease, Passages, Elkhorn, Nexus, and START.

This requirement is referenced as **PPD 3.3.300 Offender Grievance Program** in Section 2.2.10 Services; Offender Management; Offender Rights in the Connections Corrections Program (CCP) and WATCH contracts.

I. PURPOSE

Community Corrections Facilities and Programs Bureau (FPB) contract facilities will provide a grievance and appeal process to offenders under the jurisdiction of the Department to resolve complaints and report alleged violations in a timely and confidential manner.

II. DEFINITIONS (see Glossary)

III. REQUIREMENTS

A. EMERGENCY GRIEVANCES

1. An emergency grievance issue includes:
 - a. Sexual Abuse and Sexual Harassment: If at any time an offender grievance contains issues involving sexual abuse or harassment as defined in *FPB 6.2.404 PREA Compliance and Reporting*, the grievance shall be identified as an emergency grievance and will be reported as directed in that facility operating requirement.
 - b. Personal Injury, Physical Harm, or Other Serious Harm: Offenders alleging actual, or risk of, immediate personal injury or physical harm, or when adhering to established timeframes may cause other serious or irreparable harm, may file an emergency grievance.
2. Offenders will not be required to go through a grievance program to report an emergency grievance but may report the grievance verbally or in writing to any staff or use a locked box for grievances if available. Any offender alleging an emergency grievance may obtain assistance from any staff to ensure the grievance is delivered.
3. The emergency grievance will receive immediate attention. Once reviewed, it will be forwarded without undue delay to the facility's Grievance Coordinator (GC).
 - a. If GC determines it is a legitimate emergency, within 48 hours:
 - 1) It is reported as follows:
 - a) Sexual Abuse and Sexual Harassment: As a PREA incident in conjunction with *FPB 6.2.404 PREA Compliance and Reporting*; or
 - b) Personal Injury, Physical Harm, or Other Serious Harm: As a Priority I incident in conjunction with *FPB 6.2.403 Incident Reporting Requirements*.
 - 2) The offender will be notified that the grievance has been referred for review and/or investigation.
 - 3) A final decision will be made within 5 calendar days. Offender will be notified of the final decision as soon as possible and the action taken in response.

- b. If the issue is determined not to be a legitimate emergency, the GC will provide the offender with a response within 48 hours specifying why the issue is inappropriate as an emergency.
 - 1) The offender may then pursue the issue as a standard grievance.
 - 2) The decision that the grievance should be pursued as a standard grievance issue cannot be appealed by the offender.
4. If it is demonstrated that an emergency grievance related to alleged sexual abuse/harassment was made in bad faith by an offender, which includes deliberately malicious reports, the offender may be subject to disciplinary action.

B. CONTRACT FACILITY GRIEVANCE PROGRAM

1. The facility administrator will designate staff to act as the facility's GC.
2. FPB contract facilities shall maintain a process through which offenders may present grievances about the operation of the program.
 - a. This process will afford the grievant a meaningful remedy for valid grievances.
 - b. This process should include multiple levels that include timelines for response and allow for appeals. Grievances alleging sexual abuse or sexual harassment should be processed immediately as an emergency grievance (*see III.A. above*).
 - c. Contract facilities will submit their grievance policy and/or procedure to the FPB as outlined in *FPB 6.2.409 (B) Submission Schedule for Contractor Reports*.
3. Regardless of their status, all offenders must be provided the appropriate facility policy and/or procedure for grievances, the Prison Rape Elimination Act of 2003 (PREA), and *FPB 6.1.206 Offender Grievance Appeals* during facility admission and be given the opportunity to review them, ask questions, and receive answers.
 - a. Offender will complete an acknowledgment form, which is placed in the offender's file.
 - b. The facility GC will provide accommodations for offenders who do not speak a language spoken by a significant portion of the offender population, as well as those offenders who are visually or otherwise disabled.
4. Staff members will be available to provide instructions on the proper completion of the grievance forms and be knowledgeable on how to advance the grievance to the next level of review or appeal. All applicable forms will be made available at all times so that offenders do not have to ask for the forms.
5. Disciplinary decisions, a determination of ineligibility for rent vouchers based on Administrative Rule of Montana and Montana Code Annotated, and actions by outside entities not associated with the facility (for example, the Sentence Review Board and the Board of Pardons and Parole) are not grievable issues.
6. Grievable issues may include:
 - a. staff misconduct;
 - b. discrimination, harassment, retaliation; and
 - c. policy and/or operational procedure: grievances must specifically demonstrate with factual basis that the offender filing the grievance has been, in some manner, unfairly or personally adversely affected by the application or operation of a policy and/or operational procedure.
7. The offender must include a remedy to the issue in the grievance; however, requests for staff termination, reprimand, and/or an apology letter, or for money for punitive reasons, will not be accepted.
8. The scope of available administrative remedies is broad and should be applied on a case-by-case basis. Possible remedies include, but are not limited to:
 - a. modification of an operational procedure or practice;

- b. replacement, restoration of, or restitution for personal property; or
 - c. other remedies that will meaningfully solve the problem presented.
9. An offender will not be subjected to retaliation for utilizing the grievance program. Persons violating this prohibition must be subject to disciplinary action.
 10. Abuse of the grievance program by an offender includes the use of threats; submitting an excessive number of grievance forms; and submitting multiple grievances in reference to the same issue(s).
 - a. If an offender demonstrates a pattern of abuse, the facility GC may notify the offender in writing the reasons that such actions will not be tolerated and future grievances continuing the pattern of abuse may be returned unanswered.
 - b. A copy of the abuse notice will be sent to FPB at coraccdreports(at)mt.gov.
 11. All grievance documents will be placed in a file maintained by the facility GC and responding staff. These documents will not be copied to other files.
 12. In the course of resolving a formal offender grievance complaint, the GC will have access to essential records for grievance resolution. The offender's grievance serves as a waiver of confidentiality in this regard.
 13. Each facility must provide FPB with statistical information on the number and type of grievances received on a monthly basis using *FPB 6.2.430 (A) Monthly Grievance Report*:
 - a. offender grievances should be summarized on the *Report* or a summary may be attached to the *Report*.
 - b. The *Report* is submitted to coraccdreports(at)mt.gov.
 - c. The *Report* must be retained in accordance with contract record retention requirements.

C. EXHAUSTION OF CONTRACT FACILITY GRIEVANCE PROGRAM

1. After exhausting all levels of the facility's grievance program, pursuant to *FPB 6.1.206 Offender Grievance Appeals*, an offender may appeal the final decision of the facility by submitting a formal grievance appeal to the FPB Contract Manager within 14 calendar days of the facility's final decision.
2. All forms to be used by the offender are included in materials received during facility admission and are available on the Department's website at cor.mt.gov or by contacting FPB staff. Each step of the grievance appeal process should be sent to: Community Corrections Facilities and Programs Bureau, PO Box 201301, Helena, MT 59620.
3. When requested by FPB, the facility GC will provide information and documentation of the offender's facility grievance process.

IV. CLOSING

Questions about this requirement should be directed to the FPB Chief.

V. REFERENCES

- A. *28 CFR Part 115*
- B. *45-5-501; 45-5-502; 45-5-503, MCA; ARM 20.13.108; ARM 24.9.603*
- C. *DOC 3.3.20 Offender Nondiscrimination; FPB 6.2.403 Incident Reporting Requirements; FPB 6.2.404 PREA Compliance and Reporting*

VI. FORMS

FPB 6.2.430 (A) Monthly Grievance Report