

Date: _____

To: Director of Corrections
P.O. Box 942883
Sacramento, CA 94283-0001

Subject: Retaliation & Conspiracy to Violate Inmates' First Amendment Rights
RE: _____ (facility name)

Dear Director,

The primary problem concerns California Department of Corrections and Rehabilitation (CDCR) Officials' conspiratorial practice to violate inmates' First Amendment Right. Part of this practice consists of manifold reprisals and deliberate disregard for rules and regulations which govern their duty to receive, process and answer inmate grievance[s] (602s) in compliance with California Code of Regulations (CCR), Title 15, Division 3, Chapter 1, Article 3, and Department Operations Manual, Chapter 5, Article 3.

According to the Department Operations Manual (DOM), Subsection 54100.2, the purpose of the Inmate/Parolee Appeals Procedure is to:

"Provide a vehicle for review of department policies, procedures, practices, conditions, incidents and actions which may adversely affect an inmate's welfare, status and program," and to "provide for resolution for grievances at the lowest possible level with timely responses to the appellant."

However, when we exercise use of the grievance procedure, CDCR Officials join together to harass (CCR §3000) and retaliate (CCR §3084,1(d)) against us with a combination of any of the following unethical acts. I have personally experienced the harassment which I have marked with an X:

- ___ 1) Refuse to answer 602s (violation of DOM §33030.6.2).
- ___ 2) Refuse to give receipt for 602s.
- ___ 3) Claim to never have received 602 from inmate.
- ___ 4) Claim to return 602 to inmate (inmate never receives 602).
- ___ 5) Use the Inmate Appeals Screening Form (CDC Form 695) to manipulate improper, excessive and repetitive delays (violation of CCR §3084.6).
- ___ 6) Detaching inmate's supporting documents from 602 and returning 602 to inmate with written statement refusing to process 602 because no supporting documents accompany 602 ("moral turpitude" DOM §31140.6.2).
- ___ 7) Dishonesty (DOM §33030.5.2.6) in "screening out" 602. This unethical method is used in the "rejection criteria" to obstruct the 602 from ever being processed.
- ___ 8) Reporting deliberate false information (DOM §31140.6.1) in the course of responding to 602.
- ___ 9) Punitive and harassing cell searches
- ___ 10) Intra-facility, intra-housing unit inter-cell transfers; reclassification, subsequent unassignment, and disregard for reassignment, etc.
- ___ 11) Appeals being sent and heard by parties directly involved in the original complaint. (CCR §3084(d)(1)-(A) and DOM 54100.2)

Such acts of moral turpitude are some of the dirty tricks used in their collusive practice of reprisals. They are concerted acts which violate the conspiracy laws of Title 42 U.S.C. 1995(3) and 1986. They are underhanded attempts to assail our efforts to be heard - to frustrate our use of the grievance procedure - and render the "vehicle for review" ineffective. Thus, we become disturbed with a mental anguish that compels us to grab and adopt other means and channels through which to seek and obtain resolution.

The United States Supreme Court requires inmates to exhaust administrative review before entering the arena of judicial review. However, this process becomes unfairly difficult when CDCR Officials tamper with the appeals process.

CDCR Officials should understand and respect the reality (Law) that grievances filed through an official grievance procedure are constitutionally protected and deliberate interference with its procedure may result in civil or prosecutorial penalty.

Conclusion

This problem permeates the prison population and adversely affects numerous inmates. Some inmates decline to use the grievance procedure due to fear of reprisals. Others have witnessed uncorrected problems that fellow inmates continue to experience and feel the use of the 602 lacks corrective action. Nevertheless, I persist in spite of the onslaught of reprisals. I suffer from many of the aforementioned unethical acts. I also have unanswered 602s in desperate need of location and resolution.

Therefore, I request a thorough and appropriate investigation to ascertain necessary facts to correct this unlawful problem.

Respectfully Submitted,

Signature: _____

Name, ID#: _____

Additional Information (Log #, comments, description of event, etc.): _____

CC: Board of State and Community Corrections (BSCC), 2590 Venture Oaks Way Suite 200, Sacramento, CA 95833, (916) 445-5073, www.bscc.ca.gov

Prison Law Office, General Delivery, San Quentin, CA 94964

Office of Internal Affairs CDCR, 10111 Old Placerville Rd, Ste 200, Sacramento, CA 95827

Office of the Inspector General, 10111 Old Placerville Road Ste. 110, Sacramento, CA 95827, (800) 700-5952, www.oig.ca.gov

U.S. Department of Justice - Civil Rights Division, Special Litigation Section, 950 Pennsylvania Avenue, NW, PHB, Washington, DC 20530

Office of Inspector General, HOTLINE, PO Box 9778, Arlington, VA 22219

CDCR, Office of the Ombudsman, 1515 S Street, Room 311 South, Sacramento, CA 95811

(Cross out the name above if you were not able to send them a copy of your signed petition.)