

Date: _____

To: Mr. Tom Clements, Executive Director
Colorado Department of Corrections
2862 S. Circle Drive
Colorado Springs, CO 80906

Subject: Retaliation and Conspiracy to Violate Prisoners' First and Fifth Amendment Rights
RE: _____ (facility name)

Dear Executive Director Clements,

The primary problem concerns the Colorado Department of Corrections (CDOC) Officials' conspiratorial practices to violate prisoner's First and Fifth Amendment Rights. Part of this practice consists of manifold reprisals and deliberate disregard of CDOC's rules and regulations which govern the duty to receive, process and answer prisoner grievances (Form AR850-04) in a timely manner in compliance with CDOC AR850-04, and the Civil Rights of Institutionalized Persons Act, Public Law 96-247, 94 Stat. 349 (42 USC 1997 (a)).

According to CDOC AR850-04, the purpose of the CDOC prisoner grievance procedure is: "providing offenders an impartial and timely review and resolution of complaints, which contribute to safe, secure, and efficient correctional operations."

However, when we exercise use of the grievance procedure, CDOC staff and administration join together to harass and retaliate against us with a combination of the following unethical acts. I have personally experienced the harassment which I have marked with an X:

- ___ 1) Refuse to answer or investigate grievances.
- ___ 2) Deny grievances without cause.
- ___ 3) Failure to give written response to Step 1 and 2 grievances within 25 calendar days and Step 3 within 45 days as required by AR850-04.
- ___ 4) Claim to never have received AR850-04 grievances from prisoners.
- ___ 5) Provide no explanations for failures to provide timely responses according to AR850-04 time limits for Step 1, 2, 3 grievances.
- ___ 6) Claim to have returned grievances to prisoners, when in fact prisoner never received grievance.
- ___ 7) Dishonesty in repeatedly "screening out" grievances without responses, or giving vague, unintelligible responses.
- ___ 8) Citing an illegal rule that only a certain amount of grievances that can be filed by one prisoner as a reason to "screen out" grievances.
- ___ 9) Reporting and deliberately using false information in responding to grievances.
- ___ 10) Deliberately targeting grievances which involve Officers or staff engaging in abuses, verbal harassment, and retaliation, violating CDOC's AR15001(IV)(D)(21)(a-d) - False Reporting to Authorities.
- ___ 11) Punitive actions against prisoners (RP Status AR600-05) for alleged "non-compliance" with recommended SOTMP programs.
- ___ 12) Intra-facility, intra-housing unit, and inter-cell transfers, reclassifications, subsequent unassignment from and reassignment to facilities or jobs not related to prisoner's rehabilitative goals and classifications.
- ___ 13) Retaliation by FCF mental health therapists to punish prisoners in RP status for alleged "noncompliance", then denying access to required CDOC programs by placement on an unreasonably long "Global Wait List", with no prospects to receive state-mandated and court-ordered by prisoner's sentences to participate and progress in the SOTMP treatment program.

___ 14) Violating prisoner's First Amendment rights to access and receive reading materials by excessive mail room and reading committee denials/interventions on general reading materials that may contain incidental images of under-age persons or adults in swim-wear, and is unrealistic and a waste of CDOC human resources per AR300-26(E).

___ 15) Excessive time delays to appeal, grieve, or otherwise process reading committee/mail room denials of reading materials, and an appeals process that simply does not work (AR30026(E) revisions are needed now), and denials of reading materials that help prepare prisoners for re-entry into the community.

___ 16) Violating prisoner's Fifth Amendment rights through force, compulsion, coercion, and manipulation to provide illegally obtained information related to their current or past charged or uncharged criminal offenses through the compulsory use of a polygraph in order to verify and progress in state mandates treatment with no foundation in a legitimate penological interest pursuant to AR700-19. only one mental health program requires this illegal non-binding, inadmissible in any court, non-scientific, non-therapeutic, and non-treatment related device to "Progress" in that treatment. The abuse of this alleged "treatment tool" can keep an prisoner incarcerated for life without parole, violating state and federal laws against its inadmissibility in any court, as it has no basis in fact, evidence of guilt or innocence, nor any proven application in any mental health treatment modality.

No other CDOC rehabilitative programs require the use of polygraphs to verify our progress in those programs. Forced use of polygraphs and the so-called "results" and opinions of CDOC contractors amounts to compulsion (see Doe v. Heil, 08CV02342-WYD-CBS 2011 U.S. DIST. CT. LEXIS34472) and this irrelevant device violates prisoners' Fifth Amendment rights, liberty interests in parole eligibility, and needlessly prolongs and increases the the length of prisoners' sentences to life without parole. This is outside the legal jurisdiction of the CDOC.

Further, Colorado's grievance procedure, AR 850-04 violates 1st Amendment rights by knowingly and intentionally misleading prisoners. Among other things, requesting a remedy that exceeds that available under the AR does not result in failure to exhaust as stated in AR 850-04. This has been clearly established in the District of Colorado 10th Cir Court of Appeals, and the Supreme Court; please see: Gandy v. Raemisch, 2014 U.S. Dist Lex is 43668 (Dist Colo. March 31, 2014) affirmed by 10th Cir, Booth V. Churner, 532 U.S. 731, 121 S. Ct. 1819(2001); and Ross v. Blake, - u.s. - , 136 S. ct. 1850 (2016). This violates our right to access the courts under the 1st amendment. Please fix this policy immediately to consider grievances exhausted in accordance with these decisions.

Such acts of moral turpitude are some of the dirty tricks used by CDOC staff in their collusive practice of reprisals. They are concerted acts which violate the conspiracy laws of Title 12 U.S.C. 1995(3) and 1986. They are underhanded attempts to assail our efforts to be heard in a meaningful manner. (See Nichols v. DeStafano, 70 P.3d 505 (Co.App.2002)). Thus, we become disturbed with mental anguish that compels us to adopt other means and channels through which to seek and obtain resolution.

The U.S. Supreme Court requires prisoners to exhaust administrative remedies before entering the arena of judicial review. However, this process becomes unfairly difficult when CDOC staff and officers tamper with and corrupt the appeals process. CDOC staff and officers should understand and respect the reality and the Rule of Law that grievances filed through an official grievance procedure are constitutionally protected, and deliberate interference with its procedures may result in civil or prosecutorial penalty.

Conclusion

These problems permeate the prison population and adversely affect numerous prisoners. Some prisoners decline to use the grievance procedure due to fear of reprisals and retaliation. Others have witnessed uncorrected problems that fellow prisoners continue to experience and feel the use of CDOC AR850-04, AR300-26(E), AR700-19, AR700-32, AR600-05 lacks corrective and meaningful action.

Nevertheless, I persist in spite of the onslaught of reprisals. I suffer from many of the aforementioned unethical and illegal acts. Therefore, I respectfully request a thorough and appropriate investigation to ascertain necessary facts to correct these unlawful problems and practices in CDOC.

Respectfully Submitted,

Signature:

Name, ID#:

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

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