

Date: _____

To: Commission Christina Reagle
302 W. Washington St. RM E334
Indianapolis, IN 46204

Subject: Retaliation & Conspiracy to Violate Inmates' First Amendment Rights
RE: Putnamville Corrections Facility

Dear Director,

The primary problem concerns Indiana Department of Corrections (IDOC) 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] IC 11-11-1-2 (4) and DOC Admin Policy 00-02-301.

According to the AP 00-02-301 (Section Appeals) 5 offender appeals, the purpose of the Inmate/Parolee Appeals Procedure is to:

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

However, when we exercise use of the grievance procedure, IDOC Officials join together to harass and retaliate (IC 11-11-1-2(4)) 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 State Form 45471.
- ___ 2) Refuse to give receipt for State Form 45471.
- ___ 3) Claim to never have received State Form 45471 from inmate.
- ___ 4) Claim to return State Form 45471 to inmate (inmate never receives State Form 45471).
- ___ 5) Use the Inmate Appeals Screening Form (State Form 45473) to manipulate improper, excessive and repetitive delays (IC 11-11-1-2(4)).
- ___ 6) Detaching inmate's supporting documents from State Form 45471 and returning State Form 45471 to inmate with written statement refusing to process State Form 45471 because no supporting documents accompany State Form 45471.
- ___ 7) Dishonesty (Admin Policy 04-03-103 §9 (Q)) in "screening out" State Form 45471. This unethical method is used in the "rejection criteria" to obstruct the State Form 45471 from ever being processed.
- ___ 8) Reporting deliberate false information Admin Policy 04-03-103 in the course of responding to SF 45471.
- ___ 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. AP 00-02-301 §8 (A) (PG.80)

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 "method 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 IDOC Officials tamper

with the appeals process.

IDOC 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 incarcerated individuals. Some incarcerated individuals 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 State Form 45471 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 State Form 45471 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 (comments, description of event, etc.): _____

Under 42 U.S.C.S §1997(A), the exhaustion requirement hinges on the availability of the administrative remedies; An Inmate, that is, must exhaust available remedies, but need not exhaust unavailable ones. Further...

There are certain “special circumstances” in which, though administrative remedies may have been available [,] the prisoner’s failure to comply with administrative procedural requirements may never-the-less have been justified. Giana v. Goord, 380 F.3d 670, 676(CA 2004). In particular, that was true when a prisoner “reasonably” - even though mistakenly – “believed he had sufficiently exhausted his remedies.” Giana v. Goord, 787 F.3d at 695.

CC: Commissioner of Corrections, ATTN: Christina Reagle, Indiana Government Center South, 302 West Washington St. RM E334, Indianapolis, IN 46204

Litigation Liaison, ATTN: Heather Russel, Putnamville Correctional Facility, 1946 West U.S. Hwy 40, Greencastle, IN 46135

Wardens Office, ATTN: Tricia Pretorius, Putnamville Correctional Facility, 1946 West U.S. Hwy 40, Greencastle, IN 46135

Internal Investigations, Indiana Department of Corrections, 302 West Washington St., Indianapolis, IN 46204

Office of the Attorney General, 302 West Washington St. RM C533, Indianapolis, ID 46204

IDOC Office of the Ombudsman, Indiana Government Center South, 402 West Washington St. RM W479, Indianapolis, IN 46204

Indiana House of Representatives, ATTN: Heath R. VanNatter, 401 State House, 200 West Washington St., Indianapolis, IN 46204

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