

Date: _____

To: Director of Corrections
PO Box 201301
Helena, MT 59620-1301

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

Dear Director,

The primary problem concerns Montana Department of Corrections (DOC) Officials' conspiratorial practice to violate inmates' First Amendment rights. Part of this practice consists of manifold reprisals and deliberate disregard for rules and regulations which govern their duty to receive, process and consider inmate grievances in compliance with DOC Policy 3.3.3 Inmate Grievance System.

According to MDOC Policy 3.3.3, Section I (pg 1), the purpose of the Inmate Grievance Program is to: "provide an internal grievance mechanism to resolve inmate complaints, reduce the need for litigation, and afford staff the opportunity to improve facility operations."

However, when we exercise use of the grievance procedures, MDOC Officials join together to harass and retaliate 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 consider prisoner's grievances (violation of DOC policy 3.3.3 section III. E.2. & 3 and G.1.)
 - ___ 2) Claim to never have received grievances from prisoner.
 - ___ 3) Claim to return grievances to prisoner (prisoner never receives grievance).
 - ___ 4) Refuse to permit prisoner to appeal grievances that are not answered within twenty-five working days (violation of DOC policy 3.3.3 Section III.E.4. and D.4.)
 - ___ 5) Dishonesty in placing "sanctions" on prisoners who are alleged to have "abused" the grievance program (this unethical method is used in the "selection criteria" to obstruct the grievance from being processed).
 - ___ 6) Reporting deliberate false information in the course of responding to grievances.
 - ___ 7) Intra-facility, intra-housing unit transfers, custody increase, and job removal (these unethical methods are used as retaliation against inmates for utilizing the grievance system).
 - ___ 8) Other: _____
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Overview

Such acts of moral turpitude are some of the unethical methods used by MDOC Officials in their collusive practice of reprisals (in violation of the First Amendment, and DOC policy 3.3.3 Section III, M.1.). They are concerted acts which violate the conspiracy laws of the Title 42 U.S.C. 1995(3) and 1986. They are underhanded attempts to assail our efforts to be heard in order to frustrate our use of the grievance procedure - and renew 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 Prison Litigation Reform Act (PLRA), and United States Supreme Court requires prisoners to exhaust administrative review before seeking judicial relief. However, this process becomes unfairly difficult when MDOC Officials tamper with the grievance process. MDOC Officials should understand and respect the reality 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. Other inmates have witnessed uncorrected problems that fellow inmates continue to experience and feel the use of the grievance system lacks corrective action. Nevertheless, we, the undersigned persist in spite of the onslaught of reprisals. We suffer from many of the unethical acts.

Therefore, we request a thorough and appropriate investigation and steps to correct this unlawful problem.

Respectfully Submitted,

Signature: _____

Name, ID#: _____

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

CC: United States Department of Justice - Civil Rights Division, Special Litigation Section,
950 Pennsylvania Avenue, NW, PHB, Washington, D.C. 20530
ACLU of Montana, PO Box 1317, Helena MT 59624

(Cross out address above if you were unable to send them a copy of this petition.)