

Date: _____

To: Secretary, Division of Prisons
4201 Mail Service Center
Raleigh, NC 27699-4201

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

Dear Secretary,

The primary problem concerns North Carolina Department of Public Safety (NC DPS) 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 answer inmate grievances (Form DC-410) in compliance with State of North Carolina Department of Correction Division of Prisons Policy & Procedure (P&P), Chapter G, Section .0300 Administrative Remedy Procedure, and under color of North Carolina State law, General Statutes Chapter 148 State Prison System.

According to the P&P, Chapter G Section .0301, the purpose of the inmate grievance procedure "is to provide inmates an opportunity for administrative settlement of legitimate grievances."

However, when we exercise use of the grievance procedure, NC DPS Officials join together to harass (N.C. Gen. Stat. 148-118-1976) and retaliate (148-118) 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 DC-410.
- ___ 2) Refuse to give receipt for DC-410..
- ___ 3) Claim to never have received DC-410 from inmate.
- ___ 4) Claim to return DC-410 to inmate (inmate never receives DC-410).
- ___ 5) Dishonesty in manipulating improper, or false, exaggerations of inmates' violation of Rule .0306 Rejection of Grievances.
- ___ 6) Repetitive and excessive delays (violation of Rule .0307 Time Limits).
- ___ 7) Detaching inmates supporting documents from DC-410.
- ___ 8) Reporting deliberate false information in the course of responding to DC-410.
- ___ 9) Punitive and harassing cell and body searches to dissuade submittal of DC-410, and/or instigate other inmates against filing grievances and to influence or coerce the withdrawal of DC-410 forms.
- ___ 10) Intra-facility, intra-housing unit inter-cell transfers, reclassification, subsequent unassignment, and disregard for a reassignment etc.

Overview

Such acts of moral turpitude are some of the dirty tricks used in their collusive practices 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 resolutions.

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 NC DPS Officials tamper with the appeals process.

NC DPS 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 DC-410 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 DC-410s, in need of location and resolution.

Therefore I respectfully request a thorough and appropriate investigation to ascertain the real necessary facts to correct this unlawful problem and practices in NC DOC.

Respectfully Submitted,

Signature: _____

Name, ID#: _____

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

CC: Director of Prisons, 831 West Morgan Street, Raleigh, NC 27626
U.S. Department of Justice - Civil Rights Division, Special Litigation Section, 950 Pennsylvania Avenue, NW PHB, Washington, DC 20530
American Civil Liberties Union of North Carolina, PO Box 28004, Raleigh, NC 27611
Office of Inspector General, HOTLINE, PO Box 9778, Arlington, VA 22219

(Cross out a name above if you are unable to send copies of the petition to all people listed.)