

Commissioner, NJ Dept of Corrections
Whittlesey Road, PO Box 863
Trenton, NJ 08625-0863

Subject: Retaliation & Conspiracy to Violate Inmates' First Amendment Rights

Re: _____ (facility name)

Dear Commissioner,

The primary problem concerns _____ (facility name) officials and staff members conspiratorial practice to violate inmates' First Amendment Rights. Part of this practice consists of manifold reprisals and deliberate disregard for rules and regulations which governs their duty to receive, process and answer inmate grievance(s) (IRSF 101) in compliance with NJ Administrative Code (NJAC) Title 10A, Chapter 1, Section 4 (10A:1.4).

According to the Department of Corrections Policy Statement (#IMM.002.001), subsection I, the purpose of the Inmate Remedy System Procedure is to "Provide a mechanism for inmates to bring complaints, concerns, questions, problems, including those concerning requirements under the Americans with Disabilities Act (ADA) and PREA, and/or grievances to correctional facility administration for resolution through the use of the inmate remedy system. This system is intended to encourage internal problem-solving and establishes line of communication between inmates and correctional facility staff through a correctional facility inmate remedy system coordinator."

Furthermore, and pursuant to subsection III of the same policy statement, "No individual shall be coerced, punished or suffer any reprisal, retaliation or retribution as a direct or indirect result of filing any inmate remedy system form as set forth in this policy."

However, when we exercise use of the grievance procedure either in written form, or electronically filed through the Jpay Kiosks, _____ (facility name) officials and staff members join together to harass and retaliate against us with a combination of any of the following unethical acts:

- ___ 1) Refuse to answer the remedy form (in violation of policy #IMM.002.IRS.001, subsection IV(A)(2)(e)).
- ___ 2) Claim to never receive the form
- ___ 3) Punitive and harassing cell searches
- ___ 4) Remove the inmate from population and place him or her into temporary close custody (TCC) as a form of punishment for submitting the grievance
- ___ 5) Holding mail as a form of punishment for submitting the grievance
- ___ 6) Having mail thrown out by officers for submitting the grievance
- ___ 7) Grievance being sent directly to the individual with whom the grievance is written on
- ___ 8) Grievance appeal being decided by the same person whom the grievance is written on
- ___ 9) Other. Specify _____

Such acts 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 USC 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.

The US Constitutional Amendment, first, allows us to petition the courts for redress and the U.S. Supreme Court requires inmates to exhaust administrative remedies before entering the arena of judicial review. However this protection and process becomes unfairly difficult when prison officials and staff members tamper with the grievance process and the appeals process.

Prison officials and staff members 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. Others have witnessed uncorrected problems that fellow inmates continue to experience and feel the use of the grievance lacks corrective action and actually invites punishment and retaliation.

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:

Chief Ombudsman/woman, NJDOC, PO Box 855, Trenton, NJ 08625-0855

US Dept of Justice, Civil Rights Div, 950 Pennsylvania Ave., NW, PHB, Washington, DC 20530