

Date: _____

To: Director James G. Cox
Nevada Department of Corrections
P.O. Box 7011
Carson City, NV 89702

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

Dear Director,

The primary matter of this communique is Nevada Department of Corrections (NDOC) Prison Officials' conspiratorial practice of violating prisoners First Amendment rights. This practice involves (among other action/inaction) retaliation and deliberate disregard of rules and regulations which are designed to (a) sufficiently curtail official discretion by use of mandatory language, and (b) confer a statutory duty upon officers to act or not act in prescribed ways.

Administrative Regulation (hereafter AR) 339 at 339.01 (Code of Ethics) states at 339.01 1(A)(4): "*Employees shall be firm,, fair and consistent in their performance of their duties. Employees should treat others with dignity, respect and compassion and provide humane custody and care, void of all retribution, harassment or abuse.*" Further at (5) of same section it states: "*Employees shall uphold the tenets of the United States Constitution, its amendments, the Nevada Constitution, Federal and state laws, rules and regulations and policies of the department.*" This code of ethics is binding upon Officials' conduct and creates a statutory obligation.

AR 740 "Inmate grievance procedure" pg. 1 Responsibility states: "*1. The director, through the deputy director (DD's) shall be responsible in establishing an inmate grievance process that provides an appropriate and substantial response to an inmates claim, as well as an administrative means for the expression of and prompt and fair resolution of inmate problems and concerns.*"

In practice, when we utilize the grievance procedure, Prison Officials join together to obstruct, vex and harass this process, and/or retaliate against us with all or some of the following unethical, either singularly or in combination. I have personally experienced the harassment which I have marked with an X:

- ___ 1) Refuse to answer grievances by using DOC 3098 "Improper Grievance Memorandum" to justify habitual rejection of grievances; refuse to process grievances for improper or unrelated reasons; provide answers which are unrelated to the subject matter of the grievance (A.R. 740.05 3).
- ___ 2) Give answers which infer review but provide no redress.
- ___ 3) Refuse to supply, or detach, documentation necessary to the grievance appeal process, then refusing to process the appeal for failure to supply this missing documentation (A.R. 740.06 2)
- ___ 4) Denying grievances which have been admitted to or even have fixed the problems contained therein.
- ___ 5) Refusing to address grievances and disposing of them as "resolved" when nothing at all was done.
- ___ 6) Refusal to deal with staff misconduct and abuse and/or obstructing the grievance process by refusing to alert prisoners' of the conclusion or outcome of any investigations pursuant to A.R. 740.03 2, A.R. 740.0611, 11A and 11B AR 339 and AR 340.

- ___ 7) Refusing to permit appeals by using DOC 3098 "Improper Grievance Memorandum" (AR 740.04 5 & 6) to block appeal process.
- ___ 8) The use of Operations Procedures to justify and defend against, violations of ARs (AR 100.02 5, AR 100 03 7, AR 105.01 10 & 10A).
- ___ 9) Failure and refusal to properly investigate claims and "rubber stamping" any staff explanation (AR 740.05 3)
- ___ 10) Punitive, harassing and retaliatory cell searches and "frisks" by staff to discourage use of the grievance system (AR 740.03 9 & \$A)
- ___ 11) Intra-facility, intra-unit, inter-facility transfer, adverse classification, adverse reclassification, disciplinary and other retaliatory action (AR 740.03 9 & 9A)

Overview

These and similar acts are typical of prisoners' attempts to seek redress via AR 740 "Inmate Grievance Procedure." They are deliberate and concerted acts predicated upon evil intent, and violate Title 42 USC Section 1983, 1985 (3) and 1986. These actions also violate state law, including but not limited to, Nevada Revised Statutes 41.637, 281.360, 212.010, 281.611-671 and 197.200.

Conclusion

This problem is a deliberate campaign of oppression intended to create an atmosphere of trepidation, foreboding and helplessness and to frustrate any attempt to secure peaceful and judicious remedies. This problem is a pervasive condition of confinement in the NDOC and permeates every recess of the Department. It is condoned, permitted, encouraged, and defended. Some refuse to access the grievance system, or even speak, out of fear of reprisal. Others have witnessed retaliation and uncorrected problems due precisely to a failed and deliberately violated grievance procedure.

I currently have grievances unresolved and pending. I have suffered retaliation which is ongoing and I have been the target of abuse from NDOC Officials. Yet, I will here request a thorough, honest and genuine investigation which has as its goal ending abuse, and providing necessary remedial and corrective action.

AR 740 is a state regulation and, as such, cannot be grieved pursuant to itself (AR 740.03 3B). Ergo, any exhaustion requirement imposed by title 42 USC 1997 is fulfilled by this correspondence prior to seeking judicial intervention.

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