

Date:

To: Chief, Office of Special Investigations
1220 Washington Ave., Bldg 2
Albany, NY 12226

Subject: Retaliation & Conspiracy to violate prisoners first amendment rights

Facility name: _____

Facility address: _____

Dear Sir,

The primary problem concerns prison officials' conspiratorial practice to violate prisoners' 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 prisoner grievances in compliance with the facility's rules and United States law.

When we exercise use of the grievance procedure, prison 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 answer grievance.
- 2. Refuse to give receipt for grievance.
- 3. Claim to never have received grievance from prisoner.
- 4. Claim to return grievance to prisoner (prisoner never receives grievance).
- 5. Use of official channels and/or bureaucratic loopholes to manipulate improper, excessive, and repetitive delays.
- 6. Detaching prisoners' supporting documents from grievance and returning grievance to prisoner with written statement refusing to process grievance because no supporting documents are attached.
- 7. Dishonesty in "screening out" grievance. This unethical method is used in the "rejection criteria" to obstruct the grievance from ever being processed.
- 8. Reporting deliberate false information in the course of responding to grievance.
- 9. Punitive and harassing cell searches, pat-frisks, destruction of property, false tickets, or physical assault on prisoner by staff.
- 10. Intra-facility, intra-housing unit, and 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.

Such acts of moral turpitude are some of the dirty tricks used in their 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, and to frustrate our use of the grievance process, 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 resolution.

The United States Supreme Court requires prisoners to exhaust all administrative remedies before entering the arena of judicial review. However, this process becomes unfairly difficult when DOCCS officials tamper with the appeals process.

Prison officials should understand and respect the reality (law) that grievances filed through an official grievance process are constitutionally protected, and deliberate interference with its procedure may result in civil or criminal penalty.

Conclusion

This problem permeates the prison population and adversely affects numerous prisoners. Some prisoners decline to use the grievance process due to the fear of reprisals. Others have witnessed uncorrected problems that prisoners continue to experience and feel the use of the grievance process 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 and uncorrected grievances in desperate need of location and/or resolution.

Therefore, I request a thorough and appropriate investigation to ascertain necessary facts to correct this unlawful practice.

Respectfully Submitted,

Signature:
Name & I.D. #:

Citations for relevant Department policies and/or operating procedures that have been violated, i.e. (Inmate Grievance Program Directive #4040; Correction Law, Section 139; and 9 NYCRR Part 7695, 7 NYCRR Part 701).

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

CC:

Acting Commissioner, Anthony J. Annucci, The Harriman State Campus, 1220 Washington Ave, Albany, NY 12226-2050

New York State Commission of Corrections, 80 Wolf Rd, 4th Floor, Albany, NY 12205

Warden or Supervisor at your facility (name and address) : _____

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