

Introduction to Obstruction of Justice Narrative

In the MDOC, if a prisoner feels he or she has experienced abuse or maltreatment by staff, the only policy in place for which to resolve the issue and pursue justice is through the department's grievance procedure, through what is known as IRRs or Internal Resolution Requests. IRRs must be filed within a specific time frame. If a prisoner is prevented from or delayed in filing an IRR and misses the deadline, it will be immediately dismissed. The procedure, as quoted from MDOC legal office, states, "The Missouri Department of Corrections has instituted a grievance procedure and grievance appeal procedure. This process allows for multiple department staff members at incrementally higher levels of authority to address offender concerns. It is generally the most efficient method of resolving these types of issues."

That the procedure is efficient or effective is up for debate as Missouri CURE has received hundreds of reports that claim otherwise. At the center of these reports are the many tactics and methods the department uses to circumvent legal accountability and obstruct justice. What is most concerning is that these complaints are systemic, from the private health care provider, Corizon Inc, to individual correctional officers, and the entire administration staff.

Below is the grievance policy in full, as quoted from the MDOC Offender Handbook.

OFFENDER GRIEVANCE PROCEDURE (D5-3.2)

"The offender grievance procedure implemented at your institution provides you a method of presenting complaints and also gives staff the opportunity to resolve legitimate complaints. We encourage you to have informal discussion with your unit staff to resolve any complaints. You are required to complete the grievance process prior to filing a lawsuit in the federal courts. The offender grievance procedure consists of 3 stages.

1.) INFORMAL RESOLUTION REQUEST (IRR): If you have not been able to resolve your complaint, you may request an IRR from unit staff. You must file this form within 15 calendar days of the incident you are complaining about. You are to receive a response within 40 calendar days of receipt of your IRR by the staff processing IRR's. If you have not received a response within that time frame, you may proceed to the grievance stage, by notifying IRR staff and requesting an Offender Grievance form.

2.) OFFENDER GRIEVANCE: If you are not satisfied with the response to your IRR, you will be given an Offender Grievance form which you must file within 7 calendar days from the date you sign the IRR Response. Failure to do so will result in the

complaint being abandoned. The time limitation will be suspended in the event a court orders exhaustion of administrative remedies prior to filing a lawsuit. You are to receive a response to your grievance within 40 calendar days. If no response is received within that time frame you may request, from the Grievance Officer, an Offender Appeal form, and you may proceed to the appeal stage.

3.) GRIEVANCE APPEAL: If you are not satisfied with the response to your grievance, you will be given an Offender Appeal form. You must file this form with the Grievance Officer within 7 calendar days from the date you sign the Offender Grievance Response. If you fail to do so, it will result in the complaint being abandoned. An Appeal Response should be provided as soon as practical, but within 100 calendar days of receipt. After receiving the Appeal Response, the grievance process is exhausted.

All offenders are encouraged to utilize this procedure for the redress of grievances. However, offenders must refrain from knowingly and deliberately filing improper Informal Resolution Requests or Offender Grievances, as well as duplicating Informal Resolution Requests or Offender Grievances. The warden may place limitations on the number of IRR's and grievances filed. You may grieve any issue except: matters concerning Probation and Parole; actions of state legislature or other federal, state and local agencies; actions in institutions where the offender does not reside, unless said actions personally involve or directly affect the offender; judicial proceedings; conditions which affect another offender without effecting the grieving offender personally. Matters related to Probation and Parole may be grieved in accordance with P6-6.1 Parole Decisions and P7-1.7 Complaints or Inquiries and Investigations. Any further questions you may have concerning the grievance process may be addressed to the Grievance Officer."

Based upon prisoner reports and numerous complaints concerning this procedure, the entire grievance process, as mentioned above, is mostly meaningless in terms of achieving resolutions or achieving any justice whatsoever. Furthermore, abuse of the grievance procedure, which can be arbitrary and at the warden's discretion, can result in conduct violations and judicial proceedings for giving false testimony, which is another way in which to discourage complaints. In such cases, it may even delay parole. Below are examples of tactics commonly used by staff to prevent and hinder prisoners from filing successful complaints, and to avoid staff accountability.

James M.

James M. filed IRR for deliberate indifference/cruel & unusual punishment. He is often in adsege under the guise of investigation due to filing grievances on medical."

He is also suffering from a long-term testicle condition for which he reports Corizon refuses to treat and suffers constant harassment by staff.

James reports that “Medical does anything to save a dime, even at the cost of a life. **I almost died April 10, 2015 when I came back from surgery.**” I was told nothing was wrong with me. Hours later I was flown to University Hospital for emergency surgery. I still have severe problems due to that day.”

After filing his complaint (*Claim: 4:16-CV-760-JAR*) **James was retaliated against by Corizon nursing staff** and was reportedly **forced to sign “refusals for treatment.”** This was apparently due to missing a medical call-out, even though he was not on the call-out sheet posted in the wing. He states in the IRR that he “signed under duress” as he was told otherwise **“he would be sent to the hole or get written up.”** **James M. is represented by MacArthur Justice Center.*

Grant Williams

Grant Williams is an HIV patient who weighs 124 pounds. Medical staff knows he has AIDS but refuse to treat him. **Mr. Williams filed a lawsuit on 4/1/2016** because Corizon deprived him of necessary double portion food trays, knowing that he was dangerously malnourished and underweight. Staff Dr. Cabrera retaliated by discontinuing his HIV medications. **They’re disposing of his IRRs,** but he has copies for his records as well as all letters he’s written.

George Wynn

George Wynn suffers from degenerative bone loss, lower back issues and arthritis. He also suffers from high blood pressure and requires a knee brace, which was taken away. He has also reports he has been denied medication for nerve damage in his shoulder. Steroid shots needed for severe pain were also delayed for months. George filed an IRRs concerning his knee brace.

After asking to be moved away from a problematic cellmate, George was sent to Protective Custody for evaluation, which is another tactic used to retaliate and stall the grievance procedure. He filed additional IRRs about this **arbitrary classification** but was **denied access to all the necessary legal paperwork** he needed for his case.

Montell W

Montell suffers from sickle cell anemia and writes to us from adseg. Prisoners confined

in adseg are not allowed personal property; this includes legal materials and medical records. Montell's concerns are tied to his health care and the reported indifference, treatment refusals, and obstruction of justice he consistently endures by prison staff and officials. He reports **medical and administration personnel are retaliating against him for filing complaints**. On 5/3/16, Montell had to self declare a medical emergency because of agonizing pain in his chest, lower back, left side of stomach, his neck and head. Dr. Cabera prescribed Tylenol #3 for three days but Corizon **nurse, Pasha refused to give it to him**. Montell wrote the onsite Director of Nursing twice, complaining about his IRRS/grievances and health service forms not being answered. Prison staff **claimed his paperwork came up missing**. Montell reports that staff entered his cell without his knowledge and took documents and **refused to supply copies** of requested and necessary paperwork.

Maurice C.

Maurice C. is currently in litigation with Corizon after he was forced to eat foods that caused rectal bleeding after a staff nurse took him off a **prescribed bland diet in response to a bleeding colon**. Nursing **staff removed the order after he filed a lawsuit** regarding denial/delay for medical treatment for a severely injured wrist. After several attempts to rectify the nurse's maltreatment by notifying kitchen staff of his dietary needs, he was sent to Ad/Seg.

Between 17-30th of December, Maurice was five minutes late for a doctor's appointment. Nurse Pasha wanted him to fill out a refusal of treatment form. CO Ms. Ruby said, **"If he didn't fill out form, his appointment would not be rescheduled."** This indicates a conspiracy to cover up indifference to his medical needs and to avoid accountability.

Darnell S.

Darnell reported that the correctional officers and nursing staff responsible for his care consistently ignore his suffering and refuse to follow the doctor's recommendations. Preparing for his civil suit, **Darnell was denied legal materials, as well as access to his medical records that he needed to prove his case** and hold MDOC accountable for his injuries. He was advised that **his entire file would cost nearly \$900.00. This is an impossible amount of money** for someone who is incarcerated.

Placed into general population after his transfer to SECC, Charleston, Darnell was subjected to a conduct violation "for not standing for count." This bogus violation landed him in adseg.

In 2014 Darnell filed a civil suit against Captain Wilhite (who is well known to Missouri CURE for his racial bias) for retaliating against him. Darnell stated that **Captain Wilhite "took [his] wheelchair**, leaving [him] in [his] cell unable to eat anything for over seven days." Without wheelchair access, Darnell was forced to **pull himself along the floor** to use to the toilet and get into and out of bed each day. He was denied showers "unless he walked."

Todd B.

Todd B. As a legally blind prisoner, Todd B. qualifies and has been approved for certain accommodations, which he reports he is being denied. He reports his extended time in adseg is in **retaliation for filing a complaint regarding his request to be able to read a book.**" As Todd reports, "Four days after speaking with Wayne Casper at Missouri Protection and Advocacy Services over the phone, I was transferred to SECC. I seen the adseg committee the same day (12-13-16) and **was given 30 more days in adseg.**

Isaiah H.

Isaiah has been incarcerated since 2005. According to Isaiah, his long-term isolation was due to a threat prison officials allege he made against the assistant warden. A threat they assert he personally signed but refused to show him proof of. In adseg he has been subjected to a prison policy, known as **"Limited Property"**, which was implemented in the aftermath of a security intervention that predominantly targeted African Americans.

This "Limited Property" policy violates the Missouri Revised Statutes RSMo 217.240, which prohibits the withholding of food and clothing as a form of punishment and mandates the "health, condition and safekeeping of the offenders" by ensuring the "quantity and quality" of food.

The policy also deprived him of personal property, such as legal paperwork and documents. Isaiah also alleges that **while in isolation he and others were subjected to a climate of sexual abuse, and he was prevented from pursuing his civil suit.** Isaiah claims he and many others were forced to perform degrading and humiliating acts just to obtain a few stamps.

Rasheem L.

Rasheem is an African American Muslim who has **spent seven inhumane years in solitary confinement.** Rasheem has vast experience when it comes to the

department's grievance procedure and is seeking justice for the inadequate treatment of his health condition, racist and inhumane treatment by staff, and obstruction of justice. Because Rasheem has a reputation for standing up for himself and the rights of others, his case is particularly rife with instances of abuse and tactics used by staff to curtail justice.

Rasheem reports that staff routinely uses his mail as a tool for harassment and retaliation **by withholding delivery and/or stalling incoming time-sensitive legal mail**. Below is an excerpt from one of the many correspondences Missouri CURE has received:

On 9/23/16 CCM Noel Obi Manduka, the case manger in HU 8, who I've been having serious issues with since I've been here, brought me several pieces of legal mail, all of it was over ten days (past) the postmark. On 10/4/16 he brought me some more legal mail postmarked 8/24/16. The mail was from Cynthia Jotter, the CCM (Obi, as he is called) holds malicious feeling towards me and he continues to violate my constitutional rights.

1.) He has thrown away IRR'S that I filed on him and the grievance officer Joseph Saint for mishandling the grievances I was trying to file on SECC when I first arrived here in June 2016.

2.) He also destroyed/thrown away an IRR I tried to file on Lt. Johnson and Lt. Graham for cruel and unusual punishment for denying me a mattress for five days.

3.) From 8/21/16 to 8/26/16 he deprived me of my legal material and hygiene products. He is trying to protect these corrupt supervisors. They are abusing the whole property restriction procedure.

Rasheem reports that he has written to everyone, including Governor Jay Nixon. "They never write back."