

Timothy J. Muise, - W66927  
MCI Shirley  
P.O. Box 1218  
Shirley, MA  
01464-1218

March 26, 2012

Ms. Kelly Ryan  
Superintendent  
MCI Shirley  
P.O. Box 1218  
Shirley, MA  
01464-1218

Re: YOUR RESPONSE TO MY LETTER TO LUIS SPENCER of MARCH 10, 2012

Dear Superintendent Ryan:

I am safely in receipt of your response, dated March 21, 2012, to my March 10, 2012, letter to Luis Spencer about concerns I had with some serious operational failures here at MCI Shirley. I felt I must respond to some of your contentions.

First, I will begin a "log" of movement delays. I had previously provided your office with a "60 day log" when you first came to MCI Shirley, and I will provide you a copy of same to refresh your memory.

Second, I do not believe I said Deputy Notice "Closes" buildings after you leave the facility, but believe I said that it is no use in having him address any such operations problems as he has operated this prison, along with past administrators, with such closures and delays for years. It only takes one (1) guard to open a building, that would make a total of two guards to keep the School and Programs Building open. It is unconscionable that this is NOT done nightly. Public safety is diminished. Again on Friday, March 23, 2012, there were fifteen guards to "shake-down" a unit, but they could not find one guard to open the Programs Building so we could hold our Alpha Program in the Chapel. Dangerous failures.

Third, Professor Ian Williams, volunteer for the CLEP program was in fact kept out of the facility on one occasion and delayed on two others. Last Wednesday, March 21, 2012, he left the facility because the School Building was closed and no classroom in the Programs Building can facilitate the seventeen CLEP students. Due to the building closure my CLEP class was cancelled. You state that I "allege" officers ignore policy, retaliate against inmates, and prohibit entrance to volunteers. I must again offer that these are "facts", not allegations.

Fourth, guards are engaging in extra aggressive "pat downs" due to our (the prisoners) requests of your office for proper recreation times and movements. It has nothing to do with "security". Another very serious,

public safety diminishing, failure of operations. These failures are creating angry and unprepared prisoners for release.

Finally, I thank you for noting my suggestion on how to rehabilitate prisoners, but that being the shortest paragraph in your letter I must say I took it as tongue in cheek. I will work with young prisoners, trying to instill the "I can" attitude the DOC seems to despise. We must instill hope instead of the hopelessness that causes suicides.

These matters are my life. I cannot cease attempting to inject sanity into a very insane world. I am sympathetic that you inherited a facility with so much entrenched misery and failed operations. You may not see it that way, but you leave here at the end of the day, I don't. The underbelly comes out when you are not around. Prisons are supposed to be "open", not partially "closed" each day. My prayers would be that prison would be "cancelled" due to lack of interest, but that is a dream, but until then it would serve the public safety to have both the Programs and School Buildings open each day - it only takes two (2) guards!

Thank you for your time and understanding.

Very Respectfully Yours,



Timothy J. Muise, -W66927  
MCI Shirley  
P.O. Box 1218  
Shirley, MA  
01464-1218

cc: file  
Spencer  
Patrick



The Commonwealth of Massachusetts  
 Executive Office of Public Safety and Security  
 Department of Correction



MCI-Shirley  
 P. O. Box 1218

Shirley, Massachusetts 01464  
 (978) 425-4341, Fax (978) 514-6601

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 Secretary

**Paul L. DiPaolo**  
 Acting Deputy Commissioner

**Kelly A. Ryan**  
 Superintendent

March 21, 2012

Timothy Muise, W66927  
 MCI-Shirley (E2)  
 PO Box 1218  
 Shirley, MA 01464

Dear Mr. Muise:

Your letter to Commissioner Spencer dated March 10, 2012, regarding various concerns you have at MCI-Shirley, has been referred to me for reply.

In response to movement delays, in order for me to address your allegations I will need dates and times that this has occurred.

You state that Deputy Notice closes school and programs after I leave the facility. Be advised that staffing dictates the times that programs are closed, not Deputy Notice.

You allege that officers are allowed to ignore policy, retaliate against inmates, and prohibit entrance to professors and volunteers. These allegations are unfounded.

Your suggestion on how to rehabilitate inmates is noted.

In response to your complaint regarding extra pat searches, be advised that pat search can and will be conducted whenever security deems them necessary.

I trust your concerns have been addressed.

Sincerely,

  
 Kelly A. Ryan  
 Superintendent

Cc: Luis S. Spencer, Commissioner  
 C12-INM14706  
 File

D E L A Y E D      M O V E M E N T S  
 A T  
 M C I      S H I R L E Y  
 \* \* \* \* \*

<u>DAY/DATE</u>	<u>A.M.</u>	<u>P.M.</u>	<u>EVE.</u>	<u>MISC.</u>
04/04/11	On time	On Time	On Time	Locked In at 9:20PM
04/05/11	9:40	1:14	7:12	Locked In at 4:10PM
04/06/11	9:13	1:19	7:18	Locked in from 10:08-10:44PM
04/07/11	9:11	2:00	7:15	One PM Movement Only
04/08/11	9:14	1:13	7:14	
* 04/09/11	9:05	1:35	7:06	
* 04/10/11	9:07	1:36	7:06	
04/11/11	9:31	1:16	On Time	
04/12/11	9:08	1:05	7:06	Locked in at 9:28PM
04/13/11	On Time	1:05	7:08	
04/14/11	9:08	1:21	7:04	
04/15/11	9:06	1:10	7:57	Chow was at 6:40
* 04/16/11	9:03	1:30	7:10	
* 04/17/11	9:13	1:32	7:06	
04/18/11	9:02	1:35	7:14	Work Day w/ "Holiday Schedule"
04/19/11	9:13	1:12	7:07	
04/20/11	9:06	1:12	7:03	
04/21/11	9:09	1:08	7:07	
04/22/11	9:26	1:17	8:24	Chow at 7:30
* 04/23/11	None	1:37	7:09	10:47am lock in
* 04/24/11	9:07	1:35	7:13	
04/25/11	None	None	7:14	Escape at Minimum
04/26/11	10:00	1:12	7:26	Lock in 2:35pm & 4:27pm
04/27/11	9:09	1:13	7:07	
04/28/11	9:13	1:07	7:15	
04/29/11	9:05	1:06	7:10	
* 04/30/11	9:11	1:41	7:12	
* 04/31/11	9:16	1:36	7:14	
05/01/11	9:11	1:11	7:11	
05/02/11	9:08	1:17	7:06	
05/03/11	9:13	1:12	7:15	
05/04/11	9:10	1:09	7:14	
05/05/11	9:22	1:19	7:13	Lock Ins ay 10:42 & 4:18
* 05/06/11	9:09	1:24	7:20	
* 05/07/11	9:06	1:33	7:15	Lock in at 10:06
05/08/11	9:12	1:23	7:14	
05/09/11	9:12	1:13	7:12	Lock In at 9:25 (Drill)
05/10/11	9:11	1:18	7:14	
05/11/11	9:57	1:55	7:05	
05/12/11	9:06	1:11	7:07	
05/13/11	9:20	1:12	7:14	
* 05/14/11	9:08	1:35	7:14	
* 05/15/11	9:09	1:35	7:12	
05/16/11	9:12	1:08	7:20	
05/17/11	9:17	1:08	7:20	
05/18/11	9:09	1:21	7:12	
05/19/11	9:07	1:15	7:14	
05/20/11	9:07	1:18	7:14	
* 05/21/11	9:13	1:35	7:12	





The Commonwealth of Massachusetts  
Executive Office of Public Safety and Security  
Department of Correction



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*Acting Deputy Commissioner*

**Kelly A. Ryan**  
*Superintendent*

March 28, 2012

Timothy Muise W66927  
MCI-Shirley / E-2  
P. O. Box 1218  
Shirley, MA 01464

Dear Mr. Muise:

Your letters to Superintendent Kelly A. Ryan dated March 17 and March 21, 2012, regarding program availability and the use of staff have been forwarded to me for reply.

I have reviewed your letters and will reiterate Superintendent Ryan's response that the operation of the facility and opening of recreation and program space is dependent upon available staff. We are unable to predict emergency situations and the shift commanders make decisions on an as needed basis to effectively operate the facility.

Although I understand your frustration of frequent closing and relocation of programming at this facility, the situation will be handled on an as needed basis. I have submitted a proposal for the Superintendent to make a modification which would assist in alleviating the closing of program space. This modification is expected to be completed by the close of April, 2012, and this will then put into effect a plan to consolidate the majority of programs in one area, which will allow for consistent staffing.

Your comment that public safety is diminished by authorizing a search of a unit is unreasonable. It is my understanding that the search which you refer to in your letter resulted in the location of a variety of contraband to include a significant weapon. This I believe enhanced public safety and the safety of the residents, staff and visitors to this facility.

The Superintendent and I have noted your concerns, have a plan to correct the issue and as such, will consider the discussion of this issue with you closed.

Sincerely,

A handwritten signature in black ink that reads "Karen D. Nardo". The signature is written in a cursive style with a large, prominent "K" and "D".

Karen L. DiNardo  
Deputy Superintendent

cc: Kelly A. Ryan, Superintendent  
Alvin A. Notice, Deputy Superintendent of Operations  
File



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*Executive Office of Public Safety and Security*  
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**Paul L. DiPaolo**  
*Acting Deputy Commissioner*  
**Kelly A. Ryan**  
*Superintendent*

Inmate Timothy Muise  
W66927  
E-2  
MCI Shirley

April 3, 2012

Mr. Muise,

Your correspondence addressed to Superintendent Ryan dated April 2, 2012 regarding inmate Barnoski has been referred to me for response. Please be advised that any concerns or issues that inmate Barnoski (or any other inmate) may have can and should be communicated by them. Another inmate's issues will not be discussed with or addressed by another inmate.

I trust this addresses your concern.

Sincerely,

Lieutenant Keith Nano  
Investigations  
MCI Shirley

Cc; Kelly Ryan, Superintendent  
file

Timothy J. Muise, #W66927  
Unit E-2, Cell #55-B  
MCI Shirley

*Barnoski*

April 2, 2012

Ms. Kelly Ryan  
Superintendent  
MCI Shirley  
(via Institutional Mail)

Re: WILLIAM BARNOSKI

Dear Superintendent Ryan:

I received a message from my friend, William Barnoski, who is currently in the SMU here at MCI Shirley, and he asked me to assist him in obtaining his personal clothing which he has yet to receive. He also asked me to inform your office that he has not been receiving his proper doses of medication. Billy is 72 years old, has many medical issues, and I am concerned as a fellow Catholic for his welfare. Can you please assist Billy in having his needs met.

Thank you for your time and anticipated cooperation.

Very Sincerely Yours,



Timothy J. Muise, #W66927

*Forwarded to  
IPS to follow up*

**RECEIVED**

APR - 3 2012

MCI SHIRLEY  
SUPERINTENDENT'S OFFICE





## MENTAL HEALTH LEGAL ADVISORS COMMITTEE

The Commonwealth of Massachusetts

Supreme Judicial Court

24 SCHOOL STREET - 8<sup>th</sup> FLOOR  
BOSTON, MASSACHUSETTS 02108

TEL: (617) 338-2345

FAX: (617) 338-2347

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DONALD K. STERN

April 6<sup>th</sup>, 2012

Mr. Timothy Muise  
#W66927  
MCI Shirley  
P.O. Box 1218  
Shirley, MA 01464

RE: Information from Mental Health Legal Advisors Committee

Dear Mr. Muise,

Thank you for contacting the Mental Health Legal Advisors Committee regarding suicides in prisons. Unfortunately, Mental Health Legal Advisors Committee does not handle legal issues that occur in the prison system. However, we reviewed your letter and suggest the following:

- If you hear of any one having issues relating the their mental health or medication you can provide them the information for Prisoner's Legal Services:

Prisoners' Legal Services  
10 Winthrop Square, 3<sup>rd</sup> floor  
Boston, MA 02110  
(617) 482-2773

- They can also contact the Disability Law Center:

The Disability Law Center  
11 Beacon Street, Suite 925  
Boston, Massachusetts, 02108  
(617) 723-8455

I hope you find this information helpful. If you have a new legal question, please call our intake line at (617) 338-2345 (press 4). You can also write us again at the address listed on this letter head.

Thank you for your inquiry with the Mental Health Legal Advisors Committee.

Sincerely,

A handwritten signature in cursive script that reads "Megan Mauskopf". The signature is written in black ink and is positioned above the printed name.

Megan Mauskopf  
Intake Staff