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Thoughts From THE HEART

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THE STATE OF OHIO
PRISONER'S GRIEVANCE PROCEDURE
A DIFFICULT MAZE

PART I

DURING MY PRESENT CONFINEMENT IN THE STATE OF OHIO PRISON SYSTEM, THE WRITER CANNOT REMEMBER A TIME WHEN PRISONER'S AND STAFF DID NOT FUSS, CUSS, QUARREL AND REMONSTRATE WITH ONE ANOTHER ABOUT THE CONDITIONS OF CONFINEMENT, RIGHTS, HUMANITY AND FAIRNESS WITHIN THESE PRISON WALLS. PRISONERS HAVE ALWAYS VESTED A GREAT DEAL OF IMPORTANCE IN WRITING ABOUT THEIR CONFINEMENT IN ESSAYS.

ESSAY WAS THE ARENA WHERE ARGUMENTS WERE MADE, FACTS AMASSED, IDEOLOGY SHARPENED, STATISTICS FORMULATED, AND CORRECTION HOPEFULLY MADE. WITHIN THAT ARENA PRISONERS' ESSAYS HAS LONG BEEN THE ONLY MAJOR WEAPON IN THE OVERALL THREND AND PART. INDEED THE PRISONER WRITING OF ESSAYS HAS BEEN THE ONLY FORM TO CARRY THE BURDEN OF PRISONER'S COMPLAINTS WITH THE VISIBLE WORLD. THE PRISONER'S COMPLAINT'S WITH THE PRISON SYSTEM. THE PRISONER ESSAYIST OFFERS TESTIMONY BOTH - - - - -

FOR HIS FELLOW PRISONERS, AND SOCIETY. EVERYONE SHOULD REMEMBER THAT DR. MARTIN LUTHER KING JR., MOST FAMOUS AND INFLUENTIAL PIECE OF WRITING WAS AN ESSAY, "LETTER FROM A BIRMINGHAM JAIL" (1963). THE ESSAY IS AN ATTEMPT BY PRISONERS TO EXPRESS SOMETHING IN PROSE, AN IDEA, A FEELING, AN ARGUMENT, AN ATTITUDE, A PROPOSITION, THAT TRANSCENDED ITS SUBJECT MATTER, AND WHEN IT WAS SUCCESSFUL, IT TOOK ON THE POWER OF NARRATIVE. THE PRISONER ESSAY IS BOTH SEARCHING AND ASSERTIVE, A CONTRADICTION THAT NECESSITATES ITS ARTISTRY. AT ITS BEST, CAN DO SOMETHING FOR THE MIND, THE HEART; IT CAN MAKE YOU DOUBT AND BELIEVE AT THE SAME TIME. THE PRISONER ESSAY ESPECIALLY SEEK TO ACHIEVE THAT END, TO ATTAIN SUBTLETY AND SUPPLENESS, A DARING nimbleness, TO GO BEYOND THE MERE CONVEYING OF INFORMATION OR DESCRIPTION. YET IT NEVER LOSES ITS ACCESSIBILITY, ITS CHARM; ITS MAGIC; ITS ABILITY TO MAKE ORDINARY LANGUAGE EXTRAORDINARY; TO INDUCE THE READER TO SEE VISIBLE OUR PLIGHT. IT ASPIRES NOT TO MAKE THIS PROSAIC SUBLIME BUT RATHER TO MAKE THE PROSaic COMPLEX AND URGENT, A TRIAL THAT ALWAYS INVITES ANOTHER, BETTER EFFORT; IT IS THE NARRATIVE OF THE ROAD WE'RE ON AND WHAT WE'RE THINKING ABOUT THAT ROAD AT ANY GIVEN MOMENT. A ROUGH DRAFT MAP, IF YOU WILL, THAT CONSTANTLY NEEDS TO BE REWORKED. AS WITH THE SUBJECT IN WHICH I CHOSE TO WRITE ABOUT.

Congress shall make no law abridging the right of the people to petition the government for redress of grievance; the First Amendment to the United States Constitution in pertinent parts. This right is absolute, which is embedded in our country's Constitution. So much so, the Ohio Department of Corrections under a Federal Court order, i.e. [Taylor-v-Perrini] establishes their prisoner grievance procedure, and codified it under the Ohio Administrative Code. [5120-09-3].

The writer will discuss the Ohio prisoner grievance procedure in two parts. First the Text Book Version. The inmate grievance procedure in the state of Ohio is designed to address inmates complaints related to any aspect of institutional life that directly and personally affect the inmate filing the grievance. The grievance procedure is comprised of three consecutive steps and the inmate using the grievance procedure must use their forms in which to file a grievance. These forms must be requested from the staff, (sic) and should be made available to the inmate filing the grievance.

Step one: The filing of DRC Form 415¹ which is an "Informal Complaint Resolution Form" This form must be filed within fourteen calendar

Days of the DATE OF THE INCIDENT GIVING
RISE TO THE COMPLAINT. IF NOT, THE INMATE
LOSES HIS RIGHT TO EVER FILE ANY COMPLAINT OF THIS
ISSUE. ONCE THE FORM IS COMPLETED BY THE INMATE,
THE WHITE AND CANARY COPIES ARE FORWARDED TO THE
SUPERVISOR OF THE STAFF PERSON OR DEPARTMENT
MOST RESPONSIBLE FOR THE COMPLAINT. PINK COPY
IS FORWARDED TO THE INSTITUTIONAL INSPECTOR AND
THE INMATE KEEPS THE GOLDENRED COPY FOR HIMSELF.
THE STAFF PERSON THEN HAS SEVEN CALENDAR DAYS OF
RECEIPT OF THE INFORMAL COMPLAINT TO RESPOND. (SIC) IF
NOT THEN THE INMATE MUST CONTACT THE INSTITUTIONAL
INSPECTOR, IN THIS CASE FOR JUST CAUSE, THE INSTITUTIONAL
INSPECTOR, GIVES THE STAFF MEMBER MORE TIME TO RESPOND
TO THE INFORMAL COMPLAINT. IF THE INMATE IS DIS-
SATISFIED WITH THE RESPONSE FROM THE STAFF MEMBER
THE INMATE MUST REQUEST A NOTIFICATION OF GRIEVANCE
FORM, (DRC FORM 4086)² FROM THE INSTITUTIONAL INSPECTOR
WHO HAS FOURTEEN CALENDAR DAYS FROM THE DATE OF
RECEIPT, TO PROVIDE A WRITTEN RESPONSE TO THE INMATE
BUT, ONCE AGAIN THE INSTITUTIONAL INSPECTOR CAN
EXTEND THE TIME UP TO 28 CALENDAR DAYS FOR
JUST CASE. ANY EXTENSION EXCEEDING 28 DAYS
MUST THEN BE APPROVED BY THE CHIEF INSPECTOR'S
OFFICE LOCATED AT DRC PRISON HEADQUARTERS
IN COLUMBUS, OHIO. IF THE INMATE IS STILL
DISSATISFIED, THE INMATE MUST THEN REQUEST DRC

Form 4089³, APPEAL TO THE CHIEF INSPECTOR'S OFFICE, who has up to 90 DAYS IF NOT MORE TO ANSWER THE APPEAL. THE PRISON GRIEVANCE SYSTEM IS DESIGNED AND ADMINISTER TO WEAR THE GRIEVANCE DOWN. ALL THREE STEPS MUST BE FOLLOWED IN OHIO IN ORDER TO FILE AND SATISFY THE FEDERAL REQUIREMENTS UNDER P.L.R.A. [PRISON LITIGATION ACT], THE PLRA BECAME EFFECTIVE APRIL 24, 1996. ALMOST ALL OF ITS PROVISIONS APPLY TO CIVIL ACTIONS WITH RESPECT TO PRISON CONDITIONS. THIS ACT APPLIES TO ANY CIVIL PROCEEDING ARISING UNDER FEDERAL LAW WITH RESPECT TO THE CONDITIONS OF CONFINEMENT OR THE EFFECT OF ACTIONS BY GOVERNMENT OFFICIALS ON THE LIVES OF PERSONS CONFINED IN PRISON, BUT DOES NOT INCLUDE HABEAS CORPUS CHALLENGING THE FACT OR DURATION OF CONFINEMENT IN PRISON. THE PLRA AND OHIO HOUSE BILL 455 ARE PARALLEL FEDERAL AND STATE STATUTES THAT PLACE NUMEROUS PROCEDURAL BURDENS ON INMATE LITIGANTS. BOTH STATUTES SWEEP WIDELY TO MAKE PRISONER RIGHTS LITIGATION MORE COSTLY, MORE DIFFICULT TO INITIATE, EASIER TO DISMISS AND LESS LIKELY TO RESULT IN ADEQUATE MONETARY OR INJUNCTIVE REMEDIES. UNDER PLRA, AN INMATE MAY NOT BRING AN ACTION FOR MENTAL OR EMOTIONAL INJURY SUFFERED WHILE IN CUSTODY WITHOUT A PRIOR SHOWING OF PHYSICAL INJURY. THE PLRA