

COMMONWEALTH OF MASSACHUSETTS

DEPARTMENT OF CORRECTION

INMATE GRIEVANCE FORM

FORWARD TO INSTITUTIONAL GRIEVANCE COORDINATOR (IGC)

Name RIVA JAMES Grievance# 42336 Institution OLD COLONY CORRECTIONAL
Commit No. W38533 Housing ATTUCKS II Date Of Incident CENTER
Date Of Grievance 20090818 20090818

Complaint We have requested that a fan be installed in the duct work of the Masjid many times. There is no ventilation in the Masjid! The OMB's for dept. of public health require that all occupiable spaces in the prison have ventilation. When Masjid is at full capacity it's unbearably hot and stifling.

Remedy Requested Install proper ventilation. Either put a fan inside the duct work or create an opening in the fixed windows of the skylight.

Staff Recipient [REDACTED]

Staff Involved

Signature

RECEIPT BY INSTITUTIONAL GRIEVANCE COORDINATOR

Date Received 20090819 Decision Date 20090924

Signature [REDACTED]

Final Decision DENIED

Decision Your grievance has been denied. The rooms have ventilation ducts which circulate the air, and fans have been provided during extremely hot weather. OCCC is in compliance with all health and sanitation codes. I trust this addresses your concerns.

Signature [REDACTED]

Date 9/24/09

Denied grievances may be appealed to the Superintendent within 10 working days of Institution Grievance Coordinator's decision.

INMATE RECEIPT

Name RIVA JAMES Institution OLD COLONY CORRECTIONAL
Commit No. W38533 Grievance# 42336 Date Received CENTER
20090819

Signature [REDACTED]

COMMONWEALTH OF MASSACHUSETTS

DEPARTMENT OF CORRECTION


INMATE GRIEVANCE APPEAL FORM

FORWARD TO SUPERINTENDENT

Name RIVA JAMES Institution OLD COLONY CORRECTIONAL CENTER
Number W38533 Housing ATTUCKS II Appeal Date 26-SEP-09 Date Of Grievance 18-AUG-09
Appeal Received Date 05-OCT-09

Appeal My grievance number 42336 was denied on 9-24-09. The grievance complained of inadequate ventilation in the Masjid (and that whole row of classrooms and the library). Stated reason for denial was that "OCCC is in compliance with all health and sanitation codes." 105 CMR 451.140 requires ALL occupiable space in the prison to be ventilated. This same issue was brought to your attention last year. You're trying to save money by depriving prisoners of fresh air.

Remedy Requested Install ductwork that actually is attached to the exchangers on the roof, OR salvage exhaust fans from defunct SECC prison and put them in the sky lights.

Staff Recipient 

Signature _____

DECISION BY SUPERINTENDENT

Appeal Received Date 05-OCT-09 Decision Date 13-OCT-09 Decision DENIED

Decision By OBrien Steven J SUPERINTENDENT

Reasons Based on the research conducted by the IGC, I can not support your appeal.


Signature _____

Date 10/13/09

INMATE RECEIPT

Inmate's Name RIVA JAMES Institution OLD COLONY CORRECTIONAL CENTER

Number W38533 Appeal Received Date 05-OCT-09

Staff Recipient 

Superintendent's Signature _____



Deval L. Patrick
Governor

Timothy P. Murray
Lt. Governor

Kevin M. Burke
Secretary

The Commonwealth of
Massachusetts
Executive Office of Public
Safety and Security
Department of Correction
Old Colony Correctional Center
One Administration Road
Bridgewater, MA 02324
Telephone (508) 279-6000
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Harold W. Clarke
Commissioner

James R. Bender
Ronald T. Duval
Veronica M. Madden
Deputy Commissioners

Steven J. O'Brien
Superintendent

June 26, 2008

James Riva, W38533
Attucks II
Old Colony Correctional Center
One Administration Road
Bridgewater, MA 02324

Dear Inmate Riva,

Your correspondence to Superintendent O'Brien dated June 16, 2008 regarding the air quality in the Masjid has been referred to my office for response.

Based on your correspondence, the Environmental Health and Safety Officer as well as the Maintenance Department have again looked at this area as they have in the past. The air quality and temperature are well within the appropriate levels.

Your correspondence goes on to state that on "Friday, the Jumah service is an event that could make a lot of people faint because of the lack of fresh air and build up of CO₂". That did not happen. The event was well attended and there were no such issues.

There are no plans to install ductwork or an intake fan in the Program Corridor at this time.

I trust I have addressed your concerns.

Sincerely,

JAF/tlb

cc: Steven J. O'Brien, Superintendent
Nelson W. Julius, Director of Security
Gerard Trahan, E.H.S.O.
Dom DaSilva, Industrial Instructor III
File

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Harold Clarke
Commissioner of Corrections
50 Maple St.
Suite 3
Milford, MA 01757-3698

Aug. 17, 2009

RE: Lack of ventilation in the Masjid at Old Colony CC

Dear Commissioner Clarke,

We Muslims at Old Colony have long suffered from zero ventilation in the Masjid. There is no forced air into the Masjid and no openable windows. In the summer it is absolutely unbearable.

Actually, all the classrooms on that particluar row of rooms at OCCC have similar problems.

This has been grieved both formally and informally. Last year I wrote to superintendent O'Brien requesting that he have installed an intra-ductal fan to blow some air from the roof into the Masjid. He had deputy James Ferreira write back to me saying he has no intention of installing a fan in the duct work- in person he said "Well, no one has passed out from lack of air."

Dept. of Public Health 105 CMR 451.000 Minimum Health and Sanitation Standards and Inspenction Procedure for Correction Facilities;
105 CMR 451.010 Application to Correction facilities applies to every correction facility in this state.

105 CMR 451.140 Adequate Ventilation; Each inmate shall have adequate ventilation at all times. Each facility shall have ventilation of each cell and each habitable or occupiable space, bathroom, and toilet compartment in compliance with 780 CMR State Building Code. Natural ventilation thru a window in each cell is recommended.

Perhaps the next time you are here you could check this out. The Captains office is on the same row and has adequate ventilation- actually air conditioning. We're not asking for air conditioning. We're asking for minimally adequate forced air ventilation.

Most of the time security staff insist on keeping the Masjid door closed also- in spite of the oppressive heat. The capacity of the Masjid is 40. It is often at capacity and it is rough with no air.

The classrooms on that row and the library all suffer but to a lesser degree than the Masjid. Please do something about it.

Very Truly,



James Riva II W38533
OCCC
1 Administration Rd.
Bridgewater, MA 02324



Deval L. Patrick
Governor

Timothy P. Murray
Lieutenant Governor

Kevin M. Burke
Secretary

The Commonwealth of Massachusetts
Executive Office of Public Safety and Security
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Harold W. Clarke
Commissioner

James R. Bender
Ronald T. Duval
Veronica M. Madden
Deputy Commissioners

August 21, 2009

James Riva, W38533
Old Colony Correctional Center
1 Administration Road
Bridgewater, MA 02324

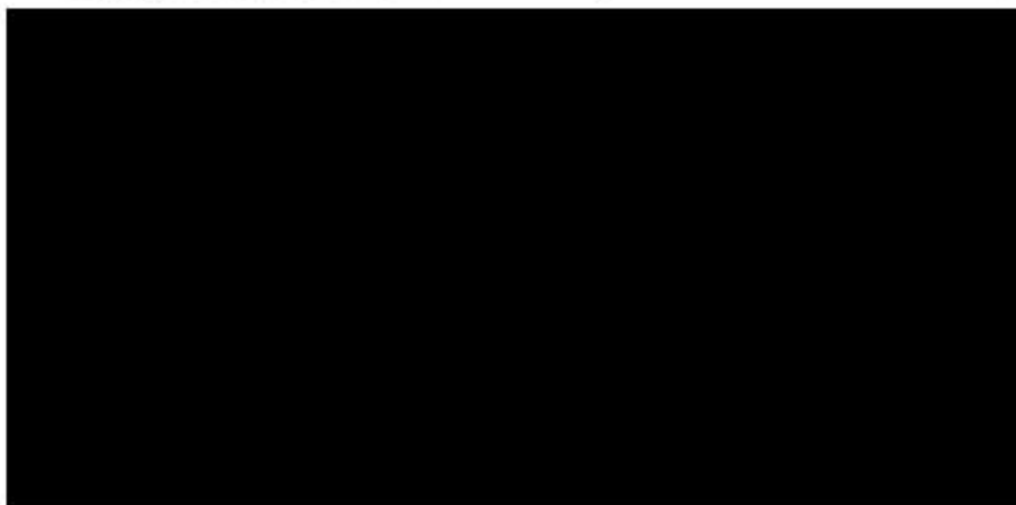
Dear Mr. Riva:

The Commissioner is in receipt of your correspondence pertaining to the alleged lack of ventilation in the Masjid and has referred it to me for response. I am aware that you submitted a grievance (#42336) regarding this issue and it is currently pending with the Institution Grievance Coordinator (IGC) at Old Colony Correctional Center.

The Superintendent is the appellate authority in grievance matters, and as such his/her decision is final. If the Superintendent denies your appeal, the Department Grievance Manager may elect to review the appeal decision, in which case his/her decision would be considered final.

The Commissioner will not intervene in this process as you must exhaust all levels of appeal in accordance with 103 CMR 491, Inmate Grievances.

I hope that I have addressed your concerns.



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Dept. of Public Health
Exec. Office of Health and Human Services

Sept. 12, 2009

Dear Sir or Madam,

My name is James Riva and I am a prisoner at Old Colony Correction Center, One Administration Rd. Bridgewater, MA 02324. I am sending this certified because most of my mail gets blocked by prison officials.

We Muslims here congregate in a room called the Masjid. It is a small room with a sign stating capacity at 40 maximum. It has no openable windows, just an unusual skylight at the top of a shaft. There are two ceiling vents. Right now one of those vents is flowing some air- very little. For most of the year, we get no ventilation at all in the Masjid. Then for the month and a half before their big federal audit, they divert a little of the air conditioning from the Captain's office. After the federal auditors go home, the air is shut off again.

You would have^{to} come see the portion of the building I am talking about. All the classrooms in that row the Masjid is on and the library have non existent ventilation. That part of the building was never finished so the vents really don't connect to anything. There is no air exchanger on the roof.

Last year I wrote superintendent Steven O'Brien and he had deputy James Ferreira write to me flatly refusing to fix the problem. This year I wrote the superintendent again and filed a grievance. I thought something was gonna get done because the grievance coordinator said they were looking into fixing the vents. Then yesterday I got another letter from deputy Ferreira telling me its already fixed- there's no problem- I've enclosed a copy of deputy Ferreira's letters, my letter to the commissioner, the commissioner's reply, and my formal grievance.

105 CMR 451.140 requires that all occupiable space in the prison be ventilated. This prison is about 20 years old and they still haven't fixed it, so I guess it won't get fixed unless you folks come here and ask to inspect the ductwork in the ceiling to determine that it doesn't go anywhere.

I even proposed a low cost solution. The old Southeastern Correctional Center is vacant and unused because its structurally unfit. Why not take some exhaust fans with closable flaps from there and install them in the skylights in that row of rooms? That would draw air from under the doors and thru the ceiling. In the summer it would be a welcome relief.

As it stands now we get no air for 10½ months of the year.

Please come here and help us.

There's lots of stuff you can save money on in prison, but I don't think ventilation is one of them.

Truly,


James Riva II W38533 OCCC One Administration Rd. Bridgewater