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Sixteen Steps Towards Getting Proper Medical Care in the W.D.O.C.

by Nate A. Lindell #303724 W.S.P.F. P.O. Box 9900 Boscobel, WI 53805

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Especially given the overcrowded conditions in most prisons & the faltering economy, as well as for other reasons, prisoners are often denied proper medical care for chronic or other serious ailments. The following steps are my proposed strategy for remedying this problem - please freely amend & copy this.

1. Make a record of prison officials' neglect/indifference to your medical problem. Do so by complaining about the problem, in writing, as often as possible, clearly explaining what's wrong & how it's harming you. Keep copies of your complaints & staff's replies.

2. Do your research on web-sites (e.g. <http://my.webmd.com>, www.mayoclinic.com, www.cdc.gov (ph. 1-800-CDC-INFO), www.nlm.nih.gov, & www.healthline.com), in books (e.g. *Arthritis for Dummies* &/or whatever other books discuss your ailment), & from organizations like the American Medical Association (i.e. www.ama.org). Find out what good & bad treatments there are for your ailment, etc., & cite this, as is relevant, in your complaints.

3. Discover who all is responsible for denying you care & petition them to provide it. Be respectful, but try to get them to reveal on paper that they are recklessly if not maliciously denying you care. Their replies can & will be used against them when you sue them.

4. Petition your senators, congresspersons, & other politicians for help. Often they are investigating some aspect of prison. Find out who & holler at them.

5. Have outside supporters call, e-mail, &/or write prison medical officials (e.g. in WI, at the moment, James Greer is the Director of the W.D.O.C.'s Bureau of Health Services (B.H.S.) & can be contacted at ph. (608) 240-5122, james.greer@wisconsin.gov, 3099 E. Washington Ave. Madison, WI 53708; Dr. David Burnett is the Medical Director (the person who approves off-site treatment/exams, special needs, & surgical procedures) & can be reached at Greer's ph. #, addy, or e-mailed at david.burnett@wisconsin.gov), your warden, the W.D.O.C. secretary, politicians, explaining your problem & insisting on proper care. Again, keep copies of e-mails & replies.

6. Do an open records request with your state's licensing board, the one that licenses & holds disciplinary hearings for Drs., nurses, etc. Ask for the files they have on the Dr.(s) or nurse(s) who're neglecting you. In WI, it's the WI Dept. of Regulation & Licensing P.O. Box 8935 Madison, WI 53708, www.drl.state.wi.us ph. (608) 266-7482. File a complaint against those denying you care & dig up what you can use against them in court. Google 'em & look 'em up on www.copwatch.com

7. Do a FOIA request with the U.S. D.O.J.'s Civil-Rights Division, 950 Penn. Ave., N.W., Washington, D.C. 20530-0001, www.usdoj.gov/crt/split/cripa. Ask for any files they have on the staff responsible for denying you care & any private contractors involved (e.g. C.M.S.). File a civil-rights complaint too, as it's a federal crime (18 U.S.C. §241 & §242) to violate your 8th Amendment rights. This FOIA material may show a history abuse by staff, which incriminates supervisors & can lead up to enough civil-rights convictions to justify a criminal or civil R.I.C.O. case against their organization.

8. Have your people demand that charges be pressed against those denying you health care. In WI, §940.29 Abuse of residents of penal facilities makes it a felony to abuse or let others abuse a prisoner in any way. Wisconsin convicts can file a John Doe Petition under §968.26, Stats., to get a judge & prosecutor to decide if such a crime has been committed. It's likely that your state has similar laws. This can uncover evidence & get you care.

9. Get an attorney. I don't care how brilliant you may be, it's best that you have an attorney. Attornies can obtain & handle expert witnesses, do depositions, review & copy records, interview witnesses, & other things you can't do. Look up "civil-rights" & "police misconduct/brutality" attornies in your state's Lawyer Directory. Best to have free people contact them. Look up other attornies on: your state bar's site, www.findlegalhelp.org, www.ptla.org/probono.htm, www.justicedenied.org/probono.htm, www.nlada.org, www.dredf.org, www.law.virginia.edu/html/publicserv/probono.htm, Prisoner's Rights Research Project, Univ. of Ill. College of Law 504 E. Penn. Ave. Champaign, IL 61820 (students research & advise on your issue). The WI Bar Lawyer Referral Service is 1-800-444-9404 ext. 6131 www.wisbar.org/lris.

10. Fully & correctly exhaust your prison's grievance process, or ya can't sue.

11. Winning a medical malpractice claim is easier than winning an 8th Amendment claim, yet both usually require expert evidence. It's malpractice when a doctor, etc., deviates from standard care. But to win an 8th Amendment claim, you must have evidence that defendants at least reck-⁽¹⁹⁷⁶⁾lessly disregarded a serious medical need. See Estelle v. Gamble, 429 U.S. 97, 104

12. Gather up all of your evidence before you file a suit.

13. Issue propoganda to local & national media & org's (e.g. www.prisonlegalnews.org, www.aclu.org/npp, www.hrw.org/reports, www.digg.com) ^{(get support!}

14. Don't use court forms to write your suit. Instead, write your own suit, based on the sample suits in the Prisoner's Self-Help Litigation Manual, 4th Edit.

15. Have your discovery requests prepared before you file suit. Know what you'll need to win. Request each defendant's personnel file, for starters.

16. Research your judge: google, bar's site, bing.com. Don't piss them off!