

D. If you are dissatisfied with the First Level response, explain the reason below, attach supporting documents and submit to the Appeals Coordinator for processing within 30 calendar days of receipt of response. If you need more space, use Section D of the CDCR 602-A.

The Institutional Mail is the "only" method I have to file grievances concerning an action by CDCR STAFF, therefore when I gave % Oatman my appeal at mail time addressed to the appeals coordinator, as per ccr code(s) 3084.1(a)(c)(d) I fully expect my appeal to be received by the appeals coordinator. Yes % Oatman was in violation of ccr code 3133(b)(3). At the time of this incident, % Oatman was not assigned to the Designated position where his job duties include reading outgoing mail. When % Oatman read and discovered my appeal was a staff complaint, %

Inmate/Parolee Signature: Kirk Stevensen

Date Submitted: 2.19.13

E. Second Level - Staff Use Only

Staff - Check One: Is CDCR 602-A Attached? Yes No

This appeal has been:

- By-passed at Second Level of Review. Go to Section G.
- Rejected (See attached letter for instruction) Date: _____ Date: _____ Date: _____ Date: _____
- Cancelled (See attached letter)
- Accepted at the Second Level of Review

Assigned to: Complex II (C-yard) Title: A.W. Date Assigned: 2/22/13 Date Due: 4/5/13

Second Level Responder: Complete a Second Level response. If an interview at the Second Level is necessary, include interviewer's name and title, interview date and location, and complete the section below.

Date of Interview: N/A Interview Location: _____

Your appeal issue is: Granted Granted in Part Denied Other: _____

See attached letter. If dissatisfied with Second Level response, complete Section F below.

Interviewer: M. CALHOUN Title: LC Signature: _____ Date completed: 3-10-13

Reviewer: B. BEVAN Title: CDW Signature: _____

Date received by AC: 4-11-13

AC Use Only
Date mailed/delivered to appellant 4.12.13

F. If you are dissatisfied with the Second Level response, explain reason below; attach supporting documents and submit by mail for Third Level Review. It must be received within 30 calendar days of receipt of prior response. Mail to: Chief, Inmate Appeals Branch, Department of Corrections and Rehabilitation, P.O. Box 942883, Sacramento, CA 94283-0001. If you need more space, use Section F of the CDCR 602-A.

My Dissatisfaction continues in regards to this issue, because; % intentionally denied the appellant the right to appeal a CDCR Grievance which is given to me by the CDCR. Also the second level official reviewing this appeal, attempts to lessen the violation of a 3W staff reading, and deciding if the appellant should be allowed to appeal a CDCR App Action/Decision. The Appellant was intentionally denied of his right to appeal, according to CCR Title code(s) 3084.1

Inmate/Parolee Signature: Kirk Stevensen

Date Submitted: 4-22-13

G. Third Level - Staff Use Only

This appeal has been:

- Rejected (See attached letter for instruction) Date: MAY 03 2013 Date: _____ Date: _____ Date: _____
- Cancelled (See attached letter) Date: _____
- Accepted at the Third Level of Review. Your appeal issue is Granted Granted in Part Denied Other: _____

See attached Third Level response.

Third Level Use Only
Date mailed/delivered to appellant JUL 02 2013

Request to Withdraw Appeal: I request that this appeal be withdrawn from further review because; State reason. (If withdrawal is conditional, list conditions.)

Inmate/Parolee Signature: _____ Date: _____
Print Staff Name: _____ Title: _____ Signature: _____ Date: _____

D. Continuation of CDCR 602, Section D only (Dissatisfied with First Level response): Oatman, willfully and knowingly threw away, kept, hid or intentionally chose to deny me the given rights to Appeal, Due process, and my first, Eighth, and Fourteenth amendment to the Constitution of the U.S.A. If Oatman did properly forward my appeal to H.D.S.P. A/C, the Appeals Coordinator would of had possession of my appeal via H.D.S.P. Institutional Mail System. Oatman is untrust worthy in handling of I/m appeals against his colleagues, associates and friends, this is his form of protection toward them. As per SGT Weaver's response, at no time did I state that Oatman walked up any stairs, I did state that Oatman took my appeal, opened and read it, then walked down the tier to C-Section. SGT Weaver, has continued to attempt to protect, lie and downplay the fact, and seriousness of Oatman's action(s) in denying me my Right to Appeal. On the evening of my interview with SGT Weaver, SGT Weaver made an announcement over his Institutional Radio, that "All Staff is now designated to read I/m mail, which he did in response to me the appellants pointing out that only Designated Staff was/is allow to read incoming/out going I/m mail. As per 3133(a)(3). The attached I/m Request 61A-22 ~~is~~ attached to this appeal is the appeal Inquiry, This appeal should be Accepted as a Staff Complaint due to the blatant actions of this Oatman.

Inmate/Parolee Signature: Kirk Stevenson

Date Submitted: 2-19-13

F. Continuation of CDCR 602, Section F only (Dissatisfied with Second Level response): and all staff in support agreement with the action(s) of Oatman is willfully denying the appeal this right to appeal according to title 15 code(s) 3084.1 Right to Appeal.

Inmate/Parolee Signature: Kirk Stevenson

Date Submitted: 4-22-13

Prison Cover-up
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4-24-14

Memorandum

Date : December 31, 2012

To : Inmate Stevenson, H13365
FCB1-216L, High Desert State Prison

Subject: **STAFF COMPLAINT RESPONSE - APPEAL # C12-04182 FIRST LEVEL RESPONSE**

APPEAL ISSUE: Inmate Stevenson, you allege that on November 19, 2012, you submitted a CDCR 602 for to the Appeals Coordinator via the institutional mail at the 2015 hour mail pick-up. You allege that you handed the appeal to Officer Oatman, in which he opened the appeal, read it and walked away. Due to the fact that the appeal was in response to the actions of Officer Whitcomb, you allege that Officer Oatman did not properly forward the appeal to the Appeals Coordinator. You then allege that one week later you submitted a request for interview to the Appeals Coordinator inquiring about the status of this appeal in which on November 28, 2012, you received a response stating that they had not received it. You are requesting that this matter is thoroughly investigated, that Officer Oatman be reprimanded, terminated and prosecuted to the fullest extent of the law.

All issues unrelated to the allegation of staff misconduct must be appealed separately and will not be addressed in this response. You do not exhaust administrative remedies on any unrelated issue not covered in this response or concerning any staff member not identified by you in this complaint. If you are unable to name all involved staff you may request assistance in establishing their identity.

DETERMINATION OF ISSUE: A review of the allegations of staff misconduct presented in the written complaint has been completed. Based upon this review your appeal is: Being processed as an Appeal Inquiry.

A review of the Disability and Effective Communication System (DECS) and Strategic Offender Management System (SOMS) indicates you have a TABE score of 5.5 and have no disabilities which require special accommodation to achieve effective communication. However, effective communication was achieved during your personal oral interview using normal conversational tones, your personal interaction with the interviewer, and the detail with which you were able to restate the discussion in your own words.

You were interviewed on December 31, 2102, by Sergeant H. Weaver and you stated that you handed your CDCR 602 to Officer Oatman during mail pick up, that he opened it and started reading the CDCR 602, as he walked to the other section, then went up the stairs. You stated that Officer Oatman is not authorized to read the 602's, only the night shift is authorized to.

Prison # 290
Cover-up
4-24-14

Your appeal is **PARTIALLY GRANTED** in that: The Appeal inquiry is complete and has been reviewed and all issues were adequately addressed.


The following witness(es) were questioned: None. The following information was reviewed as a result of your allegations of staff misconduct: Your CDCR 602.


Staff: *did* *did not* violate CDCR policy with respect to one or more of the issues appealed.

ALL STAFF PERSONNEL MATTERS ARE CONFIDENTIAL IN NATURE.

- As such, the details of any inquiry will not be shared with staff, members of the public, or offender appellants.
- Although you have the right to submit a staff complaint, a request for administrative action regarding staff or the placement of documentation in a staff member's personnel file is beyond the scope of the staff complaint process. A variety of personnel actions may be initiated by the Department based upon the content of your complaint and the outcome of any investigation or inquiry conducted as a result of your complaint.
- Allegations of staff misconduct do not limit or restrict the availability of further relief via the inmate appeals process.

If you wish to appeal the decision and/or exhaust administrative remedies, you must submit your staff complaint appeal through all levels of appeal review up to, and including, the Secretary's/Third Level of Review. Once a decision has been rendered at the Third Level, administrative remedies will be considered exhausted.

Print: Sergeant H. Weaver Sign:  Date: 12/31/2012
Interviewer

Print: D. PRANZANO Sign:  Date: 2/1/13
Reviewing Authority