

Solitary Watch

Criminal Justice Issues and Prisoners' Rights

<https://solitarywatch.org/2011/03/24/prisoner-grievances-the-system-for-going-up-against-the-system/>

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by [Jean Casella and James Ridgeway](#) | March 24, 2011

A piece by [California inmate and jailhouse legal advisor Richard Gilliam](#) appeared earlier this month on [The Informant](#), KALW public radio's excellent blog on Cops, Courts, and Communities in the Bay Area. Gilliam describes the complex system for filing grievances within California prisons, a system in which complaints against prison administration are handled by none other than the prison administration.

This rigged system, in which inmates must exhaust all internal grievance procedures and jump through carefully timed hoops before they can have access to the courts, was codified by the [Prison Litigation Reform Act](#). Keep in mind that this is the procedure prisoners must follow if they feel they have been unjustly placed in solitary confinement and they must do it all from inside an isolation cell.

For inmates confined within the facilities of the California Department of Corrections and Rehabilitation, there exists a means by which grievances can be addressed: the CDC Form 602. This distinctive, avocado green form is ubiquitous and can be found in every housing unit in every prison and facility in California. The California Code of Regulations Title 15, the prison rule book, states, any inmate or parolee under the department's jurisdiction may appeal any departmental decision, action, condition, or policy which they can demonstrate as having an adverse effect upon their welfare.

These noble words and the ready availability of the forms belie the fact that the process is edentulous and sometimes results in a huge waste of taxpayer funds.

For inmates filing a grievance, the first lesson they learn is that they are appealing to a Department of Corrections employee regarding the actions or policies formulated by another departmental employee. That's like the rooster complaining to the fox that his brother fox is stealing chickens. The fox is going to justify his brother's actions no matter how right or wrong they are.

I have filed dozens, perhaps more than 100 grievances for myself and on behalf of other inmates for issues such as verbal abuse by prison staff, theft of property by correctional officers, due process violations, and denial of access to the prison law library. I have had perhaps five actually granted. This is because I am persistent.

There are four administrative levels of review for an inmate grievance: informal, formal, second-level, and directors level. It takes months for a grievance to wind its way through to the directors level. Most inmates simply give up out of frustration and departmental policy makers know this, so they are happy to hand out 602s all day long, secure in the knowledge that they will get away with whatever indiscretion has been committed.

Despite all of these built-in obstacles, Gilliam writes, a rare prisoner complaint does make its way to the courts.

The most famous and expensive litigation may turn out to be *Schwarzenegger v. Plata*, the prison health care case currently before the US Supreme Court. The case is going to cost the taxpayers a lot of money and may result in the release of thousands of inmates due to inadequate health care in prisons. And that case began because an inmate, Plata, couldn't get the medical care he thought he deserved, so he filed a 602.

Another case, decided by the US Supreme Court in 2005 is *Johnson v. California*. In this case, Johnson, an African-American inmate, wanted to be housed with an inmate of a different race. CDC personnel denied his request, so he filed a 602. The CDC claimed it was necessary to house same-race inmates together for safety, but the courts ruled that this policy discriminated against Johnson and other inmates on the basis of race, and was unconstitutional. This case undoubtedly cost Californians tens of thousands of dollars, all because the CDC didn't want to give inmates a choice about whom to live with.

This is just another example of authoritarian hubris that I live under and you must pay for.

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James Ridgeway (1936-2021) was the founder and co-director of Solitary Watch. An investigative journalist for over 60 years, he served

as Washington Correspondent for the Village Voice and Mother Jones, reporting domestically on subjects ranging from electoral politics to corporate malfeasance to the rise of the racist far-right, and abroad from Central America, Northern Ireland, Eastern Europe, Haiti, and the former Yugoslavia. Earlier, he wrote for The New Republic and Ramparts, and his work appeared in dozens of other publications. He was the co-director of two films and author of 20 books, including a forthcoming posthumous edition of his groundbreaking 1991 work on the far right, *Blood in the Face*. Jean Casella is the director of Solitary Watch. She has also published work in The Guardian, The Nation, and Mother Jones, and is co-editor of the book *Hell Is a Very Small Place: Voices from Solitary Confinement*. She has received a Soros Justice Media Fellowship and an Alicia Patterson Fellowship. She tweets @solitarywatch.

Accurate information and authentic storytelling can serve as powerful antidotes to ignorance and injustice. We have helped generate public awareness, mainstream media attention, and informed policymaking on what was once an invisible domestic human rights crisis.

Only with your support can we continue this groundbreaking work, shining light into the darkest corners of the U.S. criminal punishment system.

by [Juan Moreno Haines](#)

October 25, 2022

by [Solitary Watch Guest Author](#)

October 13, 2022

by [Vaidya Gullapalli](#)

September 29, 2022

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I just get turned away at every person I encounter. I've asked for help in Chicago, Charlotte, the UCLA is so backed up its impossible. Anyone who hears our story can tell how obvious it is that my husband was set up, but no one near us will touch the county system, and others who may not work in NC jurisdiction. It is very frustrating to try to make a difference when everyone on the outside is so frightened. Its time for change. I will look over your info. Perhaps I am supposed to start something in NC myself, but we've lost everything because of this. I can find nothing on the net where people in this state are standing up and asking questions. Thank you

@thecreatordeems

I have gathered a few articles which may help here. In my comments under the article I wrote there is more info and links. I hope this helps you.

<http://solitarywatch.com/2010/07/10/the-prisoners-catch-22/>

@thecreatordeems

Well unfortunately I am not qualified to assist you in your efforts. However there are people such as this activist with my same first name.

<http://solitarywatch.com/2012/07/16/shutting-down-a-supermax-an-interview-with-alan-mills-of-the-uptown-peoples-law-center/>

Alan Mills is the Legal Director of the Uptown Peoples Law Center in Chicago, Illinois

Also contact Jean Casella and James Ridgeway they have the contacts and background to assist you. I just research and try to assist where I can. I am glad some notice and get interested. Good luck!

Alan, how does one get in touch with you? I really need some help trying to make a difference in the NC prison system, but know that if complaints aren't filed exactly right, the hoops you speak of, then it can be a wasted effort. I want to be an advocate here, but just don't understand the intricacies of the legal maze. Thanks for all of your input on this site. blessings, thecreatordeems@gmail.com

The other cases have merit however there is a history to all of this that has not been addressed on here.

For a peek at prisoner tactics that motivated the passage of PLRA click here:

<http://eglibraryreferences.blogspot.com/2008/04/confession-of-underground-think-tank.html>

It is sad that the pendulum of (in)justice has swung so far back.

On the Johnson case I think those concerned about it should read the full details of case here:

<http://caselaw.lp.findlaw.com/cgi-bin/getcase.pl?court=US&navby=case&vol=000&invol=03-636>

Every ex-con, or current inmate for that matter, knows the real reason Johnson wanted to have a roommate of a different race.

But under PREA the Department of Corrections must do what they can to prevent prison rape.

Considering the following statistics and those expressed in this case, I believe the DOC needs to look upon such requests with a skeptical eye.

Here are the uncomfortable facts uncovered by researchers and validated by my own personal observations.

Human Rights Watch published a report about this:

No Escape: Male Rape in US Prisons

<http://www.hrw.org/legacy/reports/2001/prison/>

Inter-racial sexual abuse is common only to the extent that it involves white non-Hispanic prisoners being abused by African Americans or Hispanics. In contrast, African American and Hispanic inmates are much less frequently abused by members of other racial or ethnic groups; instead, sexual abuse tends to occur only within these groups.

Past studies have documented the prevalence of black on white sexual aggression in prison. These findings are further confirmed by Human Rights Watch's own research. Overall, our correspondence and interviews with white, black, and Hispanic inmates convince us that white inmates are disproportionately targeted for abuse.

http://www.utexas.edu/know/2010/11/22/renaud_jorge/

In Texas prisons, violence and racism reign

by Jorge Antonio Renaud

Published: Nov. 22

Jorge Antonio Renaud, a graduate student in the School of Social Work, spent 27 years in Texas prisons. This post is part of a Know series on the Texas prison system.

Relieved of the certainty that random violence might result in deadly retaliation, incoming gang bangers overwhelmingly black and Hispanic brought their street codes into prison: the drive-by mentality took hold, and it was visited against Anglos. These cons didn't limit their violence to enemies they adopted the attitude that any white boy was fair game, and that he could and should be broken by continual, unexpected gang beatings administered regardless of whether he fought back, or whether he showed heart. The unwilling joined white supremacy gangs for protection, while those men weary of constant beatings became sex slaves and cash cows.

This aspect of Texas prisons results in thousands of men leaving the system with a predator mentality or a raging racism buried so deep it might never be eradicated. Reducing barriers to reentry is one thing understanding and relieving the trauma this unceasing violence leaves on the thousands of Texans returning to our streets is another.

<http://www.texasobserver.org/archives/item/13630-1014-cruel-and-unusual-still->

Justice Justice of Texas wrote in 1999:

Texas prison inmates continue to live in fear a fear that is incomprehensible to most of the states free world citizens. More vulnerable inmates are raped, beaten, owned, and sold by more powerful ones. Despite their pleas to prison officials, they are often refused protection. Instead, they pay for protection, in money, services, or sex. Correctional officers continue to rely on the physical control of excessive force to enforce order. Those inmates locked away in administrative segregation, especially those with mental illnesses, are subjected to extreme deprivations and daily psychological harm. Such practices and conditions cannot stand in our society, under our Constitution.

Here is a quote from the Supreme Court?

U.S. Supreme Court Justice Harry A. Blackmun, Farmer v. Brennan:

The horrors experienced by many young inmates, particularly those who are convicted of nonviolent offenses, border on the unimaginable. Prison rape not only threatens the lives of those who fall prey to their aggressors, but it is potentially devastating to the human spirit. Shame, depression, and a shattering loss of self-esteem accompany the perpetual terror the victim thereafter must endure.

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