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114-B-1

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21,499-18

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#### GRIEVANCE COMPLAINT

**Description of Problem:** On 7/30/18, I was informed by various ILC Peer's that there was a meeting advising them to advise the BHCF Inmate's that in August of 2018, the PREA Dep whose interest should be to protect the BHCF women from being exploited and raped along with DSS Daye and the administration decided to confiscate the privacy curtains that we use when using the bathroom, getting dressed or undressed, to shield us from having our bodies's exposed by male officer's, who randomly have a duty to make round's.

Therefore, rather than to file my complaint's first, I personally spoke with the assigned PREA Dep on today myself and enquired about the newly unconstitutional rule, which the PREA Dep felt it not robbery to exploit women such as myself who is a rape victim, and have serious issues with men, which is why I even have CPGPE", listed on my ID.

I was absolutely appalled at Dep Velez's arrogance and justification as to why it is necessary to basically violate a court stipulation mandated for this prison in particular to follow. See, copy of Fort's v Ward 621 F 2d. 1210 enclosed as exhibit (1).

Furthermore, over half of the women in BHCF come from a broken background of being raped and abused, this new implemented idea can either traumatize them, or cause them to go all out looking for love in all the wrong places.

Wherein, they will feel that it is okay to deliberately stall while a male officer is doing rounds while they are naked. And, being that the female prison has a high number of sexual misconduct arrest on a regular, I am postive that this is only setting the men up as well to be at jeopardy of losing their

there job due to the temptation of walking up on a bunch of naked women, or women on the toilet or getting dressed.

Nevertheless, this arbitrary and capricious rule is an invasion of privacy interest of female inmates and a violation of being viewed by male officer's in an inappropriate manner.

Thus, involuntarily exposing us to being viewed partially or completely unclothed, is in violation of our right to be free from unreasonable search's under the fourth amendment to the U.S. constitution. U.S.C.A. 4.

More importantly, is not only will I be unreasonably exposed but PREA issues arise since I live in the first cell on the my unit. This will affect two of my major disability's, which definitely this illogical, unreasonable without any penological interest new rule will certainly affect.

1. It is well medically documented that I am hearing impaired and when I am in my cell, I need visual prompts. So, when the doors are closed and abruptly opens, even if it is announced unless my lights are flicked off and on or it is a count time, that I am aware of, it is unlikely that I will hear and if i am using the bathroom or getting dressed or undressed, I will be exposed.

2. My second disability is my mental health level is an S-1, and most of it comes from rape and abuse, so just the thought of being exploited has my anxiety at an all high.

In addition, I am not a spring chicken; but I'm not an over the hill chick either. In fact, i am a very attractive older woman and do not want to have male guards lusting after me because without my intentions, they have seen my body.

I fear and tremble at the thought of such an erroneous new rule the alleged PREA Dept who is also a female has endorsed.

Another issue I have which concerns me is because I am a woman and not a man, I am menopauseing and when having a severe "HOT FLASH", I some times have to lock in my cell and take off my clothes, get under the fan and cool off, and could not believe when I told Dap Velez this she baffled me when she said, " Oh you can't do that, thats a lude act, as if I don't live here and should be dressed in hot clothing 24-7! She basically suggest that women in my predicament remain uncomfortably warm when having a hot flash, or on extremely hot day's and night's like we've had recently.

In the FORTS V WARD 621 F. 1210, case on behalf of the Bedford Hills Inmates/Women the court concluded that in order to protect the privacy of inmates and avoid the opportunity for male guards to view women inmates on those infrequent occasions when inmates are completely or partially unclothed, male guards would be prohibited from night shifts, which obviously this prison in contempt of this Court order since male officer's always work the night shift's in BHCF.

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My point is, if the court recommended this, then how could we women in BHCF obtain this privacy with this unreasonable newly implemented rule. Wherein, we will only have a tiny curtain that fit's our cell window and only to be used when the door is closed, to do our woman personal thing's.

Notwithstanding, if an female inmate is changing her sanitary napkin, or is keep-locked their door is subject to open at any given time, for med's, messhall tray's and or an escort. What happens then?

The court did not elevate the employment rights of guards over the protectible privacy rights of inmate's. The court concluded that the State would accord adequate protection to the privacy interest of inmates and we have the right not to be treated as less than those who have shedded all of our right's at the gate!

Likewise, the court prohibits assignment of a guard to an area where inmates of opposite sex are "open view" of being seen naked".

Lastly, I am a Muslim female inmate and this rule violates my right to freely practice my religion in violation of the First Amendment to the Constitution of the United States being that I would be forced to unawentonly expose my body to male officer's. This unjustified idea is in violation of the DOC'S PREA guidelines and regulations, as well as Correction Law 139, which say's that inmates shall not be treated in a degrading, and inhumane manner. I have morals, standards and integrity and do not want my privacy cell curtain which covers my entire door way when I need to do the aforementioned for privacy to be taken away.

**ACTION REQUESTED:**

1. That I will remain with my privacy curtain and not be forced to use the planned cell window curtain for privacy curtain.

2. That my concerns of being dismayed over the fact that a Dept of  
PREA could fathom such an offensive inappropriate rule that is  
unsuitable for rape victims & Hearing impaired inmates like  
myself, will not fall on deaf ears.

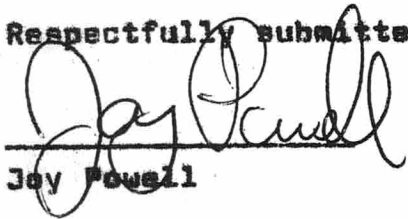
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3. That DOCCS will hire an outside PREA Monitor with proper  
training that is sensitive to the needs of the women housed in  
BHCF, instead of Dep Velez who simply could care less since she  
goes home every day.

4. That until there is a better resolution for the major issue,  
the administration will re-staff the upper's with all female  
officers to avoid accident's waiting to happen such as, more PREA  
ARREST AND OR MANY LAWSUITS.

5. Absolutely no retaliation.

Respectfully submitted by



Joy Powell

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Powell, J

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Sent 8/4/20

 <b>NEW YORK STATE</b> <b>Corrections and Community Supervision</b>  ANDREW M. CUOMO <small>Governor</small> ANTHONY J. ANNUCCI <small>Acting Commissioner</small>	Grievance Number BH-21499-18	Desig./Code I/23	Date Filed 08/10/18
	Associated Cases		Hearing Date 06/11/20
Facility Bedford Hills Correctional Facility		Title of Grievance Keep Privacy Curtains	
INMATE GRIEVANCE PROGRAM CENTRAL OFFICE REVIEW COMMITTEE			

**GRIEVANTS' REQUEST UNANIMOUSLY DENIED**

Upon full hearing of the facts and circumstances in the instant case, the action requested herein is hereby denied. CORC upholds the determination of the Superintendent for the reasons stated.

CORC notes that the facility administration is planning to change policy regarding privacy curtains and upholds their discretion to promulgate local policy and procedures. CORC also notes that 16 grievants have since been transferred, six have been released to Community Supervision and one has been conditionally released.

CORC notes that the grievance program is not intended to support an adversary process and that no reprisals of any kind shall be taken against an incarcerated individual or employee for good faith utilization of this grievance procedure. An incarcerated individual may pursue a complaint that a reprisal occurred through the grievance mechanism. In addition, CORC notes that the hiring of staff is an administrative function and upholds the discretion of the facility administration in the assignment of staff.

With respect to grievant Gi... 's appeal, CORC notes that she has raised a separate issue in her appeal statement that was not addressed in her original complaint and advises her to address medical concerns via sick call.

CORC advises the grievants that hypothetical issues are not grievable, and to address further concerns regarding this matter to the Inmate Liaison Committee for the most expeditious means of resolution.

MPS/

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