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2/16/18

DISCIPLINARY PROCEDURES

2/14/18

Grievance Complaint

From- Joy Powell 6790632

12-C-29

Description of Problem: I have been racially profiled by Lt. McBride and DSS Michael Daye in the illegal manner in which Black's and Latinos are punished here in BHCJ at a much higher and harsher rate than whites- and in my case twice as often; which an analysis can be proven. I am a Black/Latino I/M and from my own personal experience it is a known fact that in spite of the New Disciplinary Guidelines Inmates of color are still sent to solitary confinement more frequently and longer than white inmates who rarely make it their regardless of the seriousness of their offense, For instance: I am positive this is discrimination. My decade and one year of being incarcerated, I have never been accused of having a drug history. Less more a smuggling drug charge.

Yet, I was thrown in Solitary Confinement, all while a white young I/M name Amanda Burch, who lives on my previous unit, "with a drug history of smuggling, using, and OD'ing off of Heroin, and fetal has no idea what Solitary Confinement looks and feels like.

She also was caught with two OMM pills in her pocket in 13 lobby on 2/6/18, "two days" before I allegedly dropped two pills out of my pocket in the RMU.

However, b/c I do not have the Complexion for the Connection, and Protection, I was sent to Solitary Confinement with a Tier III pending misbehavior report, which you and I know

over

was drastic since I have never ^{had} drug accusations before!

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Nonetheless, Inmate Burch the white I/M", was PNC'd on 14 A & B where she was moved after her over dose episode in the back building", off of the above mentioned Killer Drugs; Instead of being thrown in Solitary Confinement, after admitting what she had ingested.

Not only that, I/M Burch was given minimum KL time for the major drug incident, and was only written a Tier II the letter, which she couldn't deny since the pills were in her pocket

This clearly demopnstrates that I have been Racially Profiled being that I em an African American I/M, with a voice, and a senior citizen at that, veresus this young 20 something year old white I/M.

This is not only an illegal practice that has long went on in BHCF, but it is in violation of my right to be free from Cruel and Unusual Punishment under the 8th Amendment of the "United States Constitution", and also a violation of my due proceess right. U.S.C.A. 14 Amend. Const. as well as the New NYS Disciplinary Guidelines, which prohibit's disparate impartial treatment.

Albeit, although I have recently been taken out of Solitary where I never should have been in the first place, I'm still arbitrarily and capriciously locked!

Not only that, I know this is beyond the scope of the committee, "I was informed by Medical that it is not BHCF's decision; but based upon the unfounded allegations, Dr. Koagnisman in Albany ordered my Dr. to immediately take me off of nuerotin.

Being that i am a brittle diabetic who has to get finger-sticks 3 times a day, and

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have major nerve damage from the diabetes,
and without the medication I'm in constant
severe pain, as if needles and pins are in
my leg's, feet, and hand's.

Just the thought of what I am getting
ready to go through has caused me to feel a
stirring of incipient panic realizing that
not only am I being criminalized based upon
my skin color, * but I am also being
discriminated against based upon my
diabetes disability and punished in an
inhumans, irrational way. This is cruel,
and unusual punishment in violation of the
ADA (American with disability's Act).

The Department of Justice has
implemented Title II of the ADA, relating
to non discrimination on the basis of
disability in State and local government
Services. Whereby, the department has has
issued final rule and order to adopt
enforceable accessability etenderds to ADA.

See ~~Attachment~~

The ADA states, "[i]t is the purpose of this [ACT](1) to provide a clear and comprehensive national mandate for elimination of discrimination against individuals with disabilities; [and] (2) to provide clear, consistent, strong, enforceable standards addressing discrimination against individuals with disabilities[.]

"42 U.S.C. 1210(b). Many of these benefits of this of this rule stem from the provision of such standard's, which will promote inclusion, reduce stigma and potential embarrassment, and combat isolation, segregation, and second-class citizenship of individuals with disabilities's.

Some of these benefits are, in the words of EXECUTIVE ORDER 12866, "difficult to quantify, but nevertheless essential to consider." "E.O. 12866 section 1(a).

Obviously, Dr. Koegnieman seemingly does not realize that Diabetes falls under the ADA, or else he would never have taken such drastic and arbitrary step's against me as if I am the inmate or DOCCS employee that is bringing in the Fetinal and heroine that killed Eryca Cooper and has caused three other white inmates to OD as well but was revived.

Disability means, with respect to an individual, a physical or mental impairment that substantially limits one or more of the major life activities of such individual; a record of impairment; or being regarded as having such impairment. Disability means Physical, mental loss of one or more of the body systems : "Neurological", Respiratory, cardio, Digestive, Endocrine, Diabete's, Visual, Hearing Impairment, Emotional, ect...

Americans with Disabilities Act Title II Regulations Department Of Justice September 15, 2010".

Each thing I have a Capitol letter in front of is a part of my many disabilities's. Likewise, although, Dr. Gomphrec has written me an medical to carry snacks to prevent hypoglycemia, since I've been behind the door, 2/8/18, I have not been allowed to shop for needed snack's, which I grieved last year. To no avail.

Thus, my sugar has constantly been dropping as low as 56, causing me to become shaky, weak, confused, lethargic, hoping and praying to make it as I wait for my escort to take me to diabetic meds. More abhorrently is the Mass Mail will not even honor my snack medical and send me diabetic snack's.

Therefore, prior to now for the last three years I have filled out the reasonable accommodations form requesting to never have commissary taken away from me especially when I am PHC'd, due to

Over

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my medical need for snacks to bring my sugar up when it spontaneously drop because of my diabetes disability.

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However, my previous response to that request came from the special needs counselor Mr. Ike who indicated that Diabetes isn't a disability that can be reasonably accommodated. I could not believe it.

And, the Dep of Medical Ernest Martone, simply does not ever answer any of my complaints or letter's.

Lastly § 35,149 Discrimination Prohibited.

Except as otherwise provided in § 35,150 no qualified individual with a disability shall, because a public entity's facilities are inaccessible or usable by individuals with disabilities, be excluded from participation in, or be denied the benefits of the services, programs, or activities of public entity, or be subjected to discrimination by any entity.

Wherefore, I need this discrimination to cease all around the board.

Action Requested:

1. That this Grievance complaint will be passed up to Albany since my serious complaints that need to be immediately addressed is beyond the scope of this committee.

2. I need Lt. McBride who I grieved a few years ago for racial profiling during the conducting of disciplinary hearing's will stop tiering latinos and blacks misbehavior reports much harsher than whites as DSS Michael Doye sit on the sidelines ^{endorsing} ~~conducting~~ this misconduct.

3. that the racial degree here in BHCF, and the disparities will be investigated by an outside source because what is going on inside of BHCF is profoundly demaging. Wherein, the ripple effect-prevents access to grade four job's and limits people of color to bottom of the totem pole slave job's such as cleaning toilets, and scrubbing wall's and floor's, and the educational and therapeutic progress, diminishing an inmate's chances of being paroled. and the likely denial is likely to mean two more years behind bars.

4. That I will be properly reasonably accommodated with regards to being always able to purchase enough food to keep ^{and} prevent

Hypoglycemia.

5. That Albany will also have the Mess Hall to comply with my medical and provide as many snacks within reason to keep me well.

6. That this malicious discriminatory order by Dr. Koegnisman to stop my nerve medicine that ~~was~~^{ease} the severe nerve pain will immediately be restored and never interfered with again.

7. Absolutely no retaliation

Respectfully Submitted by

Joy Powell
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Joy Powell

et. al.;