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CELLMATE VIOLENCE ENCOURAGED/ALLOWED

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Long Before August 8, 2014, I sent copies of this letter and attached documents to Head of Pennsylvania's Dept. of Corrections (John Wetzel), PA Deputy Secretary of D.O.C. Mr. Burns, Dan Caro (Western Region), and others.

09/23/2014

Dear APWA Readers:

This is a serious issue that affects many prisoners and needs to be addressed. S.C.I.-Greene staff encourage and allow cellmate-on-cellmate violence, instead of trying to peacefully/reasonably resolve or avoid it even when the prisoners involved try to do the "right thing" by warning staff of eventual physical conflict. And is evidenced by the pattern of cellmate-on-cellmate violence, prisoners sent to the RHU for refusing to cell with certain prisoners, and the S.C.I.-Greene prisoner who was recently charged with murdering his cellmate (Mr. Yarborough).

Also, S.C.I.-Greene staff are playing a vicious game with the lives of prisoners by recklessly and wantonly removing the Z-code ("single cell") status of prisoners who staff know are not capable of living in a cell with another prisoner. Z-code status is only given to prisoners who ~~are~~ according to Department of Corrections ("D.O.C.") Z-code policy - are:

- (1) evaluated by psychiatric/psychological staff as emotionally/mentally disturbed and whose behavior makes him/her inappropriate for placement in a double cell or multiple cell occupancy or
- (2) prescribed medical treatment indicates need for single cell or (3) staff believe may be victimized as a result of

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double telling or (4) An inmate who has a documented history of aggressive behavior toward cellmates or who staff have reason to believe would be assaultive towards cellmates. Inmates assigned "Z" code status due to assaultive tendencies may have the code removed ONLY IF he/she can demonstrate to staff, through a period of stable institutional behavior (of at least 6 months duration), that he/she no longer poses a threat to cell partner(s) and that the code is no longer needed.

When completing a review of a "Z" code housing status, a Vote sheet (DC-46), along with other relevant information, will be circulated and the Superintendent ("Facility Manager") or his/her designee makes the final decision to add or remove the Z-code.

I'm serving a Life without Parole sentence, I've been incarcerated for 23 years, and I'm no longer capable of living in a cell with someone. But S.C.I. Greene D-Block counselor Ms. Dively and D-Block unit manager Mike Ivan recommended that my Z-code be removed in May 2014. In June 2014, S.C.I. Greene Superintendent agreed with Dively and Ivan's recommendation but stated that my Z-code may only be removed after 6 months from his June 2014 final review decision. Ivan and Dively stated that they don't care about cellmate-on-cellmate violence unless a prisoner Murder or rapes their cellmate.

After a physical altercation (with a weapon) with the person I was celled with ("Joye William S") in 2003 at State Correctional Institution ("S.C.I.") Huntingdon, I was

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eventually given a z-code (see, Joye Williams v. Beard, 482 F.3d 637 (3rd Cir. 2007)). In 2007, the Pennsylvania D.O.C. gave Joye Williams 10,000 dollars to settle the lawsuit Williams filed because of the incident (see, enclosed October 2008 "Prison Legal News" article titled "Failure to Name Defendants in Administrative Appeal Does Not Foreclose Including Him in § 1983 complaint").

While in the S.C.I.-Huntingdon Restricted Housing Unit ("RHU") serving Disciplinary custody sanction for the cellmate altercation and waiting to go to Huntingdon County Criminal court for said incident I received multiple misconducts for refusing to double cell and each time I submitted a written statement stating that I would never double cell and why. In 2005, I was sentenced in criminal court for said incident, then transferred to S.C.I.-Frackville in 2005. In 2005, I was released to S.C.I.-Frackville's general population with a z-code (Reviewed, signed, and approved by S.C.I.-Frackville's Superintendent) see, enclosed May 5, 2005 Program Review Committee ("PRC") report. In 2006, I was given a misconduct for allegedly assaulting two people with a weapon and also criminally charged in Frackville (Schuylkill County) criminal court. I was transferred to S.C.I.-Coal Township that same day of the incident, did 270 days Disciplinary custody sanction for it, then S.C.I.-Coal Township switched me to Administrative Custody status and transferred me to here (S.C.I.-Greene) in 2007. I was in the RHU here on Administrative Custody status for 6 years (2007 to 2013). I was released to S.C.I.-Greene's general population last year on March 19, 2013.

I am ~~still~~ ^(I've been in solitary confinement since 08/08/2014 for related issues in this letter.) in general population, doing the "right things," and with no problems. But if S.C.I.-Greene staff remove my z-code, they will knowingly, intentionally, maliciously,

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and retaliatorily create a major problem. (enclosed is a copy of the 05/27/2014 DC-135A ("Request slip") I sent to S.C.I.-Greene Superintendent before his final decision was made.)

I notified S.C.I.-Greene's PRC and Ivan, before and after they released me to general population from the RHU, of my refusal to double cell and why.

Also, S.C.I.-Greene's PRC repeatedly stated that one of the reasons they kept me in their RHU on Administrative custody for over 6 years was the before-mentioned cellmate ("Joye William") altercation and my so-called history of other assaultive behavior. See, enclosed February 15, 2011 Superintendent response to my Appeal of Administrative custody.

In 2013, S.C.I.-Greene's PRC and Ivan told me that if I get into another physical altercation with someone, I will be returned to the RHU and NEVER let out again. So, double celling me would be setting me up for failure.

Also, the fact that my former cellmate ("Joye Williams") won a lawsuit against prison staff as a result of said incident would make it easy for any idiot I'm celled with to instigate/initiate a physical altercation with me for the sole purpose of winning a lawsuit against prison staff since it's already documented that putting me in the cell with someone is not a good or wise thing to do.

I'm trying to avoid problems. And I shouldn't be punished for trying to do or go about things the right way regarding this issue. Everyone tends to only care about or "address" issues like this only after the violence occurs. Even though, they (prison staff) knowingly created the circumstances for it to happen. Then, everyone pretends like they didn't know about the Risk of inmate-on-inmate violence.

The courts have ruled that the risk of

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inmate-on-inmate violence is sufficiently serious harm to implicate inmate's constitutional rights (see, Caldero-ortiz v. Lahey-Alvarado, 300 F.3d 65-6; William Restucci v. Clarke, 669 F. Supp. 2d 159, 156); Tillery v. Owens, 907 F.2d 418 (3rd cir. 1990).

D.O.C. Policies (DC-ADM-72, 1- and others) require, and I'm entitled to, written or typed documentation stating the Superintendent's Final decision/rationale regarding my 09/15/2014 Z-code Removal Review Staffing and why Ivan and Dively recommended that my Z-code be removed. Also D.O.C. Policies, and the law require it because I have the right to be fully informed of such major adverse administrative decisions and I have to provide written or typed documentation of the adverse decision/rationale in order to challenge/appeal it. But S.C.I. - Greene staff refuse to provide it. They are intentionally/maliciously interfering with my Administrative appeal rights/process and access to the courts.

They are also refusing to give me anything in writing regarding their z-code removal recommendation because S.C.I. - Greene staff have a documented history of falsifying my file and pretending like certain documents don't exist. But I presented my copy of said documents to prove them wrong each time. One example, is Ivan and Dively claiming that the enclosed May 5, 2005 S.C.I. - Frackville PRC report doesn't exist.

(See, "Plus Page")

Respectfully submitted,
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Date: 09/23/2014

CC: OTHERS