

CORRECTIONAL GRIEVANCE DISCOMBOBULATION:

GRIEVANT OR FOOL, THAT IS THE QUESTION?

By: William A. Larson, MDOC #046176

The Missouri Department of Corrections (MDOC), instituted its first grievance procedure, in 1967. The procedure had four stages: Informal Resolution Request (IRR); grievance; 1st appeal; 2nd appeal. Each stage was created to be responded to by a progressive level of authority, finalizing with the MDOC Director.

In the early 80's, I started noticing an enigmatic phenomenon, after I had filed several IRR/grievances. All of the responses, with the exception of the IRR's, had a flawed "r". It was obvious, to me, that ALL of these responses had been typed with the same typewriter. I filed an IRR/grievance, and all of the responses came back without the flawed "r". The MSP grievance officer, couldn't deny they had been found out, with a straight face.

The Missouri State Penitentiary (MSP), converted H.U.2B, into a Protective Custody Unit (PC), in the mid-80's. They then moved the centrally located office, over to a flag-cell, on the PC-side. When they dismantled the old office, they found numerous undelivered trial transcripts, and other legal mail. COII McQueen, who was responsible for the delivery of this mail, was moved to H.U.3, and replaced by COII Cram. COII Cram ignored policy, and started using the PC-clerks, to sort the mail.

I filed a grievance when some of my publications went missing. After the grievances were ignored, CCW H. Swinger, due to several other prisoners missing their publications, arranged for the



mailroom to send me a notice, when my publications arrived, and were sent to the H.U.. Two days later, I received the notice; but not the TV Guide.

I went to talk to COII Cram, with two witnesses (CW & TM). He smugly assured me he had personally sorted the mail, and my TV Guide had not arrived. Without arguing with him, I went and found Zone Lt. Roger Terry, and explained the situation. COII Cram related the same story to him. I produced the mailroom notice, and showed it to Lt. Terry. He instructed me to go on to mainline. He would deal with the problem.

After I ate, I returned to H.U.2A. COII Cram was waiting for me, and we walked down to the far end of the flag-walk. He threatened me, if I didn't drop this, I would be sorry. He had my TV Guide in his hand, waving it like a fan.

I just smiled, and extremely politely, informed him I would be filing a complaint against him, for the theft of my mail. I walked away from him, to prevent the matter from escalating. A couple CO's were watching us, a short distance away, as if they were ready to pounce. He sent my TV Guide back to the mailroom, saying I refused to accept it. I never saw COII Cram again.

In 1988, I filed a CRA §1983 Complaint concerning fire safety hazards, in H.U.2. MSP had just installed additional security doors. I couple months after I filed the civil action, COII Oetting (H.U.2 day sergeant), and two other senior staff, I did not know, stopped in front of my cell. COII Oetting simply stated: "take these down", and all three of them strolled away. I did not have



the slightest idea what he was talking about. 30 minutes later, all three of them were back. I was given a violation for: "disobeying an order", and taken straight to Sad.Seg. (H.U.5A). I served 10 days, and was moved to H.U.3A.

I was transferred to Potosi CC (PCC), in February 1989. I filed an IRR against CO Skaggs, for abusing his authority. CO Skaggs then gives me a violation for: "threats", when he overheard me discussing the IRR, with another prisoner. I was immediately placed in Sad.Seg. (H.U.2A), without my blood-pressure medications.

The disciplinary hearing officer, investigated and ordered me released, and the violation expunged. Assistant Superintendent M. Bowersox, reinstated the violation, because he didn't like my "attitude", and returned me to Sad.Seg., with my medications.

A few days later, a nurse brought my monthly supply of blood-pressure medications to me, in Sad.Seg.. I gave her the medications I had left over. She then gave me a violation for having excess medications. My grievances were ignored.

In 1993, I discovered that someone was substituting my blood-pressure medications, with capsules of sugar. I took the sealed bubble-packs to the H.U.5 Functional Unit Manager (FUM). She could clearly see the excessive spillage, in each of the sealed bubble-packs. She opened one and tasted the white powder. She agreed it tasted like pure sugar. She called in the H.U.COII, and asked him to escort me over to the hospital, with the bubble-packs.

When we arrived, the head nurse went ballistic. Without even examining the bubble-packs, she ordered us out of the hospital.



She acted like the bubble-packs were a snake, about to strike her. The COII suggested I send the bubble-packs to the FDA. I mailed some to the FDA, and MDOC Director D. Schriro.

The PCC investigator stopped the mailing to the FDA, and removed the capsules (bubble-packs). He allowed me to send the missive, but not the evidence. He took a couple bubble-packs to have tested. I filed grievances over the evolving events.

MDOC Director Schriro, responded to my mailing, with a warning that I shouldn't be sending medications through the mail. I wasn't aware that it was illegal to send sugar through the mails. The nurses, in the hospital, had a CO seize ALL of my medications. They then canceled them, without the approval of a doctor.

A couple months later, a pharmacist, in Farmington, MO, was arrested for purchasing medications from a PCC nurse. The nurse responsible, simply disappeared. DIA Director G. Lombardi, even though he was fully aware that the capsules contained pure sugar, ordered PCC staff to issue me a violation for sending the sugar-capsules to the FDA, in his grievance response.

Not too long after that, I was transferred back to MSP/JCCC. When I arrived the property room officer would not allow me to possess all of my legal publications, in my cell. He did allow me to store them in the property room, with my excess legal documents. I could access them, as needed, on an exchange basis.

The first change I noticed, when I arrived back in H.U.2A, was that they had removed the additional security doors, and had installed fire sprinklers, in each cell.



I started to attempt to use the MSP/JCCC law library, as I had legal matters pending in court. While I was at PCC, they had moved the law library into a very limited cubbie-hole, in the regular library (school complex). The quisling sheople, they had hired to work the law library, had commandeered most of the limited space, for their personal use.

I immediately filed grievances, alleging that I wasn't being given meaningful access to the library, and the publications, therein. My grievances were ignored. I was then forced to file a CRA §1983 Complaint, alleging an access to court claim. The quisling sheople were deliberately interfering with my ability to prosecute my publication possession limitation issue, in Federal Court. (Larson v Schriro 115 Sct 747 (1995))

My complaint prompted an internal investigation, which resulted in the school superintendent being suspended, and later replaced, for collusion with the quisling sheople. They were drawing up legal papers for his trailer-park business. The librarian was transferred to Algoa, and we got our law library back.

Superintendent D. Dormire, in direct reprisal, ordered the property room staff to seize all of my law books. He then gave them to the law library. The new law clerks returned them to me.

From that time on, I was subjected to relentless trash and destroy cell searches. They would throw out canteen food items that were open. They claimed that the items became contraband because the packaging was "altered" when I opened it. Such as opening a bag of hot cocoa, then resealing it. I filed grievances,



to no avail. Interesting enough, the searching staff never bothered my excess legal publications, that had been returned to me.

I was transferred to Crossroads CC (CRCC), in 1997. The reprisals slacked off somewhat, until I started filing grievances. CRCC started giving me redundant urine tests, even though I do not have a drug history. Staff was hoping I would fail to give a sample in the 2 hour limitation time. I have a "shy bladder", if you fail to give a timely sample, you receive a violation for a: "dirty urine", and go straight to Sad.Seg..

I wrote State Representative Greg Hosmer about this problem. We had been corresponding about the smoking problem since I was at PCC. CRCC responded to him, denying I was being redundantly urine tested. I sent Representative Hosmer 16 urine testing passes, all dated within 6 months. CRCC staff stopped allowing me to retain the passes after that. They did stop the redundant testing.

CCW S. Lakey, was handing out shampoo, and other items, that Joyce Meyer's Ministries had donated to CRCC prisoners, as a Christmas gift. He gave my celly his. I wasn't in the cell, so he didn't leave mine. When I got back, I went into his office to ask him about it. He simply told me I "was beat"; because I didn't need the shampoo, I shave my head, and I wasn't a Christian. He had given my gifts, to MM, one of his personal quisling sheople.

I filed a grievance, he denied it. A short time later, MM was assigned to school for his GED. CCW Lakey removed MM's name off the list, and inserted mine. The school superintendent did not know why he did this, as I had a non-paroleable sentence, and was



over the required age. Not even considering I had a high-school education. To save school staff problems, I took their evaluation test, and scored 100%.

I could have simply taken the GED test and forgot about it; but I decided to turn CCW Lakey's puerile reprisal into a plus. I stayed in the school, and learned how to use the computers. I had never even touched one before. This later paid off, when the MDOC changed our publication law library, to a computer system.

Reprisal events continued to get worse. I then upped the ante, and filed a CRA §1983 Complaint alleging that CRCC staff callously forces prisoners, with respiratory problems, to cell with smokers. The demented retaliation started in earnest then. CCW Lakey refused to allow myself, or my celly, to stay in the newly created honor wing. We both qualified for it. Two CO's started trying to excite smokers against us. We were both sent to Sad.Seg., under investigation, when I filed a grievance against the two CO's.

When the MDOC investigator finally came down to talk to us, he had no idea why we were in Sad.Seg., under investigation. He was investigating the CO's, not us.

Staff in Sad.Seg. tore my pillow open, pretending to search for contraband. I filed a grievance over it. The respondent instructed me to turn the pillow in, when I was released from Sad.Seg., and I would receive a new one. When I was released, I turned my pillow in, received a violation for damaging state property, and was required to pay for it. While in Sad.Seg., I was routinely refused showers and meals, depending on which staff



was on duty. We were both released from Sad.Seg., on the very day the District Court denied my civil suit. (Larson v Kempker 2004 US Dist Lexis 30923) We were both deliberately placed into cells with smokers, as we had been in Sad.Seg..

CCW Huff, steadfastly refused to provide IRR's in a timely fashion. I filed a complaint with the CRCC grievance officer, alleging that she seemed to have time to stand outside the H.U. smoking; but didn't have time to issue IRR forms. CCW Huff issued me an "insulting behavior" violation, for filing the complaint. The hearing officer voided the violation.

I then filed an IRR alleging CRCC/MDOC staff deliberately refuses to respond to grievances, within the mandated time period. When I didn't receive a timely response to my IRR, per policy, I advanced it to the grievance stage, sans response. When I didn't receive a timely response to the grievance, or 1st appeal stages, I advanced them, sans response. I was finally called over to the CRCC grievance office, the response to my 2nd appeal had finally come in, more than 90 days late. The response simply stated: "I agree with the previous responses, grievance denied". I asked the grievance officer what the previous responses were. He looked in his file and replied: "There are none."

Shortly thereafter, the MDOC did away with their 2nd appeal stage. The 1st appeal finalizes the MDOC grievance procedure today. I believe they did this to give the MDOC Director plausible deniability, when it comes to liability.

The reprisals, at CRCC, kept escalating until the MDOC, on the



same day the 8th Circuit Court of Appeals, denied my appeal, transferred me to South Central CC (SCCC). (Larson v Kempker 405 F3d 645 (8th Cir 2005) Allegedly, to stop the idiosyncratic idiocy, of CRCC staff. When I arrived at SCCC, I was immediately placed in 3rd level punitive Sad.Seg.. I started filing grievances, pointing out that I was being wrongfully denied my rights as a general population prisoner. I could not purchase canteen food items, while others could purchase tobacco items. I was also being denied all yard/exercise privileges. After 6 months, I was released into general population (6A-206), and deliberately celled with a smoker. A few days later, I received a final response to my grievance, stating 3rd level Sad.Seg. was being discontinued.

In 2006, I was in H.U.4, I loaned my copy of "Jailhouse Lawyer's Handbook", to my neighbor (SF). SCCC Policy allowed us to share legal and religious materials. While he possessed it, CO Duncan searched his cell, and seized the publication, allegedly because it had my name on it. I did not find out until the next day. SF told me what happened, and we went and talked to Lt. Clark. He assured us he would check on it, and get the publication back. CO Duncan and COII Patton, first admitted they had taken the publication and threw it away, as nuisance contraband. When I filed a grievance over it, they started denying it.

The day control-bubble CO (Todaro), who was the husband of the SCCC head nurse, started refusing to open my cell-door, when I would try to enter, or exit, my cell. This continued ad nauseam, for days, as some sort of juvenile harassment. I filed several



grievances over it.

One morning, after breakfast, I was returning to the H.U.. CO Ipok, who was the control-bubble CO that day, and two other CO's, were right in front of me. I heard CO Ipok talking about getting rid of a "trouble-maker" that day. When the noon meal came, CO Ipok refused to open my cell-door. My celly kept flagging the door to be let out. Two prisoners (JH & SP), went to the bubble and asked CO Ipok to open our cell-door for mainline. He ignored them. The entire H.U. emptied out and some were on their way back, when I pushed the emergency button, to report the flagrant abuse by CO Ipok. Another CO came in and opened our door, and we went on to main-line. Due to us being late, food service had to make us up special trays. I asked the messy-hall CO if I could see the Major. He said he had just went to H.U.6, but he would be right back, I could see him then.

COII Mendenhal (H.U.4 COII) came up and ordered both of us back to the H.U.. When we got back, he issued me a violation for "interfering with the duties of an officer", by pushing the emergency button. I was taken straight to Sad.Seg. and was not allowed to talk to the Major about the staff abuse.

At CRCC, the same button is used to notify bubble-staff that you need out of your cell. I was given 10 days, and the caseworkers refused to issue me any IRR's. I did write the Major about it, but received no response.

On November 15, 2014, I shattered my left arm/wrist, when I slipped on water, while working in the kitchen. Nurse Jessica,



refused to examine me, or come anywhere near me, when she arrived. She told the other nurses: "This is Larson, he is a trouble-maker". She ordered two CO's to pick me up off the floor, onto my feet. My legs collapsed under me, and I fell back onto my broken arm.

At the hospital, even though a CO told her he had heard my arm snap, Nurse Jessica ordered me put in a room, with an ice-pack, saying: "I could wait to see a doctor on Monday". This was Saturday, 8am. Nurse Shelia came on duty, physically examined my arm/wrist, called a doctor, had me transported to the Houston Hospital. They x-rayed my arm, pulled it out straight, placed it in a soft cast, until surgery. The surgery was delayed until December 17. I still do not have full use of my wrist.

While I was still recovering from my shattered arm/wrist, and a recent heart arrhythmia, CO LaFave, without checking with medical, arbitrarily assigned me to work over in H.U.1. I was on a medical lay-in. Somehow-someone had deleted it from the computer. I filed a grievance against CO Lafave for elder abuse.

At the 10:30am, I shut my cell-door for count. I then started typing a missive, with my back to the door. CO Lafave opened my door from the bubble, I did not hear it open. He then comes out of the bubble, to do count, something he rarely did. He finds my door open, issues me a violation for: "interfering with count". Ferrel Cothern's door was also open, but he didn't receive a violation. A few weeks later I was given another contrived violation, and removed from the honor-house.

In mid-April, 2016, I was back working in food-service. SCCC



had an institution-wide shakedown. I worked 16 hours, that day, and came back to a trashed cell. I found my Walkman laying under my bunk, in two-pieces. I filed an IRR (SCCC-16-521) over the Walkman and other damaged and missing items. Meanwhile I repaired my Walkman, with parts from another one.

On May 4, CCW J. Satterfield ordered my Walkman seized: "pending outcome of the grievance procedure". He wrongfully applied a "contraband" policy, that did not apply. He assured me that I would receive my Walkman back when the grievance is resolved. This draconian reprisal is specifically designed to punish prisoners for filing grievances, when staff damages their property. (Taylor v Miller 2013 US Dist Lexis 120015)

I filed a reprisal grievance. Director A. Earls denied my reprisal grievance, indicating I would receive my Walkman back when the grievance procedure is exhausted.

On July 8, I was called over to the property room. COII Ipok informed me that I had to send my Walkman out of the institution, per orders of Director Earls. He examined the Walkman and could not find anything wrong with it.

I filed an IRR. Director Earls had changed the word "damaged" to "broken", as if the Walkman was not serviceable. Director Earls had abused his authority, and violated policy, in order to punish me for filing the grievances. He had no way of personally knowing what damage the Walkman suffered, as he had never personally examined it.

One would question why the MDOC would create a grievance



procedure, while knowing staff, at the highest level, licentiously turns a blind-eye to the invidious-helotic reprisals. The incongruity of the MDOC grievance procedure, is exemplified by the IRR (SCCC-16-605) I filed on May 3, 2016; the day before CCW Satterfield seized my Walkman. Which I am sure is just an ambivalent coincidence, in the world of perdition.

SCCC's Chief of Security, Major J. Motel, promulgated an IOC (April 28, 2016), stating that: "All offenders will only wear one layer of underclothing under their state clothing, personal clothing or orange jumpsuits at all times."

I filed the IRR, alleging that the new clothing issue policy, discriminates against elderly/infirm prisoners, and violates Missouri's Elder Abuse Statutes (RSMo §565.184), and the Older American's Act (42 USCS §3001(10)); as it denied elderly/infirm prisoners sufficiently warm clothing, and our right/need to wear underwear. I also filed an ADA Accommodation request. Which was totally disregarded, without a response.

Under SCCC staff's interpretation of the new policy, if I were to wear my personal sweats (shirt/pants), under my state issued grays (short-sleeve shirt/pants), I would be prohibited from wearing my state-issued underwear (t-shirt/boxers). I pointed out the obvious hygiene problems created.

On May 13, my IRR was quickly denied, on unspecified "safety-security" grounds. On July 21, my grievance was denied on the same unspecified grounds. I then filed the appeal. The MDOC refused to respond to it, and sent it back to the SCCC grievance officer,



ordering him to have me refile the grievance, as a medical issue.

On October 18, December 9, and January 18, 2017, medical responded stating the grievance was not a medical issue, but a clothing property issue. I wasn't requesting to be provided with special medical clothing. I was simply asking to be allowed to wear "underwear". The policy gave prisoners the Hobson's Choice of wearing warm clothing, or underwear.

I filed my (second) appeal on January 25. I received my final response on March 27, still not addressing the issue of "underwear". The final medical response simply stated: "---medical does not provide/decide on institutional dress code".

The MDOC pertinaciously tap-danced around the grieved issue, rather than correcting the obvious problem created by the new policy. How difficult would it have been for them to have simply stated: "Yes-you can wear underwear"; or "No-you can't wear underwear".

In 37+ years of incarceration, and 77 years of life, I have NEVER heard of, or even dreamed, that wearing clean "underwear" could possibly pose a "safety-security" problem for anyone. Unless they are referring to "skid-marks".

The policy, itself, creates a "safety-security" problem. All cells at SCCC, are two-men cells. Prisoners would spend half their cell-time naked, if they weren't allowed to wear underwear. This alone, would cause irreconcilable friction between cell-mates.

The MDOC grievance procedure, is nothing more than a transpicuous facade. The MDOC's subjective idealism is to create a



slight-of-hand venue to pretend to resolve problems, before they perniciously escalate. In place of resolving problems, staff's overt reprisals, creates more serious problems, when they perversely castigate the grievant.

Reprisals have the duplicitous purpose of dissuading other prisoners, from accessing the grievance procedure. Quisling sheople are too institutionalized to file a grievance. They know filing a grievance is a waste of time. They also are aware of, they will be labeled a "trouble-maker", which will preclude them from premium pay jobs, or the honor house.

In 37+ years of incarceration, I have NEVER heard of the MDOC upholding a reprisal grievance. A grievant could have a signed statement, from staff, admitting their actions were retaliatory, and the grievance would still be denied. (Taylor v Unknown Bailey 2016 US Dist Lexis 113778)

Over the years, I have reluctantly accepted retaliation as an inherent part of State-imposed slavery. One just has to learn to laugh at it, or they will drive you into a mental health desolation. All this brings to mind, the venerable question of who is the worst fool? The fool himself (staff); or the one who argues with the fool (grievant)?

This old-fool has survived 37+ years like a Timex Watch. I take a licking and keep on ticking. To paraphrase the words of an eminent, theocentric-thespian, NRA-Icon: "Nothing will ever keep me from filing grievances, until they pry the pen out of my cold-dead hands."