

Regional Appeal of Remedy 897724
"5 minute rule" denying food to inmates

- 1) BP8 Informal Resolution Form
- 2) BP9 Request For Administrative Remedy
(call remaining copies)
- 3) BP9 attachment
- 4) Denial of request by Administrative
Remedy Coordinator (ARC) Ms. C. Edge,
dated 4-6-17
- 5) BP10 Regional Appeal

INFORMAL RESOLUTION FORM

NOTE TO CORRECTIONAL COUNSELOR: Prior to an Inmate/detainee receiving and filling a Request for Administrative Remedy, BP-9, it must be demonstrated there has been an attempt at informal resolution. This form is to document those steps the inmate/detainee and you have taken in an attempt to resolve the complaint.

TO BE COMPLETED BY CORRECTIONAL COUNSELOR

Inmate/Detainee Name: Oscar Stille Register Number: 10579-062 Unit: Eva-2

Inmate/detainee complaint: Denial of food, "5 minute rule," using food for discipline, retaliation for 1st Amendment protected activities, denying notice of "deadline" to go to chow hall, enforcement of unpublished rule, attachment sheet to BP9 incorporated & alleged as if set forth word for word.

Efforts made by inmate/detainee to informally resolve (includes names of staff, and/or inmates/detainees contacted): Submitted cop-outs 9-11-16 electronically (ignored) hand delivered, went to SHU, locked in unit MLK day, but got to eat, talked to Mr. Resendes about cop-outs, went to SHU again, talked to Lt. Voorhies who won't consider rules, asked for meal, etc.

Informal resolution attempts made by correctional counselor: unable to narrow

this issue at this level

Date of incident, if applicable: 1-9-17 & 1-24-17

Date informally resolved: NA

Date BP-9 issued to inmate/detainee: 1/26/17

Date BP-9 received from Inmate/detainee: _____

[Signature]
Unit Manager's Initials

[Signature]
Correctional Counselor's Signature

- Distribution: 1. If complaint is informally resolved, forward form to the administrative remedy clerk for file.
2. If complaint is not informally resolved, forward form with BP-9 to the administrative remedy clerk.

TO BE COMPLETED BY ADMINISTRATIVE REMEDY CLERK

SUBJECT CODE

STAFF ASSIGNED TO

SUBJECT OF COMPLAINT: _____

REQUEST FOR ADMINISTRATIVE REMEDY

Type or use ball-point pen. If attachments are needed, submit four copies. Additional instructions on reverse.

From: Ray Stolley, Oscar A 10579-062 Eva-2 Oakdale-1
LAST NAME, FIRST, MIDDLE INITIAL REG. NO. UNIT INSTITUTION

Part A- INMATE REQUEST

Denial of Food 1-23-17, "5 minute rule," etc. See attached continuation page for further details. For a remedy I suggest:
1) \$5 automatically put on commissary account of each inmate whose card wasn't scanned for noon meal 1-23-17, to be paid by Lt. Voorhies;
2) 30 days unpaid suspension for Lt. Voorhies; and,
3) Lt. Voorhies must pass a test of requirements of ACA & Program Statements before returning to work. I'm glad to help with the curriculum & drafting the test.

1-27-17
DATE

[Signature]
SIGNATURE OF REQUESTER

Part B- RESPONSE

DATE

WARDEN OR REGIONAL DIRECTOR

If dissatisfied with this response, you may appeal to the Regional Director. Your appeal must be received in the Regional Office within 20 calendar days of the date of this response.

ORIGINAL: RETURN TO INMATE

CASE NUMBER: _____

CASE NUMBER: _____

Part C- RECEIPT

Return to: _____
LAST NAME, FIRST, MIDDLE INITIAL REG. NO. UNIT INSTITUTION

SUBJECT: _____

DATE

RECIPIENT'S SIGNATURE (STAFF MEMBER)



TRULINCS 10579062 - STILLEY, OSCAR AMOS - Unit: OAK-E-B

FROM: 10579062
TO:
SUBJECT: ADM_Food5MinutesBPAttach
DATE: 01/26/2017 11:55:21 AM

ATTACHMENT TO BP9 OF OSCAR STILLEY, 10579-062, (EVA-2) CONCERNING DENIAL OF FOOD ON THE BASIS OF AN ALLEGEDLY "5 MINUTE RULE" FOR GETTING TO FOOD SERVICE, AFTER THE UNIT IS CALLED

Oscar Stilley incorporates herein his BP8 Documentation of Informal Resolution, as if set forth word for word. Stilley has made all reasonable requests for informal resolution in a reasonable time and reasonable manner, to no avail.

Oscar Stilley was locked up in the housing unit and not let out until last call on Martin Luther King day, 1-9-17. Lt. (Mr.) Voorhies was on duty, and Ms. Sweat was the guard. On 1-23-17 Stilley and several others from Eva Unit (both sides) were denied food on the alleged grounds that we did not get to chow hall in 5 minutes. Mr. Voorhies was on duty and Mr. Tolbert was the guard. Stilley went back inside when Mr. Tolbert told him that he could not go to chow, and that no further discussion would be had. Stilley politely responded that he would be at the computer and would go to eat later if given the chance. He was never given the chance although Eva-2 eats 6th in the rotation this week and other units were later served.

Stilley and others were invited to the Lieutenant's office for a lecture about how it was all our fault that we didn't get the noon meal. Stilley asked if Lt. Voorhies would consider the applicable legal authorities (Program Statements, American Correctional Association rules, etc.) and make his decision based on the rules. Mr. Voorhies said that if we had anything to say we could do it in writing, and that the applicable rules weren't going to stop him. It was a highly one sided conversation. Mr. Voorhies was rude, hostile, and unprofessional during this encounter.

The ACA Standards and Expected Practices set forth in the Standards for Adult Correctional Institutions, 4th Edition (Standards, 4th Ed.) provide that food cannot be used as punishment or a disciplinary measure. In addition these authorities require that all the rules be published in one place, so the inmates can know all the punishable offenses.

Nobody has published any "5 minute rule" anywhere. Stilley still does not know the specifics of the rule. Is it 5 minutes to get out the door, or 5 minutes to get to chow, or some hybrid rule, or - more likely - a "make it up as we go along" rule? Some inmates were challenged nearby to the Lieutenant's office. How do personnel at that location know when the inmate left the housing unit? In fact THEY DON'T.

The ACA rules are incorporated by reference into the Program Statements. Any rule penalizing an inmate with loss of a meal for being a laggard is ipso facto a violation of the prohibition on using food as punishment. In fact the ACA says that open dining hours are encouraged, and that each inmate must get at least 20 minutes to eat.

Captain Bermingham was in the other room within earshot. Mr. Voorhies did the same "5 minute rule" on Tuesday, 1-24-17, during which time both captains and the warden were seen. The "5 minute rule" was repeatedly announced over the PA system. It is clear that key authority figures at this prison all know what is happening, and choose not to follow the rules.

Stilley did not take 5 minutes to get out of the unit on 1-23-17. Stilley was not given a fixed deadline. Stilley promptly logged off the computer, dropped off his written materials in his cell nearby to the door, urinated, and washed & dried his hands before walking out, dropping off his radio along the way. It is highly unreasonable to conclude that took 5 minutes. Inmate James Ramey said it was 3 1/2 minutes, which Stilley perceives to be a fair estimate of the time elapsed. On 1-24-17, Stilley could not discern any effort to tell the inmates when their time starts, and/or when the 5 minutes is up. The inmates are then challenged with a bare unsupported claim that they are late, with no reasonable means of supporting their side of the story. Any effective challenge would virtually guarantee a trip to SHU.

At least one of the Eva inmates speaks Chinese but can't speak English and thus couldn't even understand Voorhies' lecture. Not everyone was able to register their inability to eat. If there is any real desire to remedy the violations of the rules complained of herein, please advise. Stilley has long maintained a posture of willingness to assist in making this prison a reasonably effective correctional environment. In light of past practice, of disregarding legal obligations, Stilley will wait on a favorable decision (if any) before suggesting an appropriate or reasonable remedy. Suffice it to say that Mr. Voorhies and all others responsible should be appropriately disciplined, and that all inmates who don't show as having run their cards on the scanner for that meal should be properly compensated for the loss of the meal.

It appears that Voorhies is retaliating against Stilley for asking Food Service to comply with ACA rules such as those requiring that the toilets be left open, that training be provided and documented honestly, etc. Stilley respectfully requests an investigation into the matter, to determine whether or not retaliation is part of the motivation for Lt. Voorhies' actions.

If Oakdale-1 doesn't have enough food to feed everyone, please say so plainly. I've already tried to make it clear that if this administration wants my food, they can have it.

See Face of BP9 for remedy suggested. Staff suggested I propose something

REJECTION NOTICE - ADMINISTRATIVE REMEDY

DATE: APRIL 6, 2017


FROM: ADMINISTRATIVE REMEDY COORDINATOR
OAKDALE I FCI

TO : OSCAR AMOS STILLEY, 10579-062
OAKDALE I FCI UNT: EVA QTR: E07-402U
P.O. BOX 5050
OAKDALE, LA 71463

FOR THE REASONS LISTED BELOW, THIS ADMINISTRATIVE REMEDY REQUEST IS BEING REJECTED AND RETURNED TO YOU. YOU SHOULD INCLUDE A COPY OF THIS NOTICE WITH ANY FUTURE CORRESPONDENCE REGARDING THE REJECTION.

REMEDY ID : 897724-F1 ADMINISTRATIVE REMEDY REQUEST
DATE RECEIVED : APRIL 6, 2017
SUBJECT 1 : FOOD - (EXCEPT DIETS & RLGS FOOD/MEALS)
SUBJECT 2 :
INCIDENT RPT NO:

REJECT REASON 1: YOUR REQUEST IS UNTIMELY. INSTITUTION AND CCC REQUESTS (BP-09) MUST BE RECEIVED W/20 DAYS OF THE EVENT COMPLAINED ABOUT.

REMARKS : UNTIMELY FILING

Federal Bureau of Prisons

Type or use ball-point pen. If attachments are needed, submit four copies. One copy of the completed BP-DIR-9 including any attachments must be submitted with this appeal.

From: Stilley, Oscar A 10579-062 E-2 Oakdale-1
LAST NAME, FIRST, MIDDLE INITIAL REG. NO. UNIT INSTITUTION

Part A—REASON FOR APPEAL 897724 ("5 minute rule")

- 1) Untimely filing was solely due to malicious obstructionism of staff. Appears retaliatory, I hereby appeal that too.
- 2) Unit Mgr Lisa Parker would not accept my appeal or come to my SHU cell to help me. Look at the dates.
- 3) I've made my arguments & claims, please issue a timely ruling on the merits.
- 4) I appeal BOTH on the merits AND on the timeliness ruling, both substantively & procedurally. Warden didn't consider & rule on

4-19-17
DATE

Timeliness issue

[Signature]
SIGNATURE OF REQUESTER

Part B—RESPONSE

DATE

REGIONAL DIRECTOR

If dissatisfied with this response, you may appeal to the General Counsel. Your appeal must be received in the General Counsel's Office within 30 calendar days of the date of this response.

ORIGINAL: RETURN TO INMATE

CASE NUMBER: _____

Part C—RECEIPT

CASE NUMBER: _____

Return to: _____
LAST NAME, FIRST, MIDDLE INITIAL REG. NO. UNIT INSTITUTION

SUBJECT: _____

USP LVN DATE

Previous editions not usable

SIGNATURE, RECIPIENT OF REGIONAL APPEAL