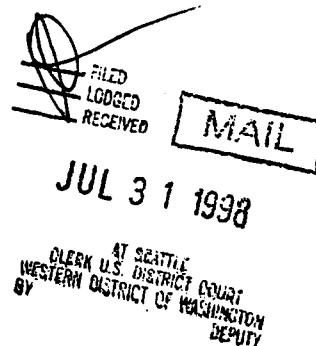


CC BJA

CLERK OF THE COURT  
UNITED STATES DISTRICT COURT  
1010 FIFTH AVE ROOM 215  
SEATTLE WASHINGTON 98104

DAVID BEAUCHAMP #763736  
WASHINGTON CORRECTION CENTER  
P.O. BOX 900 PINE HALL  
SHELTON WASHINGTON 98584

*Duffy (Date = Aug. 16, 1998)*  
*Objections to*  
*Class action*  
*Settlement,*  
*July 13 -*  
*Aug 18*  
*1998*



TO CLERK OF THE COURT:

I wish to be added to the settlement of SEAN G. DUFFY V CHASE RIVELAND NO: C92-1596R. I wish to receive a copy of the settlement so that I can see what is being offered. My disability is that I'm in a wheelchair, and in all the Institution they are not made assessable to wheelchair people.

I also wish to understand what the State is offering for all people with disability.

I'm presently in the WASHINGTON CORRECTION CENTER IN SHELTON WASHINGTON. 98584. AND I HOPE TO HEAR BACK SOON ON THIS MATTER.

RESPECTFULLY SUBMITTED

*David Beauchamp*  
DAVID BEAUCHAMP #763736

DATE 29, 1998

Duffy v. Riveland



PC-WA-0003-0005

324

CC BUR

CLAYTON D. GERLACH  
DOC # 758093  
WASHINGTON STATE PENITENTIARY  
1212-N. 13TH AVE.  
WALLA WALLA, WA 99362

CLARK OF COURT  
US DISTRICT COURT  
1010 FIFTH AVE.  
ROOM 215  
SEATTLE, WA 98104

FILED  
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MAIL

JUL 23 1998

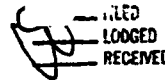
RE: Disabled offender  
"Duffy V. Riveland"  
NO. C92-1596R

AT SEATTLE  
CLERK U.S. DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
BY

I WANT PLAINTIFFS (DUFFY V. RIVELAND).  
GRANTED AND THE STATE (D.O.C.) DENIED.

I HAVE NOT BEEN GIVEN THE POLICY <sup>THAT</sup> WOULD  
PROVIDE DEAF AND SUBSTANTIALLY HEARING IMPAIRED  
PRISONERS WITH <sup>THE</sup> RIGHT TO QUALIFIED SIGN LANGUAGE  
INTERPRETERS, TTY TELEPHONES, AND OTHER ASSISTIVE AIDS  
AND SERVICES, WHEN NEEDED TO GAIN ACCESS TO PRISON PROGRAMS  
AND SERVICES SUCH AS DISCIPLINARY HEARINGS, MEDICAL CARE,  
CLASSIFICATION REVIEWS, TREATMENT PROGRAMS AND EDUCATION.

317



MAIL

JUL 30 1998

AT SEATTLE  
CLERK U.S. DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
BY DEPUTY

CC BJA  
C'92-1596

Hi,

My name is Walter Thomas  
Steel Jr. 991146#. I'm at Wash,  
Correction Center. P.O. Box 900, Shelton,  
F-105 Wa. 98548. I got here at June 2, 1998.  
I am hearing impaired. I read the  
law suit. I think is a good thing.  
It been hard for me here because  
of my hearing impaired. I get  
out Jan 30 1999. I live with my  
Dad & Mom if want to get hold of  
me address 10.

Walter Steel  
2425 Grandview Dr. W  
Tacoma, Wa, 98466  
Phone (253) 565-1508

Thank you. I want to be part  
of the law suit. I hope I'm not  
to late. Wrote is letter 7-28-98.

Thank again

Walter Steel Jr  
P.S. I wrote a Grieve on 6-12-98. They  
still haven't solve the problem. About my  
hearing.

323

FILED  
LODGED  
RECEIVED

MAIL

**UNITED STATES DISTRICT COURT"  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE**

AT SEATTLE  
CLERK U.S. DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
BY DEPUTY

**CHASE RIVELAND, et al.,  
Defendants.**

## OBJECTIONS TO THE PROPOSED SETTLEMENT OF CLASS ACTION

2. A Major Infraction Disciplinary Hearing is a "quasi-judicial" hearing in nature (see Duffy v. Riveland, 98 F.3d (1997)), and a CERTIFIED interpreter MUST be employed,

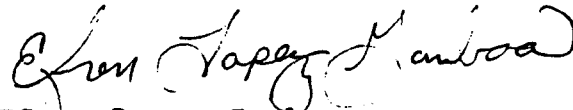
3/3

instead of the proposed term of MAY be employed.

3. Supplementing the term CERTIFIED for qualified will require the department of corrections to employ competent interpreter for the quasi-judicial Major Infraction Disciplinary Hearings, and this will prevent abuses on the part of disciplinary hearing officers.

I Efren Lopez Gamboa certify under pain, penalty, and perjury pursuant to 18 U.S.C. Sec. 1621 and 18 U.S.C. Sec. 1746 that the foregoing is true and correct.

Respectfully submitted this 8th day of July, 1998..



Efren Lopez Gamboa  
1313 North 13th Avenue  
Walla Walla, WA 99362  
Washington State Penitentiary  
DOC #291006 (8C16)

HONORABLE BARBARA J. ROTHSTEIN  
HONORABLE PHILIP K. SWEIGERT



AUG - 4 1998

AT SEATTLE  
CLERK U.S. DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
BY DEPUTY

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

|                         |   |                      |
|-------------------------|---|----------------------|
| SEAN G. DUFFY, et al.,  | ) |                      |
|                         | ) |                      |
| Plaintiff(s),           | ) | No. C92-1596R        |
|                         | ) |                      |
| vs.                     | ) |                      |
|                         | ) | PETITION FOR WRIT OF |
| CHASE RIVELAND, et al., | ) | PROHIBITION          |
|                         | ) |                      |
| Defendant(s),           | ) |                      |
|                         | ) |                      |

In re SEAN G. DUFFY, et al., vs. CHASE RIVELAND, et al., C92-1596R  
PETITION FOR WRIT OF PROHIBITION, is sought by PETITIONER, GEORGE  
ROCKY MANOS, to the United States District Court for the Western  
District of Washington, at Seattle Washington.

I. RELIEF SOUGHT

Petitioner, George Rocky Manos, A class member, as defined in  
PROPOSED SETTLEMENT, prays and seeks relief that the PROPOSED  
SETTLEMENT in this case NOT be accepted by THIS COURT, signed by  
the HONORABLE BARBARA J. ROTHSTEIN, DATED the 8th day of June,  
1998. And the proposed Department of Corrections, POLICY 450.050  
be found in violation of the American's with Disabilities Act of

PETITION FOR WRIT OF PROHIBITION - 1

325

1 1990, and the Ruling of the United States Supreme Court, of Ju.  
2 1998. And this case be forwarded to the 9th Circuit Court of  
3 Appeals, where this Court knows, or should have known that The  
4 Department of Corrections, State of Washington has shown a con-  
5 tinued pattern and practice of NOT following it's OWN written  
6 POLICY and are BIAS in decisions concerning Disabled Offenders  
7 and their concerns! And where Officials / Management / Staff  
8 and Agents of The Department of Corrections, State of Washington,  
9 have shown their inability of enforcing POLICY on it's OWN,  
10 thus, failing to perform their lawful duty, and violating, not  
11 limited to The Federal Health Care Standards (since Offenders  
12 are now required to pay medical co-pay[s]), under 18 U.S.C.S.  
13 § 24 et seq. and when brought to their attention, Disabled  
14 Offenders are Ignored, THEN when brought to their attention  
15 through their OWN Inmate Grievance Proceedure, a proceedure that  
16 is already in violation of and not limited to 42 U.S.C. § 1997,  
17 28 C.F.R. Chapter 1, Part 40, the Disabled Offender is Retaliated  
18 against.

19 Petitioner, George Rocky Manos, prays that this Court invest-  
20 igate the Discrimination, Intimidation (tampering with), Harrass-  
21 ment and Retaliation, and prays that the same be immediately  
22 stoped by order of this Court, these ACTS, perpitrated by ALL  
23 Officials / Management / Staff / Agents of The Department of  
24 Corrections, State of Washington, per 18 U.S.C. § 1512, 1513,  
25 Disabled (Victim[s] in a United States Court Proceeding).

26 Petitioner, George Rocky Manos, prays that this Court ORDERS

27  
28 PETITION FOR WRIT OF PROHIBITION - 2

1 Department of Corrections, State of Washington, IMMEDIATELY,  
2 follow and abide by ANY and ALL Rulings of The United States  
3 Supreme Court, including and not limited to The American's with  
4 Disabilities Act of 1990, it's Building Codes and Occupancy of  
5 Disabled Persons / Offenders, and changing of practices, not  
6 limited to discrimination of Disabled Offenders by Increasing  
7 the Offenders Custody (EXAMPLE; MI-2 Offender [MINIMUM CUSTODY]  
8 to MI-3 Offender [MINIMUM / MEDIUM CUSTODY], due to Offenders  
9 Disability), depriving Disabled Offenders of Earned Advancement  
10 in CUSTODY, as they promote Offenders that are not Disabled, to  
11 Higher, Earned Advancement CUSTODY LEVELS!

12 II. ISSUES PRESENTED

- 13 A) That the Proposed Settlement in it's entirety, violates  
14 including and not limited to the American's with Disabil-  
15 ities Act of 1990, per the NEW UNITED STATES SUPREME  
16 COURT RULING of JUNE 1998.
- 17 B) The DEpartment of Corrections, State of Washington has  
18 and is continually showing a continued pattern and prac-  
19 tice of NOT following it's OWN written POLICY and is BIAS  
20 in decissions on interpitation of policy, relating to  
21 Disabled Offenders.
- 22 C) This Proposed Settlement does not include Offenders whom  
23 become Disabled during their incarceration.
- 24 D) Building Permits /Certificates of Occupancy issued to  
25 institutions, proposed institutions, and those being  
26



1 remodeled are in violation of The American's with Disabilities  
2 Act of 1990, thus fraudulent, or the issuing counties are in  
3 collaboration / conspiracy with The Department of Corrections,  
4 State of Washington by their issue.

5 III. STATEMENT OF FACTS

6 A) The Department of Corrections, State of Washington has  
7 had ample time to write and implement POLICY, to abide  
8 by the American's with Disabilities Act of 1990, but  
9 has knowingly continued to avoid through it's Officials,  
10 Management / Staff / and/or Agents to do so. And now  
11 that The United States Supreme Court has Rule that they  
12 must conform, The Department of Corrections, State of  
13 Washington is trying to Settle this Class Action Law  
14 Suit, discriminating against Disabled Offenders whom do  
15 not fit the description of being DEAF OR HAVE A SUBSTAN-  
16 Tially HEARING IMPAIRED, where all Disabled Offenders  
17 would be effected by this Courts Decision.

18 B) The Department of Corrections, State of Washington has  
19 a CONTINUED PATTERN AND PRACTICE of NOT following it's  
20 OWN written POLICY and is BIAS in decisions and the  
21 interpretation of POLICY relating to DISABLED OFFENDERS,  
22 insomuch and not limited to NOT giving or promoting  
23 Disabled Offenders to MI-2 Custody Levels, when earned  
24 through GOOD BEHAVIOR, as with other Offenders...instead  
25 The Department of Corrections, State of Washington will  
26

1 place a MI-3 Medical and/or Mental Health Override on Disabled  
2 Offenders. In Petitioner's Case, The Department of Corrections,  
3 State of Washington has denied MI-2 Custody Status, which has  
4 been earned and deserved by Petitioner for over 2 years, with  
5 Petitioner's MODEL INMATE RECORD... BUT The Department of Cor-  
6 rections, State of Washington and it's Officials / Management /  
7 Staff / Agents has discriminated against Petitioner through his  
8 disability, by not promoting him to MI-2 Custody Status and  
9 allowing earned liberty and property in a lighter custody  
10 enviornment.

11 C) Petitioner's Disability occured during his incarceration,  
12 where he was failed proper medical care, per and not  
13 limited to 18 U.S.C.S. § 24 et seq., Re: United States  
14 District Court, Western Washington at Seattle Washington,  
15 Case No. C98-0860Z. And where The Department of Correct-  
16 ions, State of Washington have, and not limited to,  
17 failed to perform their lawful duty under The Federal  
18 Health Care Standards and the VIII Amendment of the  
19 United States Constitution and The American's with Dis-  
20 abilities Act of 1990.

21 D) Building Permits / Certification of Occupancy(s) issued  
22 to The Department of Corrections, State of Washington's  
23 institutions, proposed institutions, and/or those being  
24 remodeled are in violation of and not limited to the  
25 American's with Disabilities Act of 1990, thus not con-  
26 forming to County True Requirements, thus fraudulent, or

1 the issuing Counties are in collaboration / conspiring with The  
2 Department of Corrections, State of Washington in their issue;  
3 EXAMPLE:

4 CERTIFICATE OF OCCUPANCY  
5 COUNTY OF PIERCE, WASHINGTON

6 BUILDING INSPECTION DIVISION

7 McNeil Island BLDG, B PERMIT #100066  
OCCUPANCY GROUP : I-3 ZONING CLASS : G  
8 TYPE CONSTRUCTION : I-FR . USE DESCRIPTION :  
M.I.C.C. INMATE HOUSING UNIT  
9 BUILDING OWNER : WA. STATE DEPT. OF ADMIN.  
ADDRESS : 218 G-A BLDG AX-22, OLYMPIA, WA. 98504  
7/12/93 Sam Ball, for Gordan Aleshire, Building Official

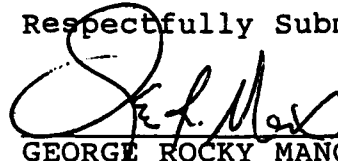
10 This Building now, nor has been in compliance with the require-  
11 ments of The American's with Disabilities Act of 1990... and ...  
12 it is also so with Offender Areas and Living Areas throughout  
13 this and OTHER institutions built since 1992, by and for The  
Department of Corrections, State of Washington, where Disabled  
Offenders are housed.

14 REASONS WHY EXTRAORDINARY RELIEF APPROPRIATE

15 The reasons why Petitioner, George Rocky Manos, is asking for  
16 Extraordinary Relief in this Class Action Suit is due to what is  
17 Outlined in this Petition, and the Petitioner, George Rocky  
18 Manos, Prays that if this Petition is not excepted as is that  
19 this Petition be considered an OBJECTION to the SETTLEMENT in the  
20 suit due to and NOT limited to the issues outlined in this PETIT-  
21 ION.

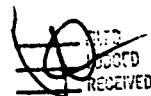
22 DATED THIS 29th day of July, 1998.

Respectfully Submitted,



23 GEORGE ROCKY MANOS, 291238  
24 PETITIONER PRO SE  
25 McNeil Island Correction Center  
26 P.O. Box 881000 Unit B-135-1  
Steilacoom, WA 98388-1000

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE



AUG - 4 1998

AT SEATTLE  
CLERK U.S. DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
BY DEPUTY

SEAN G. DUFFY, et al., )  
 )  
 PLAINTIFF(S), )  
 )  
 GEORGE ROCKY MANOS, )  
 )  
 Petitioner, )  
 vs. )  
 CHASE RIVELAND, et al., )  
 )  
 DEFENDANT(S). )

No. C92-1596R

AFFIDAVIT OF SERVICE  
BY MAILING THROUGH INSTITUTIONAL  
STAFF

STATE OF WASHINGTON )  
 ) ss:  
 COUNTY OF PIERCE )

I, GEORGE ROCKY MANOS, Petitioner in the above cited case,  
being first duly sworn upon oath, depose and say:

That I am a citizen of the United States of America, over  
the age of 42 years, and competent to be a witness herein.

That on the 31st day of July, 1998, I Mailed the Writ /  
Objection named below, by handing the same to Institutional  
staff to mail LEGAL MAIL, to be deposited in the United States  
Mail, together with an Inmate Indigent "POSTAGE TRANSFER" slip,  
for U.S. Postage Service, Certified mail, Return Receipt request-  
ed, for CORRECT POSTAGE AFFIXED. And the envelope(s) addressed  
to:

COLUMBIA LEGAL SERVICES  
David Fathi  
Jeff B. Crollard  
Attorney(s) at Law  
Institutional Projects  
101 Yesler Way, Suite 301  
Seattle, WA 98104

Leonard J. Feldman  
Felix Gavi Luna  
Heller, Ehrman, White & McAuliffe  
Attorney(s) at Law  
701 5th Avenue, Suite 6100  
Seattle, WA 98104-7098

Attorney General's Office  
State of Washington  
P.O. Box 40116  
Olympia, WA 98504-0116

UNITED STATES DISTRICT COURT  
Western District, Washington  
Division I, Seattle  
308 U.S. Court House  
1010 Fifth Avenue  
Seattle, WA. 98104

/

/

/

AFFIDAVIT OF SERVICE BY MAILING - 1

326

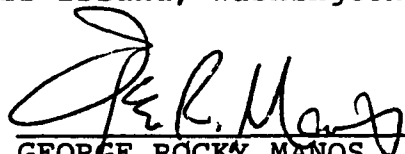
Said Envelopes contained a copy of the following Document:  
PETITION FOR WRIT OF PROHIBITION / OBJECTION to the SETTLEMENT  
UNITED STATES DISTRICT COURT, WESTERN DISTRICT OF WASHINGTON AT  
SEATTLE

No. C92-1596R

Plaintiff(s), Sean G. Duffy, et al.,  
Petitioner, George Rocky Manos, et al.,  
Defendant(s), Chase Riveland, et al.,

HONORABLE BARBARA J. ROTHSTEIN, AND  
HONORABLE PHILIP K. SWEIGERT

I, George Rocky Manos, Petitioner/Plaintiff, Certify under the  
penalty of Perjury, Pursuant to the Laws of The United States of  
America and the State of Washington, that the foregoing is true  
and correct, and has been executed this ~~31st~~ day of July, 1998,  
at Pierce County, Washington, McNeil Island, Washington.

  
GEORGE ROCKY MANOS, 291238  
McNeill Island Correction Center  
P.O. Box 881000 Unit B 135-1  
Steilacoom, WA 98388-1000

AFFIDAVIT OF SERVICE BY MAILING - 2

Letter sent re. mtr not noted

cc BJR

UNITED STATES MAGISTRATE ~~PHILIP K. SWEIGERT~~

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON AT SEATTLE**

**SEAN G. DUFFY, et al.,**

**Plaintiff,**

**vs.**

**CHASE RIVELAND, et al.,**

**Defendants.**

) **CAUSE NO. 92-1596R**

) **MOTION TO JOIN ACTION**

8/14/98



**JUL 25 1998**

AT SEATTLE  
CLERK U.S. DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
BY DEPUTY

**I. IDENTITIY OF PETITIONER.**

I, Dana H. Lege~~R~~ am a deaf person incarcerated at the TRCC facility in Monroe, Washington.

**II. PROBLEMS.**

When I was recently at Shelton in R-5 Unit I wanted to see the couelor. He would not see me. He said because of his Spanish accent it would be a waste of time. I can read lips. But officials would not give me a counselor who could help me.

I has two hearing aids. Someone reached into my cell and stole one while knocking the other onto the floor and breaking it. This was at Shelton.

320

On July 21, 1998 C/O Lawson told me because I was deaf that I would have to return to my Unit. He also told me to come back when I could hear. After returning to my unit I told the female officer on duty what happened and she told the counselor. The counselor made a phone call and then I was told to go back. But where officers are not trained or educated on dealing with the handicap this type of problem continuously happens.

I am interested in joining this lawsuit to improve the conditions within DOC for the hearing impaired. I need a hearing enhancer. TRCC officials do not have one. I need this to use the telephone when I have a hearing aid. Officials say they will replace my hearing aid in about two weeks. Without the enhance this does not permit me to communicate over the telephone.

I am sending a copy of this motion to counsel or record and the District Court.

Another matter I would like to address is the unsanitary condition of overcrowding the TRCC facility. I have been put on the floor. Being hearing impaired I can not tell when someone is using the toilet which is only inches from my blankets. Urine splatters onto my bedding. Dust and crumbs collect on the floor. There is no room to move about. And even though I will only be subjected to these conditions for a few weeks they are not healthy.

The person I am being housed with has an incurable disease. The only way he can be cured is to have a liver transplant. Arseneau #624917 has Heptitis C, it is active, and prison officials have acted with deliberate indifference to my welfare and safety.

Also, due to the overcrowding at TRCC counts are late, guards are unable to feed us our meals on time, we are being herded in a rush-rush manner through the messhall, there are frequent fights breaking out in messhall lines and in the unit, movements are seldom ran on time, idleness is being increased despite the Legislative directive of RCW 72.09.010 which orders DOC to reduce idleness, there are not enough jobs, the yard is closed on mornings, the Law Library is closed on weekends (to even condense things all the more) and being handicapped in this crowded conditions this causes undo discomfort, stress, and the potential for violence for which I am left totally without any protection. Where I cannot hear it would be very easy for me to find myself in the violence of a riot unable to protect myself because prison staff have abandoned their post or left me to fend for myself.

I would like an immediate injunction placed against prison officials at DOC for this overcrowding and subjecting me as a handicapped person to such conditions. On about July 20, 1998 Captain Glebe said that conditions would only get worse because Olympia has ordered them to overcrowd TRCC even more.

The SETTLEMENT is a fraud perpetrated to leave us in dire straights. It allows DOC officials to put us in overcrowded institutions, next to urine, where violence may erupt at any second, often does, and promotes idleness in violation of Legislative directives which are clearly spelled out in RCW 72.09.010. Here it seems only the attorneys make out by collecting \$150,000.00. DOC Policy 490.050 has no meaning if DOC officials may treat us with apathy, telling us to come back when we can hear, or when they are allowed



to place us in potentially dangerous situations with intentional and deliberate callousness and disregard for the law. Easy remedies, such as opening the yard on mornings, such as having the Law Library open on weekends for everyone, instead of for a select few (as is done at Airway Heights and other institutions). Unless you are going to fix the problems we are facing a decree does absolutely no good. Obviously the problems are not fixed when they continue to go on, and the handicapped are so blatantly discriminated against by staff.

With the right hand DOC is telling us the problems are fixed. With the left hand they are doing everything possible to maintain, increase, and create dangerous conditions for the handicapped.

Please check these things out before putting this settlement into action.

Respectfully submitted this 22<sup>nd</sup> day of July, 1998.

DANA H. LeGe<sup>R</sup>  
Petitioner, *Pro Se*  
P.O. Box 888  
16774 170<sup>th</sup> Drive S.E.  
TWIN RIVERS CORRECTION CENTER  
D3-03-Floor DOC #921062  
MONROE, WASHINGTON 98272-0888

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
OFFICE OF THE CLERK

BRUCE RIFKIN  
CLERK

215 U.S. COURTHOUSE  
SEATTLE, WASHINGTON 98104

July 29, 1998

Dana H LeGer  
Twin Rivers Corrections Center  
PO Box 888, D3-03-F1 #921062  
16774 170<sup>TH</sup> Drive SE  
Monroe, WA 98272-0888

RE: C92-1596R, Duffy, et al v. Riveland, et al

Pet's Motion to Join Action has been placed on the Court's motion calendar for 8/14/98 as the motion was either not noted or not assigned a proper calendar date. For future reference, see Local Rule CR 7(d) for the United States District Court, Western District of Washington.

Sincerely,

BRUCE RIFKIN, CLERK

by   
Kerry Lane, Deputy Clerk

cc: all counsel  
court file

CR7(d) Consideration of Motions

When there has been an adverse appearance, and unless otherwise provided below or by rule or court order, motions shall be noted for consideration for the third Friday after the motion is filed. Motions for preliminary injunction, to dismiss, for summary judgment, and other dispositive motions shall be noted for the fourth Friday after the motion is filed. The motion shall include in its caption (immediately below the title of the motion) a designation of the Friday upon which the motion is to be noted upon the court's motion calendar. A motion may be noted for a Friday which is a holiday. The form shall be as follows:

NOTE ON MOTION CALENDAR: [insert date noted for consideration]

All motions will be decided as soon as practicable, and normally within thirty days following the noting date.

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

PRESENT: THE HONORABLE BARBARA JACOBS ROTHSTEIN  
UNITED STATES DISTRICT JUDGE

DATE: AUGUST 18, 1998

SEAN G. DUFFY, et al.,  
Plaintiffs,  
v.  
CHASE RIVELAND, et al.,  
Defendants.

NO. C92-1596R

FILED  
LOGGED  
AUG 18 1998  
ENTERED  
RECEIVED  
CLERK U.S. DISTRICT COURT  
BY WESTERN DISTRICT OF WASHINGTON  
DEPUTY

IN CHAMBERS PROCEEDINGS:

The court has reviewed the motion by Dana H. Leger seeking to be joined as a party to this action. The court will deny Ms. Leger's motion and will, instead, consider her pleading as an objection to the proposed settlement.

MINUTE ENTRY - August 18, 1998

327

Duffy

# C92-1596R



MAIL

JUL 20 1998

AT SEATTLE  
CLERK U.S. DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
BY DEPUTYv  
Riveland

I, William D. Smith # 997341 am 45 years old and was sentenced to prison in Sept. 1992 for 125 years, and arrived at Walla Walla Prison in Feb, 1993. I have read the paperwork relating to the "Proposed Settlement" on Deaf and Hearing Impaired Prisoners and I have concerns that while the lawyers will receive their pay-day, little concern will be given the aging prison population in this State's prison system and our problems with hearing the many demands, instructions and orders from the staff which regulate our daily life. Specifically, I served in the Air Force for

(2)

8 years at the tail-end of the Viet Nam era, where my ears were subjected to prolonged exposure to screaming - high pitched aircraft engines, then for 5 years I was a sawmill worker side by side to loud whining saws and planer equipment; I knew that my hearing ability had been negatively impaired and since coming to prison I have found that my hearing is getting progressively worse. Here at Wala Wala Prison, hearing testing and hearing problem assistance is non-existent or severely limited. With this State's recent focus to limit spending on prisoners needs, the current poor situation will only get more marginal.

In a prison setting, it is highly important to be able to hear and comprehend  $\frac{1}{2}$  hour and

hourly intercom calls through the cell-blocks, commands from a multitude of guards, the instructions broadcast to the prison population and quickly obey endless orders directed at us; any failure to readily comply brings disciplinary action and negative circumstances.

With my current hearing problems, I find myself trying more and more to read lips when staff personnel are telling me what to do, but that is impossible in other than face to face settings. Not being able to hear properly in prison leads to misunderstanding instructions and orders and the being out of compliance to staff's expectations. More and more I feel limited by my increasing hearing problems and I currently see little, if none, way to correct

what is increasingly becoming a bigger and bigger problem for myself.

Prison staff are busier with increasing prison populations, funding per prisoner is being reduced and current attitudes against the inmates are becoming harsher, therefore I ask the court to consider relief in the following areas;

① Recognize that there are more older and aging prisoners who will be doing long lengths of prison time and that the prison system must address our impaired hearing problems. lack of interest and failure to provide funding for hearing aids and instruments is a deliberate indifference to those of use who suffer this handicap and realize that the condition will only

(5)

get worse in the future. Prison management has demonstrated little effort to resolve the problems that a prisoner has to deal with on a constant basis when there is a hearing problem

② Those prisoners with a Veteran background may well qualify for V.A. programs, equipment, testing and care, but prison management puts up roadblocks that deny these prisoners access to V.A. programs which will benefit prisoners who do qualify. Being hearing impaired due to past military service, or even when that past military service contributed to the handicapped status should not be detrimental to being helped by the V.A. just because prison policy does not wish to acknowledge that a problem exists.

Thank You for your consideration and effort,

William D Smith # 997341      Dated 16 July 98



To: Clerk of the Court  
U.S. District Court

cc BJR

July 16, 1998

"Duffy v. Riveland, No. C92-1596R"



JUL 20 1998

Dear Clerk

AT SEATTLE  
CLERK U.S. DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
DEPUTY

I almost accept New Policy Disable Offender, but policy will be still the problem about "closed caption movie videos".

I am object New Policy did not say a word about library will allows deaf inmates can check out more closed caption movies on video. Because many hearing inmates had been allowed to get any thousand titles of "audio tape" to check out from state library. I asked librarian staffs about to allow me check out videos and VCR. They had very few video to be check out. I discussed the librarian staffs denied my request, because not have a policy in there for allow to deaf inmates. I suggest You have add above to "New Policy ~~Offender~~ Disable Offender" to allow deaf inmates can check out any titles closed caption video free loan from U.S. Dept. of Education.

I hope this will help deaf life enjoy equal to hearing inmates used check out the audio tapes. I am deaf inmate at Airway Heights Correction Center and alone deaf inmate. ~~to~~

Bennett Titus #755953

A.H.C.C.

P.O. Box 1809 LA-34

Airway Heights, WA

99001-1809

Your Truly

Bennett Titus

Bennett Titus

315

Dear Clerk of the Court

July 21, 1998

I am deaf and have been mistake on  
typewrite.

I give up and replace to be my handwriter.

You will get it very soon. I had change to  
~~let~~ improve English and hope you or Judge  
understand my written.

"Duffy v. Riveland, No. C92-1596 R" large envelope  
will arrive soon.

FILED  
LODGED  
RECEIVED

MAIL

JUL 24 1998

AT SEATTLE  
CLERK U.S. DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
BY DEPUTY

Sincerely,

Bennett Titus #755953  
Airway Heights Correction Center  
P.O. Box 1809 LA-34-L  
Airway Heights, WA  
99001-1809

Bennett Titus

319

cc BN

"Duffy v. Riveland, No. C92-~~1546~~<sup>1546</sup>R"

July 23, 1998

Clerk of the Court



JUL 27 1998

page: 1 of 7

Dear:

AT SEATTLE  
CLERK U.S. DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
BY

I am deaf inmate and my complained against "New Policy Disable Offense". DOC did not choice a "library equipment" to deaf & hard of Hearing inmates.

I was in W.C.C. Shelton, WA and asked library provide me a video check out. They refused. I did not file an grievance, I transfered to A.H.C.C. in Airway Heights, WA had recent few year open this new building. I was ask library staff about borrow TV/VCR with videos. They refused. I suffer headach for "DISCRIMINATION". Duffy won the case to stop a discrimination. Two weeks ago, I again ask librarian staff about "NO MORE DISCRIMINATION". They happy to help me and will get TV/VCR/any videos. They checked to find there have not make in New Policy for library will provide equipment to deaf inmates. They refused to provide me any videos with VCR or TV. I had own a T.V. and want watch movie T.V,

I am angry that all hearing inmates can check out any titles of Audio Tape from library. For example, I pulled out audio tape title was "STAR WARS" or any titles come out from the movies. I can't listen to audio tapes to intsead of videos movie, I want watch videos and can be check out from library. DOC provide very expensive many music equipments in Recreation for all hearing inmates to plays.

DOC did not buy closed caption T.V. for each deaf inmates. I gave up wait for long time, I bought Color T.V. in December 1997.

30

This Duffy won case. Will DOC now return me a fund for this TV?

New Policy must provide closed caption build in TV, to each deaf & hard of hearing inmates. Library must provide any title video with VCR to deaf inmates as they do provide allow non-disable inmates check out audio tapes. I suggest this policy to add New Policy. I don't want wait for next 2-4 years. My serve time is 4 year left. Please accept this suggest.

1. Deaf and Hard of Hearing can checking out any title video with VCR from library.
2. If any deaf and hard of hearing are in any correction. Library must provide them. Example: 2 deaf in Walla Walla. 3 deaf in Monroe, WA. 1 Deaf is in A.H.C.C, each library must provide them than a whole the correction.
3. Free loan videos from U.S. Department of Education or local deaf community.
4. 4-8 videos per inmate per week as ~~res~~ survey.
5. Certified or HSR from Medical for provide deaf and hard of hearing.
6. Not provide to hearing ~~dis~~ disable person, because he/she can hear or speak.

End — (next page)

July 23, 1998

"Duffy v. Riveland, No. C92-1596 R"

page: 3 of 7

My experience had in and out of all county jail involve are Seattle, Marysville, Tacoma, Everett and Port Orchard. All cases were misdemeanor and jail one day. One felony in Everett, WA. Total my life had an experience to see all county jail or corrections did not trained to ~~how~~ know how to do with "deaf" mean nothing hear or the sound. In Port Orchard I was ask need TTY for call friend in Seattle to paid bail out. DOC try look around and call a supervisor if he/she know TTY or TDD mean. It took me waited for them to find TTY and stay one day. Judge released on my own recognize without bail. That day Correction officer find a TTY. I wasn't appreciate ~~please~~ this, I see no notice post on front desk or the wall in all county jail or correction for enter the Booking Office only. Can be use post sign symbol for visiting enter the lobby room.

One day in Tacoma county jail or correction there. Big problem all in State of Washington ~~staff~~ all staffs failed to mind of "deaf". All guards ignore me - deaf and refused give me a pencil and lots paper for communicate other inmates. For example, I can't speak have write to inmates for "listen assistance". I will write a note say I am deaf and can't hear for call my name. My name is Ben Titus. All guard said "NO". They put me enter wait room very ~~crowd~~ crowd to stand up wait for call name to appear the court. I know this DOC in Tacoma have violate "fire code" for ban overcrowd in one room.

July 23, 1998

page: 4 of 7

I waited two hours to reduce crowd and went to check down hallway to see, if they are call me. I saw this hand sign language ~~in air~~ up in air. I wander thur crowd approach at closer to a door same time ~~my~~ light were flash to alert my attention. I reach door and that is me "Ben Titus." Interpreter was there, Sigh! Told them that guard was not learn to mind of understand "deaf". Released one day there also in the Book Officer have no post symbol sign to alert all deaf enter booking office see the exhibit: A, B, and C.

I have done this letters to add "New Policy Disable Offense".

Bennett W. Titus #755953

Airway Heights Correction Center

P.O. Box 1809 LA-34

Airway Heights, WA

99001-1809

Sincerely,

Bennett W. Titus  
Bennett W. Titus

EXHIBIT: A

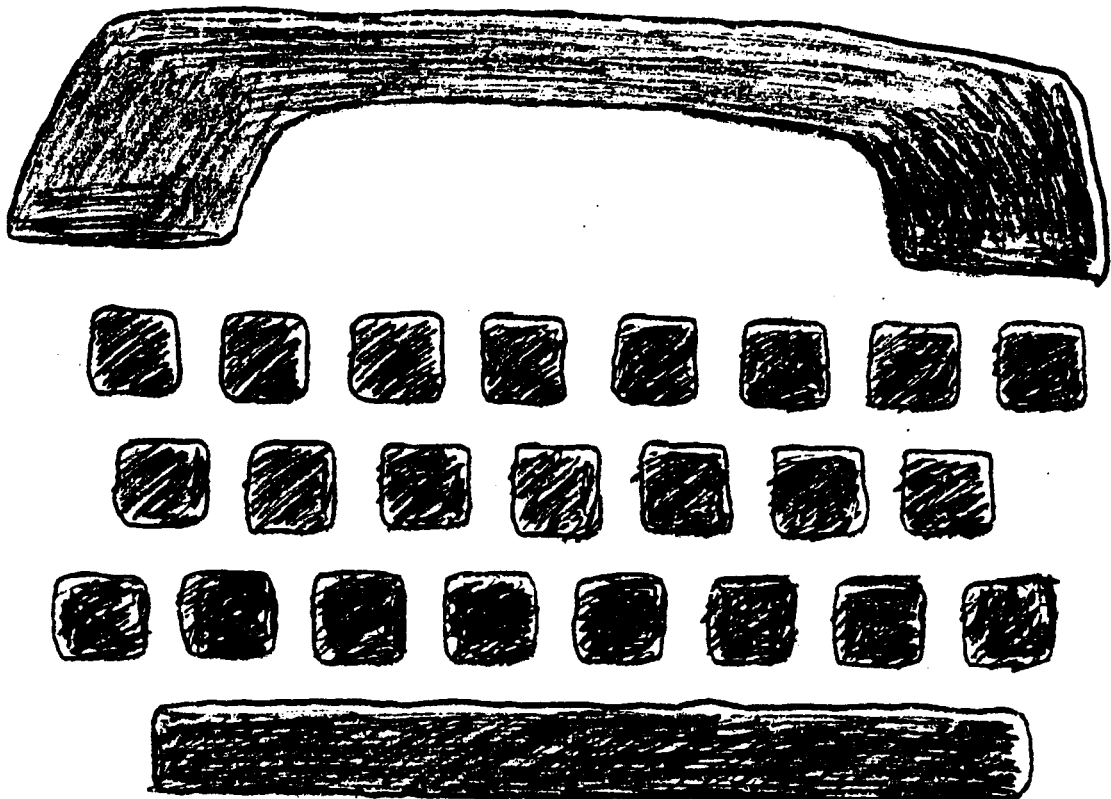
"Duffy v. Riveland  
No. C92-1596R"

TTY

Page: 5 of 7

← LARGER CAPTION  
BOLD

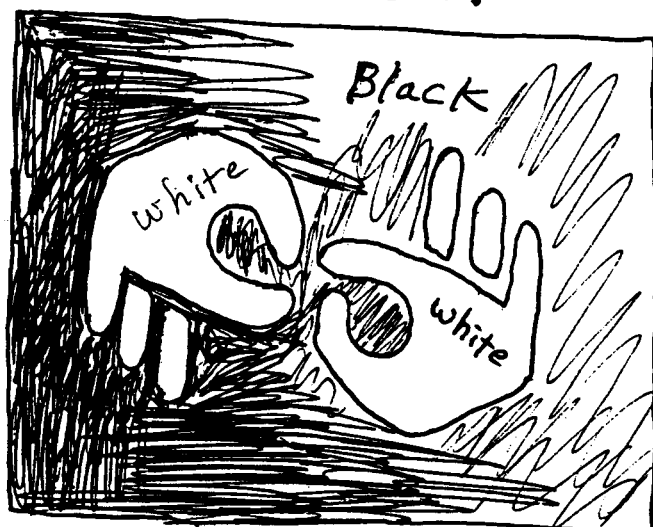
is an available in Booking Office.  
If you need TTY, please let me know.  
I will get TTY phone immediately for  
you. And each units will have a TTY  
Where you will be ~~se~~ staying.



# Notice to Deaf & ~~Hearing~~ of ← bold

## Hearing Entering Booking: ← bold

You have the right to a sign language interpreter if one is required for you to effectively communicate with Correction Staff. If you are deaf or hard of hearing and require a sign language interpreter to communicate, please let us know.



← not actual size  
need large sign enough for deaf notice this sign,

← Federal or Nation standard symbol for interpreter.



~~Exhibit~~

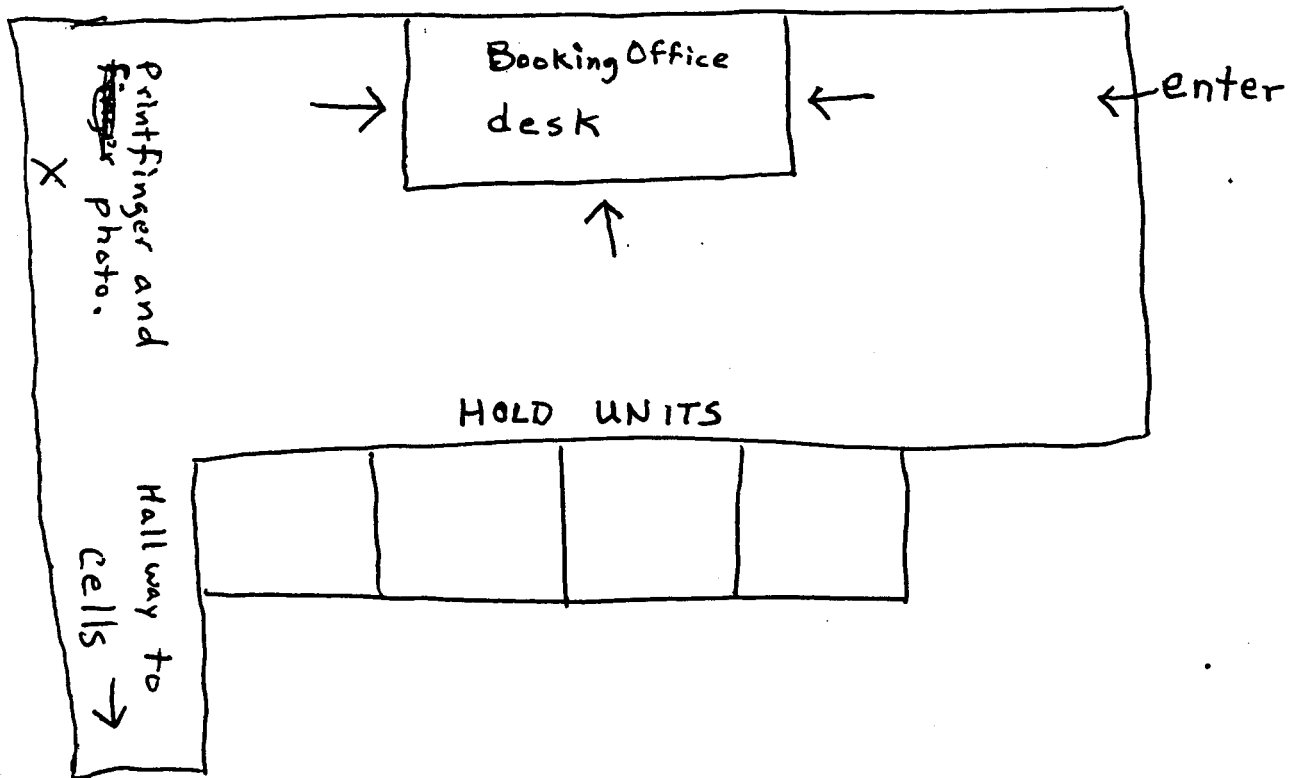
EXHIBIT: C

page: 7 of 7

2 Posted notice must show more clarify  
for deaf view around as they are in  
the booking office. See the ~~map~~ map  
below of all DOC. Signs are TTY and  
interpreter be wtogether.

Any building at different designs.

put signs on 3 sides of the desk.



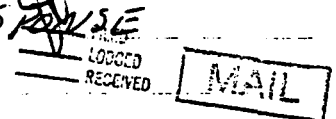
PART A-INITIAL GRIEVANCE  
OFFENSE COMPLAINT  
LOG I.D. NUMBER #9800149

FALITY  
AHCC

7-13-98

CESARIO 92-1596A

DATE TYPED 1-5-98 DOC: #722736 CHAPMAN  
I WANT TO GRIEVE: ON 12-17-97 OR  
12-18-97, I TALKED WITH SGT. AND  
COUNSELOR AT THE SAME ABOUT  
REQUEST USE TTY MACHINE. I ALSO TOLD  
THEM IT IS URGENT FOR ME TO USE IT  
RIGHT AWAY. BOTH OF THEM TOLD ME TO  
WRITE KITE TO MEDICAL HEALTH. I  
WROTE THEM, AFTER THAT NO RESPONSE EVER  
SINCE NOW. ONCE AGAIN, ON 12-24-97, I  
ASKED OTHER COUNSELOR TO FIND OUT WHY  
DO THEY DO THAT TO ME, HUH? NO RESPONSE  
FROM KITE U KNOW.



JUL 16 1998

### PART B-LEVEL 1 RESPONSE

AT SEATTLE  
CLERK U.S. DISTRICT COURT  
BY WESTERN DISTRICT OF WASHINGTON  
DEPUTY

CUS BECERRA INVESTIGATED MY  
GRIEVANCE; SPOKE WITH BILL JACOBS,  
HEALTH CARE MANAGER, ON 1-7-98. HE  
HAS CONTACTED EASTERN WASHINGTON  
CENTER FOR THE DEAF. THEY ARE  
PROVIDING ME AN APPLICATION. THEY  
SCREEN THE APPLICATION TO DETERMINE  
IF I MEET CRITERIA FOR THE TTY MACHINE.  
WHEN THE APPLICATION ARRIVE AT AHCC  
MEDICAL DEPARTMENT, IT WILL BE  
FORWARD TO ME.

GRIEVANCE COORDINATOR

NAME?

3/6

PART A-APPEAL TO LEVEL II

FACILITY

7-13-98

LOG I.D. NUMBER #9800149

..HCC

DATED TYPED (2-23-98) DOC: #722936 CHAPMAN  
THE TELECOMMUNICATION ACCESS SERVICE  
(TAS) HAS REVIEWED MY APPLICATION FOR  
TELECOMMUNICATION EQUIPMENT. THEY WERE  
TELLING ME I SHOULD EXPECT THIS TRAINER  
TO CONTACT ME TO MAKE ARRANGEMENTS  
TO BRING ME THE EQUIPMENT, SHOW ME  
HOW TO USE IT. ALSO I MAY BE REQUIRED  
TO PAY PART OF THE EQUIPMENT ME  
RECEIVE FROM TAS. I CHECK WITH MY  
COUNSELOR TERRI LALONDE REQUEST HER  
CALL THEM TO FIND OUT HOW SOON TO  
GET NEW TTY MACHINE. SHE STATED  
THAT CAN'T DO THAT. RIGHT NOW IT IS  
TIME TO GET GOING, THERE NO REASON  
TO WAIT. OTHERWISE I HAVE BEEN MORE  
PATIENT.

### PART B-LEVEL II RESPONSE

HE HAVE REVIEWED MY APPEAL TO LEVEL I,  
LEVEL I RESPONSE; APPEAL TO LEVEL II. CPM  
LORI MCDONALD INVESTIGATED THE COMPLAINT.  
TELECOMMUNICATION ACCESS SERVICE (TAS)  
IS AWARE OF OUR REQUEST; THEY ARE  
WORKING A MACHINE. IF I NEED TO  
UTILIZE A MACHINE UNTIL IT ARRIVE,  
PLEASE CONTACT MY COUNSELOR (OR UNIT  
SERGEANT AFTER REGULAR BUSINESS HOURS)  
TO ACCESS ANOTHER MACHINE.

SUPERINTENDENT/ADMINISTRATOR  
XEEALL

PART A-A DEAL TO LEVEL III

FACILITY 7-13-98  
AHCC

LOG I.D. NUMBER #9800149

DATED TYPED (3-23-98) DOC: #722736 CHAMAN  
I AM VERY DISAPPOINTED ON LEVEL II IS  
BECAUSE THEY SHOULD GET MY RESPONSE  
DUE ON 3-16-98. NOW I REQUEST FOR  
TIME EXTENSION.

### PART B-LEVEL III RESPONSE

THEY HAVE REVIEWED MY INITIAL GRIEVANCE  
AS WELL AS ALL SUBSEQUENT APPEALS AND  
RESPONSES. THE FACILITY STAFF HAVE AGREED  
TO PROVIDE ME WITH TELECOMMUNICATIONS  
ACCESS SERVICE (TAS) ON A CASE-BY CASE  
BASIS, UNTIL MY EQUIPMENT HAS BEEN  
APPROVED; PROVIDED FOR ME. AS INDICATED  
IN THE LEVEL TWO RESPONSE, IF I HAVE A  
NEED FOR TAS, CONTACT MY COUNSELOR  
FOR ASSISTANCE IN ACCESSING ANOTHER  
MACHINE. MY CONCERNS ARE BEING  
APPROPRIATELY ADDRESSED. I CONCUR  
WITH THE PREVIOUS RESPONSES.

DIVISION DIRECTOR MARGO JENSER

APPEAL TO NEXT LEVEL III

LOG I.D. NUMBER #9800149

QUALITY

WHCC

7-13-98

OFFENDER COMPLIANT

DATED RECEIVED (3-24-98) DOC: #722736 CHAPMAN  
MY POINT HOW LONG ARE THEY WORKING  
ON PROVIDING A MACHINE? THERE  
IS NO WAY I COULDN'T CONTACT MY  
COUNSELOR OR UNIT SERGEANT AGAIN  
IS BECAUSE I AM NOW AWAITING TO GET  
NEW TTY MACHINE COMING ANYTIME.

REMEMBER THAT THERE IS NO TTY MACHINE  
HERE AT AIRWAY HEIGHT CORRECTION  
CENTER! SOME OF YOUR RESPONSE DON'T  
MAKE SENSE TO ME AT ALL. LOOK NOW,  
I KEPT TELLING U THAT I REALLY  
APPRECIATE THAT GET ME TTY RIGHT  
NOW PLEASE.

### GRIEVANCE COORDINATOR'S RESPONSE

THIS ISSUE HAS BEEN APPEALED TO  
LEVEL 3 GRIEVANCE PLEASE SEND IT  
TO: DEPARTMENT OF CORRECTION GRIE-  
VANCE PROGRAM MANGER LARRY URIBE,  
410 W. 5<sup>th</sup> OLYMPIA, WA 98504

COORDINATOR'S W. STOCKWELL

LOG I.D. NUMBER # 98, 1149  
OFFENDER COMPLAINT

FACILITY 4-13-98  
AHCC

DATED RECEIVED (4-30-98) DOC: #722736 CHAPMAN  
I WANT TO GRIEVE: IT TOOK ME FOUR<sup>(4)</sup> MONTHS RECEIVE NEW TTY MACHINE RIGHT.  
I REQUEST TERRI L ALONDE COUNSELOR  
ARE U STILL BUSY. SHE STATED SAID  
THAT SHE ALWAYS BUSY. SHE TOLD ME  
THAT I HAD TO USE TTY AT NIGHT  
SHIFT FROM 2:30 PM TO 10:30 PM ONLY.  
I SAY EXCAUSE ME, WHO TOLD U THAT,  
CUS TERRY PROPECK STATED TOLD HER  
TO TELL ME. I TOLD HER I CAN USE  
THE TTY ANYTIME I WANT TO. SHE  
TOLD ME CAN'T DO THAT PERIOD. LOOK  
NOW I HAVE NO POWER CONTROL OVER  
CUS MR. PROPECK OR GRIEVANCE COORDINATOR.

GRIEVANCE COORDINATOR'S RESPONSE

PLEASE REWRITE THIS ENTIRE GRIEVANCE  
WITH A SPECIFIC DATE AND TIME THAT  
THIS OCCURED.

COORDINATOR'S W. STOCKWELL

APPEAL TO EXT LEVEL  
LOG I.D NUMBER 9800149  
OFFENDER COMPLAINT

ILITY 7-13-98  
AHCC

DATED RECEIVED (5-12-98) DOC #722736 CHAPMAN  
WHAT DO U MEAN REWRITE THIS ENTIRE  
GRIEVANCE WITH A SPECIFIC DATE AND  
TIME THAT THIS OCCURED? HE ALREADY  
HAS MY COPY, SO U DONT MAKE NO SENSE  
TO ME. LIKE I SAID BEFORE, I AM TRYING  
TO USE TTY IN THE MORNING, NOT AT  
NIGHT AT ALL. HE KNEW IT IS MY RIGHT  
TO CALL ANYTIME!

### GRIEVANCE COORDINATOR'S RESPONSE

THIS ISSUE HAS BEEN PROCESSED  
THROUGH LEVEL THREE <sup>(3)</sup> IN THE GRIEVANCE  
PROGRAM. PLEASE FOLLOW THE INSTRUCTIONS  
THAT WERE OUTLINE MY LEVEL 1, 2, AND 3  
RESPONSE. IF I DISAGREE WITH THE 1, 2, AND  
3 RESPONSE I MAY WAIT TO CONSIDER I  
OPTIONS IN THE LEGAL AREA.

COORDINATOR W. STOCKWELL

APPEAL TO NEXT LEVEL W  
LOG I.V. NUMBER 9800149  
OFFENDER COMPLAINT

FACILITY 7-13-98  
AHCC

DATED RECEIVED (5-18-98) DOC: #722736 CHAPMAN  
READ THIS VERY CAREFULLY, U STILL DON'T  
UNDERSTAND MY RIGHT. I AM NOT TALKING  
ABOUT LEVEL 1, 2, OR 3. I AM NOW AS FAR  
AS I STILL APPEAL TO NEXT LEVEL. I  
AGREE U THAT PLEASE UNDERSTAND MY  
RIGHT LIKE ALL OTHER INMATES USE THE  
PHONE ANYTIME THEY WANTED. THAT IS  
NOT FAIR TO ME, SHOULD I HUH? IF U STILL  
WASTING MY TIME AGAIN, I WILL BEGIN  
PROCEEDING OF A CIVIL SUIT AGAINST  
AHCC FOR BEING NEGLECT OF MY BASIC  
RIGHTS!

#### GRIEVANCE COORDINATOR'S RESPONSE

HE SPOKE WITH ME ON 5-26-98 CONCERNING  
THIS MATTER PLEASE REWRITE A NEW GRIEVANCE  
THAT PERTAINS TO ME NOT BEING ABLE TO  
ACCESS MY TTY MACHINE WHENEVER I WANT  
TO JUST LIKE EVERY OTHER INMATE CAN  
ACCESS THE PHONE SYSTEM.

COORDINATOR W. STOCKWELL



INITIAL GRIEVANCE

FACILITY 7-13-98  
AHCC

LOG I.D. NUMBER #9810625

OFFENDER COMPLAINT

DATED RECEIVED (6-2-98) DOC: #722736 CHAPMAN  
MR. STOCKWELL U WERE DISAPPOINTMENT  
WITH ME. U WERE TELLING ME LOOK OUT  
FOR CALL-OUT FOR NEXT TWO DAYS THEN  
SUPPOSE HELP ME WRITE GRIEVANCE. HERE  
IS MY BEST TO TELL U MYSELF WHY AM  
I ALWAYS LIMIT A CALL? WHY CAN'T NOT  
BEING ABLE TO ACCESS CAN TTY WHEN-  
EVER CAN WANT TO JUST LIKE EVERY  
OTHER INMATES CAN ACCESS THE PHONE  
SYSTEM.

### GRIEVANCE COORDINATOR'S RESPONSE

PLEASE REWRITE THIS ENTIRE GRIEVANCE.  
PLEASE STATE IT U ARE GRIEVANCE  
COORDINATOR OR IT I GRIEVING THE ISSUE  
OVER THE TTY MACHINE ACCESS. I MAY  
ONLY GRIEVANCE ISSUE A INCIDENT  
PER GRIEVANCE.

COORDINATOR'S W. STOCKWELL

INITIAL GRIEVANCE  
LOG I.D.N ER #9810625  
OFFENDER COMPLIANT

FACILITY 7-13-98  
ITHCC

DATED RECEIVED (6-16-98) DOC: #722736 CHAPMAN  
HOW COME U DONT REALLY RESPONSE  
MY GRIEVANCE AT ALL? WHY DO U PLAYED  
A GAME WITH ME? FIRST OF ALL ON 6-1-98  
HE SHOWED ME NEW POLICY ABOUT HEARING  
IMPAIRED TO USE THE TTY. I HAD REQUEST  
U PLEASE GIVE ME YOUR NEW POLICY COPY  
FOR ME. U STATED REFUSED, I WONDER  
WHY HUH?

### GRIEVANCE COORDINATOR'S RESPONSE

I REQUESTED TO SEE THE GRIEVANCE  
COORDINATOR. I WERE PLACED ON CALL-  
OUT FOR 6-18-98 AND I DID NOT RESPONSE  
TO THE CALL-OUT. THERE IS NO NEW POLICY  
FOR HEARING IMPAIRED IT WILL BE POSTED  
WHEN THIS COMPLETED. I NEED TO FOLLOW  
THE REWRITE INSTRUCTIONS ON THE  
GRIEVANCE COMPLAINT.

COORDINATOR W. STOCKWELL

MY POINT IS I HAVE NO PROBLEM SHOWING  
UP ON CALL-OUT FOR GRIEVANCE, BUT I DONT  
SEE WHY I DONT GET A HEARING WITH  
SGT, THE SGT. SUPPOSE GIVE ME AN SANCTION  
FOR THAT CASE. U KNOW WHAT I AM  
SAYING.

INMATE CHAPMAN #722736

INITIAL GRIFF ANCE  
LOG I.D. NUMBER #9810625  
OFFENDER COMPLAINT

EMILITY 7-13-98  
AHCC

DATED RECEIVED (6-19-98) DOC: #722736 CHAMAL  
I WAS ON CALL-OUT ON 6-17-98. MR.  
STOCKWELL STILL PLAYING A GAME WITH  
ME, IS BECAUSE I DON'T UNDERSTAND HE  
KEPT ME AWAITING IN HEARING ROOM  
NEARBY TWO<sup>(2)</sup> HOURS, NOW OTHER PERSON TOLD  
ME TO LEAVE HERE IMMEDIATELY, I SAID  
EXCAUSE ME, HOW COME HE NEVER TOLD ME  
BEFORE, THAT SHOWED NO RESPECTFUL! I  
WAS SITTING THERE ON HARD BENCH, LIKE  
I'M INSANE AWAITING ON HIM, I HAD  
AN APPT AT THAT TIME.

#### GRIEVANCE COORDINATOR'S RESPONSE

WE MET FOR INTERVIEW ON HOW TO  
PROPERTLY WRITE THIS ISSUE ON A  
COMPLAINT FORM FROM 6-29-98.

COORDINATOR W. STOCKWELL

LOG # JUMBER#9416988

FACILITY 7-13-98

PART A - INITIAL GRIEVANCE

MICC

DATE TYPED OCTOBER 26, 1994 Doc: 722736 CHAPMAN

I AM VERY HEARING IMPAIRED. WHEN I ARRIVED HERE AT MICC ON 9-26-94, I (THROUGH AN INMATE INTERPRETER) EXPLAINED THIS FACT TO STAFF, MY UNIT COUNSELOR. BECAUSE OF THIS FACT, I CAN NOT USE THE STANDARD TELEPHONES MADE AVAILABLE TO INMATES. I NEED A TTY. I WAS INFORMED AT THE TIME THAT ONE WOULD BE MADE AVAILABLE TO ME SOON. WHEN I ARRIVED AT E UNIT ON 10-3-94, I EXPLAINED THIS FACT AGAIN. ON 10-14-94, I WAS TOLD BY MY NEW COUNSELOR (MR. VEST) THAT ONE WAS AVAILABLE, BUT THE OWNER OF THE UNIT WAS UNWILLING TO RELEASE IT TO E UNIT. SINCE MY ARRIVAL, I HAVE NOT BEEN ABLE TO CONTACT MY FAMILY VIA TELEPHONE. THIS IS A RIGHT THAT OTHER INMATES HAVE.

### PART B - LEVEL 1 RESPONSE

CONTACT WITH E UNIT STAFF INDICATE A TTY MACHINE WAS OBTAINED FROM THE INTELLIGENCE OFFICE FOR USE BY INMATE CHAPMAN. THIS MACHINE IS FOR USE AT MICC.

GRIEVANCE COORDINATOR JOE WILL

LOG I.D. NUMBER #9622057

UNIT 4-13-78  
MICC

DATE TYPED DECEMBER 9, 1996 DOC: #722736 CHAPMAN

I WANT TO GRIEVE THAT I RECEIVED A COPY OF MY INITIAL LOG #9416988 ON 10-16-96; I WAS EXPECTING A RESPONSE ON 10-30-96. ON 10-31-96, I WAS ON MY WAY TO LUNCH, THE CUS MR. SNELL TOLD ME HE WANTED TO SEE ME AFTER LUNCH. WHEN I TALKED TO MR. SNELL ON 10-31-96, HE ASKED ME TO PICK A TIME WHEN I WANT TO CALL MY LOVED ONES, MY MOTHER. HE WOULD CALL MY MOTHER AND ASK HER WHAT IS THE BEST TIME, SO I GAVE HIM MY MOTHERS NUMBER. I TOLD MY MOTHER THAT MR. SNELL WAS GOING TO CALL HER, NOW SHE THINKS I'M A LIAR, BECAUSE HE HADN'T CALLED. NOTHING EVER GETS DONE. MR. SNELL WAS ON VACATION, ON 11-20-96, I FINALLY CAUGHT UP WITH HIM, STATED I NEEDED TO SEE HIM. HE RESPONDED THAT WAS NOT IMPORTANT. I TOLD HIM IT WAS URGENT, HE SAID OKAY I COULD SEE HIM AFTER MY CLASS. I REPORTED TO THE CUS COUNSELOR DOOR AFTER CLASS, RANG THE AND ONE OF THE STAFF ANSWERED THE DOOR; SAID HE WAS ON THE PHONE. I STOOD OUTSIDE ABOUT 15 MINUTES, HE CAME OUT FRONT, BUT DIDN'T LET ME INSIDE. HE WAS RIGHT IN FRONT OF ME, HE KNEW WHAT I WANTED. IT WAS ABOUT THIRTY DEGREES THAT DAY. I WAS OUTSIDE WAITING FOR HIM FOR OVER THIRTY MINUTES. I COULDN'T TAKE THE COLD ANY LONGER. THE BOTTOM LINE IS MY CIVIL RIGHTS ARE BEING VIOLATED, HAVE BEEN SINCE 1994. I WANT THE PHONE HOOK UP THAT WAS PROMISED IN THE UPSTAIRS OFFICE, SO I CAN HAVE THE RIGHT, ACCESS TO A PHONE LIKE ALL OTHER INMATES, WITHOUT SUPERVISION. LAST THING IS, I'M NOT INTERESTED TALKING TO

MR. SUELL NO MORE. SO I WANT ANOTHER  
PERSON WHO CAN HANDLE THIS CASE.

### PART B - LEVEL 1 RESPONSE

SGT. ALLINGER STATES THAT B UNIT STAFF  
ARE IN COMPLIANCE WITH MICC FIELD  
INSTRUCTION 450.200 AND THE OPERATING  
PROCEDURE FOR THE TTY-MINNICOM. STAFF HAS  
BEEN ATTEMPTING TO WORK WITH U ON THIS;  
I HAVE RESISTED EFFORTS TO OBTAIN A  
WORKABLE SOLUTION. STAFF HAS REQUESTED  
THAT I SUBMIT A SCHEDULE TO MY PHONE  
NEED; I HAVE RESISTED THESE EFFORTS.

GRIEVANCE COORDINATOR JOE WILL

LOG I.D. NUMBER #9622057

MICC T-12-18

DOC: # 722736

DATED TYPED JANUARY 28, 1997 CHAPMAN  
I WANT TO GRIEVE THAT I WANT TO APPEAL THE  
RESPONSE TO GRIEVANCE LOG #4416988 IN CONJUNCTION  
WITH LOG #9622057. AS I STATE ON MY INITIAL GRIEVE  
LOG #962205, I ATTEMPTED MORE THAN ONCE TO RESOLVE  
THIS MATTER WITH THE B UNIT CUS; THE UNIT  
SGT; WHEN INMATE MIDDLETON; MYSELF TALKED  
TO SGT. ALLINGER ABOUT GRIEVANCE LOG #9622057.  
I STATE HOW HARD IT IS FOR ME TO GET AN  
OFFICER, SO I CAN USE TTY. WE ALSO WENT UP  
TO THE EMPTY COUNSELOR'S OFFICE ON THE  
400 LEVEL TO SEE IF THERE WAS A TELE-  
PHONE HOOK UP THERE WASN'T ONE. I WAS  
PROMISED SO LONG AGO THAT THERE WOULD BE  
A TELEPHONE THERE. INMATE MIDDLETON  
EVEN SUGGESTED A DROP LINE THAT  
COULD BE USED ONLY WHEN I NEED TO USE  
THE TELEPHONE; THEN UNPLUG AFTER USE;  
THAT I COULD USE IN THE HOLDING CELL B4  
THE OFFICER'S DESK. THE SGT. SAID HE WOULD  
GET BACK WITH MY BY CLOSE OF BUSINESS;  
HE NEVER DID. I WENT TO THE SGT. TWO<sup>(2)</sup> DAYS  
LATER. HE STATED, "HE DIDN'T WANT TO TALK  
ABOUT THE MATTER." THE RESPONSES STATE  
THAT UNIT STAFF IS IN COMPLIANCE WITH MICC  
450.200; THAT IS NOT CORRECT. MICC 450.200  
STATES THAT, "INMATE WILL HAVE ACCESS TO  
TELEPHONE IN ACCORDANCE WITH MICC 430.000"  
INMATE RULES, UNIT DAYROOM STATES, "THE DAY-  
ROOM WILL BE AVAILABLE FOR INMATE USE FROM  
5:30 AM (OR WHEN COUNT CLEARS) TO 11:30 PM  
DAILY." OTHER INMATES HAVE RIGHT SO SHOULD I?  
THE POLICY MICC 450.200 ADDRESSES INMATES  
WITHOUT DIABILITIES. I FEEL THERE IS A

LACK OF POLICES; PROCEDURES FOR INMATES WITH DISABILITIES WE ALL HAVE THE SAME RIGHTS. I JUST WANT A PLACE WHERE I CAN USE THE TTY MACHINE WITHOUT OTHER INMATES READING OR INTERFERING. BE ABLE TO READ THE SCREEN; ALSO STATE SHOULD BUY NEW TTY MACHINE PLS.

## PART B-LEVEL II RESPONSE

MR. GARY JONES REPORTS HE FOUND NO VIOLATION OF POLICY BY UNIT STAFF THAT BY USING THE SGT'S OFFICE TO PLACE PHONE CALL; OTHER INMATES ARE NOT ABLE TO READ OR INTERFERE WITH MY PHONE CALL. MR. SNELL IS WILLING TO SET UP TIMES; DATES FOR MY CALLS TO ENSURE THAT I HAVE ACCESS. I FIND UNIT STAFF HAVE FOLLOWED MILL FIELD INSTRUCTION 450-200, WHICH SCHEDULE APPTS. TO USE THE SGT'S OFFICE; <sup>(30)</sup> ALLOWS STAFF TO LIMIT CALLS TO THIRY MINUTES.

MR. VAIL HAS ASKED US TO RESPONSE AGAIN TO MY LEVEL II GRIEVANCE. IT IS MY UNDERSTANDING I MET WITH MR. SNELL, B UNIT CUS; CAME TO THE FOLLOWING AGREEMENT. MR. VAIL STATED SAID I WILL FOLLOW FIELD INSTRUCTION 450.200 TO MAKE MY PHONE CALL. I, MR. SNELL TRIED ALL TELEPHONES; FOUND THE ONLY ONE THAT COULD BE USED IS THE SGT'S PHONE. I AGREE TO SCHEDULE MY PHONE CALLS IN ADVANCE; UNDERSTAND PHONE MAY BE LIMITED TO <sup>(30)</sup> THIRY MINUTES. IF I HAVE ANY PROBLEMS PLEASE SEEK OUT THE SGT OR MR. SNELL

SUPERINTENDENT/ADMINISTRATOR  
SANDRA BOLTON



LOG I.D. NUMBER #9622057

7/15/18  
MICC

DATED TYPED MAY 2, 1997 DOC: #722736 CHAPMAN  
I WANT TO GRIEVE THAT ON 2-24-97 OR DAY BEFORE I  
SEND THE GRIEVANCE IN THE BOX, THE KITE TOO,  
I CAME BACK ON 4-10-97. I WAS VERY DISAPPOINTED  
WITH THIS IS, BECAUSE I WAS EXPECTING MY RESPONSE  
BY THE TIME, SO I HAVEN'T GOT MY RESPONSE YET,  
SO I HAVE TO DO IT AGAIN. TELL U WHAT I  
WANT TO APPEAL THE RESPONSE TO GRIEVANCE.  
LOG #9416988, 9618730 LEVEL I, 9622057  
LEVEL I, II. I ALSO REQUEST THAT THE INITIAL  
GRIEVANCE, THE APPEALS TO LEVELS I, II BE  
READ, INVESTIGATED, INCLUDED WITH THIS APPEAL  
TO III I HAVE HAD PROBLEMS WITH THIS MATTER  
SINCE OCT 94 I HAVE WORKED WITH STAFF IN AN  
ATTEMPT TO RESOLVE THE MATTER AT HAND. I HAVE  
A LETTER FROM THE ASSOCIATE SUPERINTENDENT,  
SANDRA BOLTON, DATED MARCH 95, A MEMORANDUM  
FROM THE UNIT CUS, TIM SNEEL. COPIES OF THE  
LETTER, MEMO ARE ATTACHED. THE ASSOCIATE  
SUPERINTENDENT'S LETTER STATES, "OUR GOAL  
IS TO ALLOW ALL INMATES EQUAL ACCESS TO  
THE TELEPHONE." THAT WAS A YEAR AGO. I TRIED  
WORKING WITH THE CUS, HE LEAD ME TO BELIEVE  
I COULD HAVE ACCESS TO THE SGT. OFFICE ON  
SATURDAY MORNING. THE MEMO ONLY COVERED  
ONE SATURDAY MORNING. THE CUS'S MEMO  
STATES, "THIS WEEKEND, SATURDAY, AROUND  
8:00 AM," BEING NOVEMBER 2, 1996. THERE ARE  
TIMES I NEED TO USE THE PHONE, ARE DENIED  
ACCESS AT THAT TIME. THIS IS DURING NORMAL  
DAY ROOM HOURS. INMATES MIDDLETON, MYSELF TALKED  
WITH THE UNIT SGT, SGT. ALLINGER, WHO WAS  
INVESTIGATING MY GRIEVANCE. WE TALKED

ABOUT GETTING A TELEPHONE INSTALLED IN THE UPPER B UNIT OFFICE OR A DROP LINE SO I MAY USE THE CELL BY THE OFFICER'S DESK. ALL IN ALL, THE FACT IS EVERYONE I HAVE WORKED WITH JUST DROPS THE BALL, NONE IS WILLING TO DO WHAT NEEDS TO BE DONE. DO WHATEVER NEEDS TO BE DONE, SO I CAN HAVE ACCESS TO A TELEPHONE WITH TTY MACHINE. JUST AS ALL OTHER INMATES HAVE ACCESS TO TELEPHONES.

### PART B-LEVEL III RESPONSE

I HAVE REVIEWED MY INITIAL GRIEVANCE AS WELL AS ALL SUBSEQUENT APPEALS; RESPONSE. THE GRIEVANCE PROGRAM SPECIALIST AT DOC HEADQUARTERS ADVISES HIM THAT HE CONTACTED MR. GARY GARRATT, MY ASSIGNED COUNSELOR, DURING THE LEVEL II RE-INVESTIGATION OF THIS MATTER. MR. GARRATT PROVIDED INFORMATION THAT SUGGESTS MY OUTGOING CALLS USING THE TTY MACHINE ARE BEING MADE THROUGH THE LIVING UNIT SGT'S OFFICE; ARE DEPENDENT UPON STAFF AVAILABILITY. MR. GARRATT ALSO INDICATED THAT ATTEMPTS TO USE THE TTY FROM THE COUNSELOR'S OFFICE AREA HAVE PROVED TO PRESENT PLMS DUE TO THE NOISE; INTERFERENCE IN THAT AREA. IT APPEARS OBVIOUS THAT I REMAIN DISSATISFIED WITH THE CURRENT ARRANGEMENT FOR ACCESSING THE PHONE USING THE TTY IN THE SGT'S AREA. THEREFORE, <sup>MY</sup> ~~MY~~ DECISION IS TO RETURN MY GRIEVANCE TO THE FACILITY, VIA COPY OF THIS RESPONSE TO SUPERINTENDENT STEWART; REQUEST THAT A REINVESTIGATING OCCUR. HE WILL ALSO REQUEST THAT I BE AFFORDED AN INTERVIEW BY THE ASSIGNED INVESTIGATOR SO THAT MY SUGGESTIONS MAY BE CONSIDERED.

DIVISION DIRECTOR  
E.J.

DATED TYPED SEPTEMBER 4, 1997 DOC# 722736 CHAPMAN

SUBJECT: GRIEVANCE #9622057-  
FOLLOW-UP REFERENCE TTY MACHINE

I GOT COPY LETTER FROM BELINDA D. STEWART, SUPERINTENDENT. SHE STATED SAID U.S. WEST TELEPHONE COMPANY HAS BEEN CONTACTED CONCERNING THE TTY MACHINE AND MY CONCERNS. U.S. WEST IS PRESENTLY TESTING IN SOME AREAS A PROTOTYPE TTY THAT WILL ACCOMMODATE MY NEEDS. THEY ARE WORKING ON SOME PROBLEMS WITH THIS MACHINE. WHEN A WORKING MACHINE IS AVAILABLE, U.S. WEST WILL LET US KNOW. AT THAT TIME, WE WILL CONSIDER PURCHASING ONE. UNTIL THAT OCCUR, THE OPERATING PROCEDURE FOR USE OF THE TTY AT MICC WILL CONTINUE TO BE AVAILABLE TO ME.

I DON'T SEE OR HEARD ANYTHING FROM THEM, THAT I HAVE BEEN SUFFER AND SUFFER FOR THAT POINT, THEY JUST WANT ME AVOID FROM U.S. WEST TELEPHONE, THAT ALL.

INMATE: CHAPMAN #722736

ONE MORE THING TO TELL U THAT WHO ARE DENIED A REASONABLE ACCOMMODATION, OR BELIEVE THEY WERE DISCRIMINATED AGAINST BY DOC STAFF BECAUSE OF THEIR DISABILITIES. HAVE THE RIGHT TO FILE A GRIEVANCE UNDER THE "OFFENDER GRIEVANCE PROGRAM".

SO NOW I FOUND A COPY OF THE NEW DEPARTMENT OF CORRECTION POLICY 490.050, DISABLED OFFENDER, EFFECTIVE SEPTEMBER 1, 1998.

RIGHT NOW I AM READY TO PURSUE THEM. IT IS TIME FOR ME TO GET CLOSE BUSINESS. ONE IS AIRWAY HEIGHTS CORRECTIONS CENTER PO BOX 2049 AIRWAY HEIGHT WA 99001 AND ONE IS MCNEIL ISLAND CORRECTION CENTER P.O. BOX 900 STEILACOOM, WA 98388-0900.

I WILL RELEASE ON (8-3-98) RIGHT, MAKE SURE U SEND IT TO MY MOTHER ADDRESS FOR NOW IS 30608 56<sup>th</sup> AVE SAUBURN WA 98201, OR CALL MY MOTHER PHONE# IS (253) 939-8286.

I HOPE TO HEAR FROM U AS SOON AS U PROCESS MY GRIEVANCE RIGHTS. #422736

THANK U INMATE CHAPMAN

Earl J. Sweeten #253515  
Airway Heights Corrections Center  
P.O. Box 1839 NA 01-L  
Airway Heights, WA 99001-1839



JUL 27 1998

AT SEATTLE  
CLERK U.S. DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
BY DEPUTY

July 23, 1998

RE: Objection to Proposed Settlement in Duffy v Riveland,  
No. C92-1596R

Clerk of Court  
United States District Court  
1010 Fifth Avenue, Room 215  
Seattle, WA 98104

Dear Honorable Clerk of Court:

This is my notice of objection to the proposed settlement in Duffy v Riveland, No. C92-1596R. My objection(s) are limited to: 1. Any proposed settlement in which one type of disabled individual otherwise covered under the ADA of 1990 is to be treated as a subcategory, and; 2. Proposed placement of such subcategory of disabled persons in a specified state prison facility.

Qualified individual with a disability: I am a 54 year old severely disabled individual under the jurisdiction of the Washington State Department of Corrections. I suffer from CVA stroke induced permanent left side paralysis which includes substantial nerve damage in my left ear resulting in my being hearing impaired. As a substantially hearing impaired individual I claim status as a member of the class in the above cited case.

The Washington State Department of Corrections now, and for the past three years, has utilized an unwritten practice of "dumping mobility impaired inmates" at Airway Heights Corrections Center under guise of "medical needs", which is discriminatory action in violation of the ADA of 1990. Through the DOC's use of the PULHESDXT code (see proposed DOC Policy 490.050, p. 2 of 11, ¶2) all categories of disabled inmates are routinely denied transfer to other DOC facilities which are more appropriate in consideration of their individual custody and time-left-to-serve status', when those individuals have

30 2

high PULHESDXT codes. Such is a discriminatory practice/policy of "dumping of disabled individuals (hearing impaired)" included in the proposed settlement in which most, if not all, disabled individuals - of the hearing impaired subcategory - would then be "dumped" at the Washington State Reformatory. Such a division of disabled individuals into subcategories, and lending legal credence to such divisions through the proposed settlement, would then give license to the Washington State Department of Corrections to further categorize individuals with disabilities into other subcategories and "dump" those at other specified facilities in violation of federal mandates of equality under 42 UCS 2000; 42 USC 12101, and; 29 USC 701, et. seq. The ADA of 1990 affords equality to individuals with disabilities in all walks of life; including prison facilities, see; 28 CFR 1; 36 CFR Part 1191. Categorizing the hearing impaired as a subcategory of the disabled, and then dumping them in a single proposed prison facility violates the intent of federal mandate under the above cited statutes.

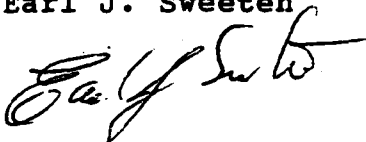
As included in the proposed settlement the defendants offer a new DOC Policy 490.050, supposedly intended to set policy prohibiting discrimination against the disabled, in which it is clearly specified that when the disabled are discriminated against they may utilize the certified offender grievance process to resolve those issues. DOC Policy 490.050 is but a restatement, albeit more clearly defined and specified, than the pre-existing DOC Policy 100.500 which has been in effect since 1992 when the Duffy v Riveland case originated. Had defendants followed their own pre-existing policy prohibiting discrimination in 1992 Sean Duffy would not have been forced to file this present complaint, which cost him untold hours of litigations and the time and expense of the federal courts during the past six (6) years. The question for the court then becomes; defendants failed to follow DOC policy 100.500 in 1992 and are we disabled to believe that the defendants will follow their newly proposed DOC policy 490.050(?).

For those hearing impaired individuals such as Sean Duffy who prefer to be housed at the Washington State Reformatory they should, of course, be afforded that choice, just as all individuals with disabilities must be afforded assignment and access to all prison facilities so long as they otherwise meet or exceed the criteria in regards to custody designations and/or time-left-to-serve on sentence(s).

The State of Washington's Department of Corrections has a legally imposed Congressional mandate to make all of its various prison facilities equally accessible to all individuals with disabilities, regardless of the individual's particular type, or category, of disability. The proposed settlement in this case is but a piece-meal patch work quick-fix resolution that fails to adequately address a judicious long term solution, which if approved, will allow defendants to seek other piece-meal patch work quick-fix settlements in other such actions by other categories of disabled individuals. I ask the honorable court to reject the defendant's proposed settlement in this case.

Respectfully Submitted:

Earl J. Sweeten

A handwritten signature in cursive script, appearing to read "Earl J. Sweeten", written in dark ink.