

MAY 94

U.S. DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF PRISON

<b>1. Grievant (s)</b> AFGE Local 919	<b>2. Duty Station</b> United States Penitentiary Leavenworth, Kansas
<b>3. Representative of Grievant (s)</b> Edgar Garrett, Steward	<b>4. Informal resolution attempted with</b>
<b>5. Federal Prison System Directive, Executive Order, or Statute violated:</b> Master Agreement Article 27, Section A. Bureau of Prisons Program Statement 5270.07.	
<b>6. In what way were each of the above violated? Be specific</b> <p>On 8-26-09 between the hours of 1210 hours and 1445 hours an officer in B-Upper observed an inmate in his assigned cell in the process of fabricating a sharpened instrument from a "Food Service fork." The inmate was escorted to the operation's lieutenant's office and later returned to the unit. The inmate was not placed in SHU and an Incident Report was not processed.</p> <p>Program Statement 5270.07 states at Chapter One, Section (1)(B)(2): "Staff shall take disciplinary action at such times and to the degree necessary to regulate an inmate's behavior within Bureau rules and institution guidelines and to promote a safe and orderly institution environment." Section (1)(B)(3) states: "Staff shall control inmate behavior in a completely impartial and consistent manner."</p> <p>It is the position of the union that the failure to take disciplinary action in this incident does not promote a safe and orderly institution, does not control inmate behavior in a completely impartial and consistent manner because the union has knowledge of other inmates whom have received Incident Reports, segregation from the general inmate population, and even referral to the FBI for possible prosecution for similar acts. It is the position of the union that failure to take disciplinary action in this case does nothing to lower the inherent hazards of a correctional environment to the lowest possible level which the Bureau of Prisons agreed to do in Master Agreement Article 27, Section A</p> <p>On 8-27-09 at approximately 1800 hours a 5 inch metal homemade knife was found by an officer in an air vent on B-Upper's 3 Gallery. On 8-29-09 at approximately 0230 hours an officer found a 5 1/2 inch metal homemade knife under an air vent on B-Upper's 3 Gallery. Both of these areas are observed by institutional security cameras. The failure of the agency to use the tools it already has in place to try and determine which inmate(s) placed these weapons in these locations does nothing positive to lower the inherent hazards of this correctional environment to the lowest possible level.</p>	
<b>7. Date (s) of violation (s)</b> 8-26-09, 8-27-09, and 8-29-09.	

**8. Request remedy (i.e., what you want done)**

Use security camera data to try and determine the identity of the inmate(s) who placed the weapons in the air vents and take appropriate disciplinary action against them.

Inform all staff and supervisors of the Warden's expectations regarding the impartial and consistent enforcement of inmate discipline for the purpose of lowering the inherent hazards found in this correctional environment. This subject should be addressed in all Annual Refresher Training classes every year, but should not be limited only to Annual Refresher Training.

<b>9. Person with whom filed</b>	<b>10. Title</b>
<b>11. Signature of recipient</b>	<b>12. Date signed</b>
<b>I hereby certify that efforts at informal resolution have be unsuccessful.</b>	
<b>13. Signature of Grievant (s)</b>	<b>14. Signature of Representative</b>

Record Copy- Agency; Copy - Union Local; Copy - Council of Prison Locals; Copy - Grievant

(This form may be replicated via WP) This form Replaces BP-176 (37) Dated October 1984