

How To File Medical 602
New Afrikan Security Housing Unit Prisoners at Pelican Bay State Prison

Respects to all who view this. The following is in essence guidelines that will aid you in areas to end the cycle of, as well as, delayed medical abuse.

So when filing a (medical 602) you need to consider the following; are my constitutional rights/civil rights, as well as administrative rights being violated?

Nine times out of ten, your rights are being violated. When you file a medical 602, you will need to put specific code violations that were violated by; staff, doctors, registered nurses, or medical technical assistances, and or institutional policy.

Henceforth, I strongly encourage you to read/study and get to know you Title 15/operations and procedure also known as P.B.S.P operations manual supplement and any D.O.M sections on medical.

You should have a title 15 in your cell, so you can study during free time. Also you should put in requests to go to the law library so that you can do research on policies pertaining to medical. Or use the request for cell study.

Now here are some pointers and examples on how to file a good 602.

First you need to following:

1. A medical 602
2. A COCR 602-A (appeal form attachment)
3. CDCR PBSP Public Complaint (also known as), Rights and Responsibility Statement

These (3) three forms should be located in you unit. So ask your floor officer for them. It's always a good idea to keep a few extra copies of these forms in your cell.

Now on your medical 602 it says; A. Describe problem. One the portion you need to articulate as many issues as possible while simultaneously citing case law/your title 15/ D.O.M/operations manual supplement act.

You will also need to place these same rules violations/case citations on your public complaint. This will make a strong argument for your case appeals.

Now some of the first things you should always say/cite in a medical 602 is as follow:

Title 15, section 3004(a); which states: inmates and parolees have the right to be treated respectfully, impartially, and fairly by all employees.

Also for every medical 602 you should cite:

Title 15, Article 8, Section 3350 (4) and (5); which states: (4) Severe pain means a degree of discomfort that significantly disables the patient from reasonable independent function... And, (5) significant illness and disability means any medical condition that causes or may cause if left untreated a severe limitation of function or ability to perform the daily activities of life or that may cause premature death.

You should also cite on your medical 602:

Title 15, Section 3354 (a); which states: Authorized staff, only facility employed health care staff contractors paid to perform health services for the facility, or persons employed as health care consultants shall be permitted within the scope of their licensure to diagnose illness or prescribe medication and health care treatment for inmates. No other personnel or inmate may do so.

You should also cite in part on your medical 602:

Title 15, Section 3354(e); which states in part: A medical doctor, registered nurse, or medical technical assistant shall make daily visits to each non general population.

Now, I've illustrated some basic tactics to getting medical to react to your medical 602. But you should always look to secure your future medical issues by using the public complaint.

In your public complaint, which is to be attached to your medical 602, you must litigate on (8th amendment violation). The eighth amendment deals with, cruel and unusual punishment. You must stipulate in your medical 602 and in your public complaint that; staff/medical acted with deliberate indifference to your medical needs, pain and suffering.

Thus your asking for an; Internal Affairs Investigation on this matter.

So that it be on record and in the personnel file of parties involved. Because your constitutional rights as well as your civil rights were violated. See: Estelle v. Gamble 429 U.S. 97, 103 (1976).

Then you need to do several things simultaneously and they are:

1. Write an Inmate Request for Interview to each person involved and have them respond in writing, as to why they didn't give you medical attention.

In most cases the (CMO), or Chief Medical Officer will not respond to your request for interview. Nor will most of these doctors.

It's usually the RN/MTA who will respond to all request for interviews. And they always want to give you some excuse about that's all you have coming ect.

You will want to save all these request for interviews for future procedures. Because in most situations these request forms will have conflicting statements, or at best demonstrate how your being denied medical attention.

2. Ask the convicts in your section if they would be willing to write a (brief statement) as to, how much pain or discomfort you've been in and how it's limited you ability to function in your daily program.

This should be signed and dated by convicts in your sections. You will also want to write up your own personal brief statement stating; how you were being denied medical attention by medical personnel, and how it's effected your ability to live a normal life. And how other convicts who are live in your section see on a daily basis your pain and suffering.

Then (only) give those names/cell #'s of those convicts who gave you a written statement, and (only) place their last names/cell#'s in your brief statement.

Then you will need to make (4) four copies of your brief statement. Because anytime you file a medical 602 there will be a (2nd level review) which will be conducted by a assigned 2nd level appeals officer.

So you want to have (4) four brief statements all exactly the same word for word ready for your medical 602 and level review.

You will only take (2) two of those hand written brief statements to your 2nd level medical 602 hearing. Because (1) one of those brief statements you want the hearing of CTC/2nd level appeals officer to do is sign (both) of your brief statements, and attach (1) one of your medical 602. And the other is for your personal file (you keep it as copy).

Now most hearing officers will say something like; this is your 2nd level review on your medical 602. Do you have anything to say, or add to your 602? Ect. Ect. Then you have him (both) brief statements and say; I've written down everything I want to say on these pages and I'd like for you to, (sign and date both pages) and attach one to the 602 and I'll keep the other for my personal copy.

If the hearing officer says; you can't add additional pages ect. you very respectfully state; this is a (supporting document) which is allowed per Title 15, Article8, Section 3084.2 (2) which states: (2) only supporting documentary necessary to clarify the appeal shall be attached to the appeal.

So you want (1) one of these pages of your brief statement attached to your medical 602. So make sure the hearing officer signs/dates both and attaches one to your 602, you'll keep the other.

Now the other (2) two you will also use when you go to your (Internal Affairs Investigation) on your rights and responsibility statement. Because Internal Affairs has to hold a hearing on your complaint.

So all you need to do is give the hearing officer the other (2) brief statements and ask him to sign and date both, and let him know he can attach on to your public complaint and the other is for your records.

Now don't let these hearing officers talk you into making any verbal statements about what happened. Because (anything) you say verbally can be twisted, and the hearing officer can write in your hearing/appeal; it was my belief/opinion/understanding that this is what the inmate said/meant.

This takes all culpability of of medical personnel and staff. It also kills any changes you may have of winning your appeal.

So stick to these rules and you should have more success in your endeavors of resolving the issue.

Now in your 602 and public complaint you will also want add in section; B. Action Requested: "That you want all documentation in this appeal by the (M.A.R) Committees Report to be submitted in writing as part of your supporting documents, so you can attach these documents to your staff complaint.

The hearing officer may make statements that he doesn't know how or isn't authorized to do that, ect. But make sure that he knows that the (M.A.R) committees reports/documentation is important to your appeal as it's a supporting document that clarifies the issues you're arguing.

Let the hearing officer know that; Title 15, Section 3352 (a) states: A Medical Authorization Review (M.A.R) committee shall be established within each correctional treatment centers CTC services area. The committee shall meet as often as necessary to approve or disapprove requests for medical services otherwise excluded by these regulations.

And you want the official record of the (M.A.R) committees record to reflect as to; how and why the (M.A.R) committee denied you repeated requests for medical attention.

Now you can cite case law. Some of the first things you'll want to focus on is 8th amendment violations. Henceforth cite directly from the case for example:

"These elementary principles established in *Estelle v. Gamble*, 429 U.S. 97, 103 (1976), clearly states the governments obligation to provide medical care for those whom it's punishing by incarceration, an inmate must rely on prison authorities to treat his medical needs; If the authorizes fail to do so, those needs will not be met. In less serious cases, denial of medical care may result in pain and suffering which no one suggests would serve any penological purpose. The infliction of such unnecessary suffering is unconsistant with contemporary standards of decency as manifested in modern legislation.

Then you put... view supporting case law; *Hill v. DeKalb Regional Youth Detention Center*, 4 F3d 1176, 1187 (11th Cir. 1994) estates as follows: It is obduracy and wantonness, not in advertence or error in good faith that violates the eighth amendment in supplying medical needs. A defendant must purposefully ignore or fail

to respond to a prisoners pain or possible medical need in order for deliberate indifference to be establishing.

Also in; *Chance v. Armstrong*, 143 F3d 678, 702-703 (2nd Cir. 1998) which states; eighth amendments prohibition against cruel and unusual punishment includes punishment that involve the unnecessary and wanton infliction of pain.

You should also have supporting case law that make your arguments stronger I've listed a few that pertain to medical.

Supporting Case Law

See: *Brock v. Wright*, 315 F3d, 158 (2d Cir. 2003)

See: *Taylor v. Adams*, 221 F3d, 1254, 1258 (11th Cir. 2000)

See: *Smith v. Carpenter*, 316 F3d, 178 (2d Cir. 2003)

See: *Estate of Cole by Pardue v. Fromm*, 94 F3d. 254 (7th Cir. 1996)

See: *Gregore v. Class*, 236 F3d, 413 (8th Cir. 2000)

See: *Guitierrez v. Peters*, 111 F3d, 1364, 1369 (7th Cir. 1997)

See: *Farmer v. Brennan*, 511 U.S. 825, 842 (1995)

See: *MeLoy v. Bachmeier*, 302 K3d 845, 849 (8th Cir. 2002)

See: *Smith v. Wade*, 461 U.S. 30 (1988)

See: *Hutte v. Finney*, 437 U.S. 678 (1978)

See: *Estelle v. Gamble*, 429 U.S. 97, 103 (1976)

See: *Hill v. DeKalb Regional Youth Detention Center*, 4 F3d, 1176, 1187 (11th Cir. 1994)

See: *Chance v. Armstrong*, 143 F3d, 698, 702-703 (2nd Cir. 1998)

Now these cases will strengthen your argument... Now the last (4) four cases that I underlined are important cases. You will want to get these cases from the Law Library and read them as they are important.

You can also add in your 602/Public complaint, and in your brief statement (if you want) that; state employees acted with incompetence in their functions and performance of their duties and public safety requires that the employee be restricted in the performance of duty until a satisfactory degree of competence is obtained... See: *Gordon v. Horsley* (APP. 1 DIST. 2001) 102 CAL. RPTR. 2d 910, 86 Cal. APP. 4th 366.

Once you file your 602 and public complaint. Then you use outside resources to help bring weight to your 602. Here is a list of addresses you should use to bring attention to your 602, and also to build more evidence if your case goes to court.

Pelican Bay Legal Service	Governor's Office	California Medical Board
925 Oak Street	Capital Building No. 1114	1426 Howe Ave.
S.Q. CA 94964	Sacramento, CA 95814	Sacramento, CA 95825
Department of Health Services	Community Watch Dogs	Coalition for Prisoners Rights
P.O. Box- 942732	P.O. Box 337	P.O. Box 1911
Sacramento, CA 94234-7320	Crescent City, CA 95532	Santa Fe, NM 87504-191
California Prison Receivership	California State Senators Office	ACLU National Prison Protect
1731 Technology Drive	State Capital Room 5051	91515 St. NE #700
Suite 700	Sacramento, CA 95814	Washington, DC 20005
San Jose, CA 95110		

These outside organizations will look into your allegations and respond back to you. Any response/letters that they send you, you will want to keep.

Now your objective here is to put as much negative paperwork in the personnel file of these MTA's/R.N's doctor's and officers as possible.

Because if your 602 is denied at the 3rd level review, you will need to file (a write of Habeas Corpus or a 42, U.S.C 1983 Civil Suit) to the courts.

This is where all this paperwork will come in to play. This paperwork is detailed documentation of how your rights were denied at every level.

So you and, or your attorney can ask a judge for a (pitchers motion). Which means your asking a judge to look/review (anyones) personnels file you name in your law suit ect.

Anything negative in their personnel file that is similar in nature to what your arguing, the judge will allow to be used in your case.

Now the last pointed I can offer you is this, when filing your medical 602/ public complaint/brief statement,(do not write out what each citation says). Just give the citation code/section ect.

For example: Title 15, Section 3004(a)... This is all you have to put on your 602 ect. You don't want to fill up your 602 giving a word for word on your citation.

But for your own personal knowledge you should make a cheatsheet. If you cite title 15/D.O.M/Case law ect. You should write down that citation for your own knowledge, so they (hearing officers) can't say, "It doesn't I say that ect..."

In this introductory I've wrote the whole citation like this; Title 15, Section 3004(a) ... which states: Inmates and parolees have the right to be treated respectfully, importantly, and fairly by all employees.

This way if hearing officer says; that citation doesn't apply, or it doesn't say that ect. You can look at your cheatsheet and see exactly what it says.

Now for (medical 602) only cite: "Estelle v. Gamble"... and that all. If the c/o's want to know what these citations mean, they can look them up. You will have your cheatsheet to clarify each citation used.

On your 602 ect. only cite these (2) cases, because the courts recognize them for 8th amendment violations. Estelle v. Gamble, and Hutte v. Finney...

Last tip... whenever possible use the phrase (employee) to refer to c/o's/doctors/R.N's ect. This gives the impression that they are not that important and can be replaced.

(EXAMPLE)

Title 15, Article 8, section 3084, 2(2)... says: only supporting documentation necessary to clarify the appeal shall be attached to the appeal. I respect full request that this supporting document be attached to my appeal... Staff acted with recklessness and disregard for my pain and suffering thus violating my 8th amendment right see. Estelle v. Gamble" Also violate: Title15, section 3354 (a)(e)/3004(2) 3350(4)(5).