

Dear Peg Swan

January 7th 2020

Thanks for the chapters I requested, and the card. I really don't hear from my own family anymore, so thank you. I've been giving your request of me to write a summarization for your news letter, some thought. The problem I have is if you publish my name, the gang members who are after me will try to find me. Even though I put a motion in for a protective order so my case against Waupun couldn't be seen on the LEXIS web site, it still doesn't mean that my case can't be accessed. I'll write a summary Peg, but you have to put Anonymous to what I write. What I've done is taboo in the prison world. It took a lot of guts for me to stand up against the gangs and against the Administration at WCI. I literally went through HELL trying to protect myself. Because I wrote complaints against "Security" for their inactions, they tried to get me hurt by deliberately putting me where they knew I'd get assaulted. They did this a few times. They never helped me. I had to disobey an order each time in an effort to separate myself from the situations they put me in. Making the choice to go to the hole wasn't easy. The Hole at WCI is an awful place. It was in this awful place that I learned about you Peg Swan. You helped me. If I didn't have you helping me, they'd of gotten away with it. There's something I want you to think back about, remember when I sent you all of my evidence and you copied it. You seen every thing I collected, all of the request slips that I wrote to the Security Officials. I made copies because I knew most of my requests to them wouldn't be answered. I had to make sure that they couldn't

say "O we never recieved that request." I wrote dates down when I had interactions with "Security". I kept track of everything on a calendar.

Everything I had was in order. All of my complaints were in order, starting from the beginning to the end. It was a lot of stuff I collected. I wish that I had a tape recorder because of what was said to me by Captain Westra. He is just a jerk. He hates inmates. He said to me "Security won't help you here." And when I let him know about the Vice Lords, that were trying to extort me for \$1000 he said "I don't care". This guy is Waupun's SPN captain, of all things. I dug up dirt on Westra, Meli, another Captain, there.

They've been sued before because they failed to protect a couple of other of inmates from assault. When I filed my multi page 1983 Complaint against these Security officials, they were extremely angry at me. I'd look like I could kill. When I had my deposition with the States attorney. I brought my big envelope filled with my evidence, all my stuff. She says "Whats that?" I say "my evidence". She had her two 3 ring binders with whatever the state had given her. They contained all of my inmate complaints that I had exhausted up to the Secretary of the DOC in Madison. I answered her questions, I produced evidence that countered her questions. She didnt expect that I would come prepared in the way I did. The deposition stopped and she started to see everything that I had. She asked me how I learned how to do this. I mentioned You Pea Swan. I showed her all of the

inmate requests to Security. I had been trying to get SPNs for a long time. I showed her how they'd dangle protective custody a couple of times just to take it away in the end.

During the meeting the Fight Buzzer went off. She heard it go off. It let her know how dangerous Waupun Correctional Inst. really is. I let her know that right now someone is getting beat up. It bothered her. She offered me a settlement. She asked for a copy of my evidence. It was a discovery request, so I let her have it. The institution's legal advisor was the one who came to copy it. I'm sure she made multiple copies so the defendants could see exactly everything I had. At the same time I put all of the security officials, the Security Director, and the Warden on notice that I was being threatened by gang members. I did it right. I went to see my PSU Doctor DeBlanc. She admitted during my session, that she confronted "Security" with her concerns about me, and they told her "O yeah we know." She sees how sinister they are. It was disturbing to her. She was there through it all. She watched it all unfold.

~~Before~~ Before the settlement was finalized I seen my social worker. He told me Security wants to get rid of me. It took all of this to get moved. I was alot of crap to go through. I know how to do a failure to protect case now. This is what it actually is to have to have to prevail in court. One has to show in detail how they alerted security.

About the threat. It has to be specific.
you have to let security know names.

This is the part that's taboo. Cooperating
with security is looked at as switching.
That in itself is a real risk to ones safety.
Being labeled a Switch is a substantial risk of
harm. If the risk is obvious, prison officials
knew of the risk. One becomes a target from
other inmates. Its what I am dealing
with now. Because I went to Security here
at WRC they went to the inmate that
threatened me and let him know what I
said. This inmate is now actually telling
other inmates that I "switched" on him.

So far Peg Swan I have written to the
Security Director. I'm gonna write others
in the security office. I have to write
them before I can write a complaint up.
So I'm gonna make copies because I know
they won't respond. I'll give it a few days
then I'll write my complaint. I have to
gather some names too. There's a custom
here where they let inmates fight.

I'll let you know what happens Peg Swan
I'll pen up a summarization, so who ever
is out there with a legit failure to protect
case can come forward. Maybe we can
help them. But you'll have to compare my efforts
in collecting evidence and getting everything
in order, everything exhausted, before one takes
the step to file a 1983 claim. I've seen Divolis
stuff. I know what works, and what won't.

I'm sure I will find some more information

Here's the DOC's policy. DOC 306.03 Security policy. it states; Primary security objectives of the department are to protect the public, staff, and inmates and to afford inmates the opportunity to participate in correctional activities in a safe setting.

Here's another policy. DOC 306.04 Responsibility of employees. it states; Every employee of the department is responsible for the safe custody of the inmates confined in the institutions.

Once one embarks on this path, it's full of problems. Not all prisons are the same in how they deal with this type of problem, for instance GBCI usually will help a person who's experiencing problems with the gangs that are there. They'll move you if necessary to protect you. But WCI though isn't the same. They'll let things happen to you. If you file complaints about their inaction they'll retaliate against you. They've been sued before. Here are two cases you can look at on the law computer. Torgerson v. Wall and Capoeira v. Pollard. In these two cases you'll see familiar names if you are an inmate at Waupun. The prison officials there put these two inmates through the grinder. These prison officials did this on purpose. They still work there too.

If you are experiencing any of the above, you're not alone. There is help available.

Write Peg Swan 29631 Wild Rose Dr
Blue River, WI

53518

P.S.
You'll have to
check my spelling.

Anonymous

For those inmates that are out there that are victims of extortion by gang members, many of you are threatened, jumped, bullied, all of your property stolen. There is a way out of this, but it requires that you write to the Warden, Security Director and whatever Security Captains there are. If you let them know before you get assaulted, you'll have a

Failure to Protect Claim. that you can go to court and sue the prison officials.

The Prison Litigation Reform Act requires that you must show an injury, that is a serious injury in order to sue for money.

The DOC has a system or a remedy in the form of an SPN that you have to try and get before you go to court. Sometimes an SPN is submitted, but because security takes their time in vetting it, you end up getting assaulted, you can file a federal claim of

Failure to protect. Whenever you write any request, inmate complaint, use two forms, put one down and place carbon paper down over it and put the other form over it so you make an exact copy, of what you wrote. Sometimes the Security Officials won't respond, but you'll have your copy that you can use to submit an inmate complaint with. The inmate complaints require that you try to resolve your issue with security officials first.

Another remedy the Security Director will offer is the DOC-1116 form. Its the request for Protective Custody. Segregation.

So Peg Swan check out my Anonymous
summerization. Its what it is. Theres alot
I didnt cover, but its the bones of it.
Plus theres the two cases where one can see
where this has happened. Not so much the
extortion element which is something that
is going on. but it explains what one must
do to protect themselves. I'm sure you'll get
responses. There might even be some backlash
about it. from other inmates who litigate.
You have to know that a majority of the inmates
who you send the news letter to are full
pledged gang members. They aint going to
like this summerization. They might even
try to write you to try and get you to
~~reveal~~ reveal me to them. Theres
nothing I wouldnt put past them. They
dont want their inner workings exposed.
The gangs at WCI have such a foothold
there. Its almost out of control. there.

So we shall see in the near future
how things come together. It takes
alot of work to do failure to protect
~~claims~~ claims. Some time you might
want to invest in a new up to date JLM.
it'll have up to date case law in it. That
would really help. Plus to see whats new
in it would be great. If I come across
\$3000 to get one I will. Well Peg Swan
let me know what you think.

Boye for Now Much Love
Mathew Garcia.