

## **PEACEFUL PROTEST TO RESUME JULY 08, 2013, IF DEMANDS ARE NOT MET**

**ATTENTION: Governor Jerry Brown; CDCR Secretary Jeffrey Beard; and all other parties of interest.**

In response to CDCR's failure to meet our 2011 Five (5) Core Demands, the PBSP-SHU Short Corridor Representatives respectfully present this notice of, and basis for, our individualized, collectively agreed upon, decision to resume our nonviolent peaceful protest action on July 08, 2013.

The upcoming peaceful protest will be a combined Hunger Strike [HS] – Work Stoppage [WS] action. Once initiated, this protest will continue indefinitely—until all Five (5) Core Demands are fully met. Here's why.

### **1. The Basis for Our Decision to Resume Our Peaceful Protest**

The basis for our decision to resume our nonviolent peaceful protest has been made individually, while presented collectively, on behalf of ourselves, and all similarly situated prisoners, as well as non-prisoners, who are adversely affected by the inhumane policies/practices at issue.

Governor Brown's, and CDCR Secretary Cate's, failure to make the changes agreed upon during the July/October 2011 negotiation process, has forced us to resume our nonviolent hunger strike/work stoppage protest.

During these negotiations, CDCR's Undersecretary Kernan, et al, acknowledged the reasonableness of our Five (5) Core Demands and asked us to suspend our hunger strike in order to give the CDCR time to implement timely and meaningful changes of real substance, in response to our demands. We agreed—while CDCR has failed to do their part.

Before we began our July 01, 2011 peaceful efforts to bring about the long overdue reforms to the CDCR system, we presented Governor Brown, CDCR Secretary Cate, and many others, with our "Formal Complaint" spelling out the reasons why we are willing to put our lives on the line in order to bring about the necessary changes. Along with our "Five (5) Core Demands," wherein we made it clear that we can no longer, complacently, accept the policies and practices that have subjected us, as well as thousands of other prisoners, and loved ones outside these prison walls, to decades of torture within these solitary confinement SHU/Ad-Seg Units, based on innocent associations and unsubstantiated allegations of involvement in illegal activities.

The undisputable fact is that many of us have been held in solitary confinement for the past 10 to 40 years, based on fabricated information provided by prisoners who have been tortured to the point where they provide false information to IGI, in order to get out of the SHU/Ad-Seg. Few of us, if any, have ever been formally charged with, or found guilty of a

single illegal, gang-related act. (To review our Formal Complaint, go to: [prisonerhungerstrikesolidarity.wordpress.com/formal-complaint](http://prisonerhungerstrikesolidarity.wordpress.com/formal-complaint). For the 5 Core Demands, see: [www.prisons.org/documents/FinalNoticewith5CoreDemands.doc](http://www.prisons.org/documents/FinalNoticewith5CoreDemands.doc)).

We have demonstrated our commitment to our cause through our hunger strike actions – from July 01 to July 20, and from Sept. 26 to Oct. 13, 2011. We remain 100% collectively committed today!

We have kept our word, while patiently waiting for the CDCR to keep theirs. However, at this point, it is clear to us that the CDCR has no intention of implementing the substantive policy changes that were agreed to fifteen or sixteen months ago – based on their highly touted “Security Threat Group” proposals [March and June 2012], and the much hyped “STG Pilot Program” [October 11, 2012], the CDCR has clearly demonstrated their bad faith; because their alleged changes to the policies/practices at issue are a sham.

In reality, the proposed changes will greatly expand upon the number of prisoners who will be subjected to long-term isolation in torture cells; all the above is detailed in our written Rejection/Oppositions to the March and June proposals. As well as the October 11, 2012 Pilot Program. (See them at: [www.prisonart.org/images/!Newsletter/Rock2\\_1](http://www.prisonart.org/images/!Newsletter/Rock2_1) and at: [www.prisonart.org/images/!Newsletter/Rock1\\_2](http://www.prisonart.org/images/!Newsletter/Rock1_2). The entire Pilot Program is at: [www.sfbayview.com/wp-content/uploads/2012/12/CDCR's-Oct.-11-2012-Security-Threat-Group-Pilot-Program.pdf](http://www.sfbayview.com/wp-content/uploads/2012/12/CDCR's-Oct.-11-2012-Security-Threat-Group-Pilot-Program.pdf).)

Another recent example of the CDCR's refusal to honor the agreement is PBSP's Warden Lewis' refusal to allow a test run – visiting pilot program for additional visiting time on the weekend of Nov. 17 and 18; such additional time was agreed to during negotiations with Undersecretary Kernan [see his August 2011 memo]. Thereby, Warden Lewis has directly violated the agreement on this point too!

There are a number of additional examples that have been, and can be, pointed out to demonstrate the CDCR's non-responsiveness/unwillingness to make meaningful changes to the current policies. Therefore, based on the CDCR's failure to meaningfully address our Five (5) Core Demands, we presently have no available alternative avenues to obtain the long overdue changes, in a timely manner, other than giving the CDCR until July 08, 2013 – as a deadline – to meet our stated demands.

Failure to come to a legally enforceable agreement will be deemed as just cause for us to resume our indefinite, nonviolent, peaceful protest action(s) until the changes are made, as exemplified below.

## **2. Our Five (5) Core Demands (with Supplements)**

At this point, the CDCR's willingness to implement meaningful changes to the current policies/practices at issue lacks credibility. Thus, the CDCR's empty promise to effect such changes is not acceptable.

Therefore, the CDCR will be required to sign off on a Consent Decree in US Dist.Ct., N.D. Cal., case # C 09-05796 CW, spelling out the specific terms of the policies to be immedi-

ately enacted – pursuant to our five (5) Core Demands [see: [www.prisons.org/documents/FinalNoticewith5CoreDemands.doc](http://www.prisons.org/documents/FinalNoticewith5CoreDemands.doc)].

The consent decree will be subject to enforcement by the federal court; it is the only way we have of ensuring the CDCR’s compliance, now and in the future. This is, therefore, mandatory and non-negotiable! The specific terms in the consent decree will be provided by our attorneys, for the above referenced case, in the not-too-distant future.

A few examples of what this consent decree will include are:

(a) SHU confinement shall be solely for determinate terms, per guidelines of CCR Title 15, Sections 3312-3321, and 3341.5(c)(1)(B), “Determinate SHU Segregation” [*no more indeterminate SHU terms!*];

(b) Ad-Seg confinement shall be solely per guidelines of CDCR, Title 15, Section 3335 regarding placement for legitimate investigative purposes—not to exceed eleven (11) months, absent formal charges being filed;

(c) Step Down Program shall be for a maximum duration of eighteen (18) months, and available for the purpose of enabling prisoners an opportunity to shorten the duration of their determinate SHU term.

### **3. In Addition to Our 2011 Five (5) Core Demands, We Present the Following Forty (40) Supplemental Demands That Are Part of and/or Related to Our Five (5) Core Demands.**

(1) Order that *all* past Rule Violation Reports [RVR] issued to CDCR prisoners for their participation in the last two 2011 peaceful Hunger Strikes [HS] be rescinded and expunged from all prisoners’ files.

(2) Order that no RVR be issued to any CDCR prisoner in violation of any rules and/or in retaliation for participating and/or leading the July 08, 2013, or any future peaceful HS/WS.

(3) Order that CDCR prisoners who do participate in the July 08, 2013, or any future peaceful HS/WS, *not* be retaliated against by placing any of them in Ad-Seg, *nor* have any of their personal property removed, appliances disconnected – including those already in Ad-Seg – or be moved to other cells, etc.

(4) Order that the PBSP-SHU D-Facility visiting room also be reopened, like it was during the early 1990’s when this prison first opened—it was specifically built for D-Facility visiting—and that funds be provided in order to accomplish this. This way, all C-Facility and D-Facility SHU prisoners and their families/friends can again have that additional space and time available for visiting, where they will again receive 4-6 hours *per visit* on Saturday, Sunday, and holidays. And not the present 90 minutes or less, especially for those families and friends who have to travel over 200 miles.

(5) Order and issue a memo to all SHU prisons that all SHU prisoners are to be permitted to make one (1) weekly phone call as part of their SHU program. And that the memo be posted in all SHU unit sections.

(6) Order that the CDCR's Department of Operations Manual (DOM), the California Code of Regulations (CCR) Title 15, DOM Supplementals and/or Operational Procedures (OP) be revised where it states that, all SHU/Ad-Seg prisoners shall be allowed to order and possess art/hobby supplies from the prison canteen store and approved vendors; and shall be allowed to take one (1) picture per year as part of their program, *without* having to first be disciplinary free. Until then, issue a memo to all CDCR prisons to be posted in all unit sections ordering this.

(7) Order that CCR Title 15, Sections 3192; 3100 through 3108; the CDCR DOM and DOM Supplementals be revised, stating that, all CDCR prisoners – especially those in SHU/Ad-Seg – shall be permitted to sell, convey, or give away as gifts *any* artwork or artistic expressions to any prisoner or the public in general – without being penalized/restricted and/or disciplined. The CDCR now allows SHU and Ad-Seg prisoners to order and possess art/hobby supplies. In addition, while in SHU/Ad-Seg, artwork sometimes becomes a prisoner's only form of income, not to mention keeping their minds occupied on something positive. So, they should be allowed to sell or give it away to anyone, including prisoners. PBSP's IGI is presently confiscating and/or issuing RVR's just for giving drawings to other prisoners as gifts for their families and friends. That is just real petty and fundamentally wrongheaded! Until then, issue a memo to all CDCR prisons to be posted in all unit sections permitting this.

(8) Order that all SHU/Ad-Seg and G.P. recreational book libraries be funded from either the CDCR's budget or from *our* Inmate Welfare Funds [IWF], and restocked at least once a year. For example, PBSP's has not been restocked since 2008 and the books are falling apart from so much use. Yet the prison claims there's no funds for it. What is our IWF being spent on then?! Issue a memo to all prisons to be posted in all unit sections ordering this.

(9) Order that more funds be provided for education, either from the CDCR budget or from our IWF, to provide real rehabilitation programs such as college, GED, vocational training, etc., so that all CDCR prisoners, especially indigent ones, can have real opportunities to educate themselves. Moreover, these programs can and will help those who are released from prison to be productive citizens, where they are no longer stuck on the same gear that caused them to go to prison in the first place.

(10) Order that the CCR Title 15, Section 3161, "Inmate-Owned Legal Materials," be revised to comply with the Prison Legal News (PLN) Settlement Agreement (as DOM Article 43, Sec. 54030.10.2 does]. At present, the language is so vague and confusing that most CDCR staff purposely use that Title 15 section to mislead prisoners to believe all law books, law periodicals, etc., are to *also* be counted towards the ten (10) book limit – where instead they should be considered "legal materials" and should *only* be counted towards the combined six cubic feet of state-issued and personal items, excluding bedding and appliances. [Id. Sec. 3190(c)], plus one cubic foot of related legal materials of an active case [Id. Sec. 3161]. Until then, issue a memo to all CDCR prisons to be posted in all unit sec-

tions reflecting the PLN Settlement Agreement at page 4, section (g) [formerly cited as PLN v. Schwarzenegger, now cited as PLN v. Brown].

(11) Order that the CDCR DOM, DOM Supplementals and/or OP be revised to state that, whenever a CDCR prisoner purchases a new appliance, he or she shall be permitted to donate their old personally owned TV or radio appliance to another CDCR prisoner who is indigent – where that used appliance is officially placed on the indigent prisoner’s CDCR Form 160-H, “Inmate Property Control Card.” This way, prison staff cannot arbitrarily confiscate it on a whim. Until then, issue a memo to all CDCR prisons to be posted in all unit sections permitting this.

(12) Order that the CDCR DOM and CCR Title 15 be revised to increase all D-status prisoners’ maximum canteen draw from \$55.00 to \$65.00 per month. Ever since it was raised to \$55.00, the canteen prices have dramatically inflated. Until then, issue a memo to all CDCR prisons to be posted in all unit sections ordering this.

(13) Order that the CDCR DOM, DOM Supplementals and/or OP be revised where it states that, all SHU and D-status prisoners shall also be permitted to participate in donating funds to good outside local charity causes via “Charity Food Drives,” just like the ones held for General Population [GP] prisoners. Until then, issue a memo to all CDCR prisons to be posted in all unit sections permitting this.

(14) Order that the CCR Title 15, Section 3190 (j)(3), CDCR DOM Article 43, DOM Supplementals and OP be revised where it states that, all SHU D-status prisoners shall be allowed to order and possess one clear-cased typewriter [hardwired or manual] under the same security measures that are currently being followed by prison staff for allowing TV, TV-radio combos and radio appliances [Id. Sec 3190(k)-(m)]. Until then, issue a memo to all CDCR-prisons [and all approved vendors] to be posted in all unit sections approving this.

(15) Order that the CCR Title 15, Section 3190 (j)(3), CDCR DOM Article 43, DOM Supplementals and OP be revised where it states that, all SHU, D-status prisoners shall be allowed to order and possess a total of *two* (2) approved appliances; for example, one TV and one radio, one TV-radio combo and one typewriter, one TV and one typewriter, or one radio and one typewriter. (All SHU cells are equipped with four (4) electrical outlets.) Until then, issue a memo to all CDCR prisons [and all approved vendors] to be posted in all unit sections allowing this.

(16) Order that the CDCR DOM, DOM Supplemental and/or OP be revised where it states that all CDCR prisoners in Ad-Seg shall be permitted to possess their personally owned TV and/or radio appliance in their cells with or without fire sprinklers. Until then, issue a memo to all CDCR prisons to be posted in all unit sections ordering this. And ordering Prison Maintenance/Plant Operations departments to make sure fire sprinklers are immediately installed in all Ad-Seg cells, including all SHU cells.

(17) Order that the CDCR DOM, Title 15, Section 3117(b)(2), DOM Supplemental and/or OP be revised to where it states that, all GP life-term prisoners shall again be permitted “family overnight visits” with their immediate family members. Right now, in

all of the CDCR, only life-term prisoners who have become CDCR's debriefer/snitches are allowed family visits. Until then, issue a memo to all CDCR prisons to be posted in all unit sections permitting this under the prior amended CCR Title 15 regulations.

(18) Order the California Prison Industry Authority [Cal-PIA] to produce decent quality mattresses. The current 100% cotton *air-filled* ones, which are not densely packed cotton core mattresses, do not have a way to keep the cotton evenly distributed like the old ones did. And where, after a week or two of sleeping on it, on all-concrete bunks, a new mattress literally turns into a flat lumpy torture mattress, due to cotton shifting and the cotton not being densely packed. Where instead, PIA makes these cotton mattresses just *appear* as ones that are thickly/densely packed. But, in truth, the cotton itself is just puffed up with air – another PIA rip off of taxpayers' monies! In addition, a prisoner has to literally lift these flat lumpy mattresses from one end in order to pack it down to the other end, in order to make it a little thicker. But, by doing this, the mattress ends up 1-2 feet shorter, leaving our feet on bare concrete because the mattresses have are then too short! Also, with the old ones, a prisoner held onto them for 3-4 years with no problem. But, with these new ones, a prisoner exchanges them every six (6) months – a lot sooner if we were allowed to do so [6-month wait is mandatory]. Which, in turn, means a lot more inferior mattresses have to be produced to keep up with the demand. Where only PIA is literally reaping the benefits at \$60.00 per mattress, while prisoners in solitary confinement are being further tortured with these flat, lumpy, short torture mattresses! Therefore, demand that PIA stop ripping off the taxpayers' monies, and that they either produce better quality ones, or start producing better quality 4-6 inch densely packed 100% *all-foam* mattresses to immediately replace the present air-filled cotton torture mattresses. That a memo be issued and posted in all CDCR prison unit sections that this was ordered and will be remedied ASAP!

(19) Order the Cal-PIA to also produce boxer shorts with longer inseams to at least 9-inch inseams. The present ones have a very short inseam mode for women prisoners, where male prisoners have no choice but to order them 3-4 sizes bigger and hem them at the waistline just so they can fit correctly. This has been a continual problem for many years now and also needs to be corrected. That memo be issued and posted in all CDCR unit sections that this has been ordered and will be remedied ASAP!

(20) Order that the CDCR DOM, CCR Title 15, Section 3044 (g)(4)(E) and 3190(i), DOM Supplementals and OP be revised where it states that all SHU and Ad-Seg, D-status prisoners shall also be allowed to order, in addition to one annual 30-lb. food package, a second annual non-food special-purchase package [i.e., such items like art/hobby supplies, sweatpants/shorts, shoes, thermals, earphones, etc.], just like we used to be allowed to do. Until then, issue a memo to all CDCR prisons to be posted in all unit sections ordering this.

(21) Order that the CDCR DOM Article 43 "Property Matrix" and DOM Supplementals all be revised, if they haven't been already – which states that, all CDCR SHU/Ad-Seg D-status prisoners shall also be allowed to order and possess all the additional following items; (a) no limit on chocolate candy bars; (b) no limit on sugar-free hard candy; (c) all Asian soups; (d) all trail-mix products; (e) all cheeses; (f) all dry jerky meats [i.e., sausage, chorizos; all nuggets and slices of beef, turkey, pork, pepperoni, salami, chicken]; (g) all seasonings; (h) all powdered sugar-free beverage drinks in any kind of containers; (i) all tea and teabags; (j) one 12-foot earphone extension cord; (k) all art/hobby supplies [i.e.,

color pen fillers, 12-24 packs of pastels/*woodless* color pencils/watercolors/charcoal sticks, 3 drawing art pads of any thickness, and art erasers]; (l) one sweatpants and one sweatshorts (2 total), and sweatpants/shorts with “cords” [we are presently allowed to possess shoestrings and our new laundry bags have 9-inch, thick cords already attached, proving that the cords are not a security threat]; (m) all Dickies thermals, tops and bottoms; (n) hair grease; (o) lotion; (p) laundry soap; (q) 6 bars of soap; (r) 1 soap dish; (s) 1 tumbler (16 oz.); (t) 1 food container bowl; (u) zip-lock bags; (v) paper mirrors; (w) 4 pairs of boxer shorts and 4 pairs of T-shirts (gray or white; long sleeve or short sleeve), which will ease cost on CDCR to purchase these for prisoners; (x) earplugs; (y) 1 watch cap (gray or white); (z) 1 pair of wool gloves; (aa) three (3) typewriter ribbons; (bb) six (6) typewriter correction ribbons, and (cc) typewriter paper. All these items need to be added in the CDCR DOM Article 43 Property Matrix and/or a memo sent to all approved vendors or they will not send them when we order our packages. Ad-Seg (and all other D-status prisoners) should also be included for these items because most wait years in Ad-Seg before they are sent to SHU, where Ad-Seg literally becomes a SHU overflow. It should also be noted that ever since the first HS in 2011, CDCR headquarters representatives have come to PBSP and repeatedly stated to us that Article 43 was being revised to add most of these items but, to date, it has just become another broken agreement, because it has not been done. Thus, until it is revised to add all the above, issue a memo to all “approved vendors,” and to all CDCR prisons to be posted in all unit sections approving all these items for all SHU/Ad-Seg and all other D-status prisoners.

(22) Order that the Cal-PIA no longer be allowed to produce or provide any food products to any CDCR prisons. Ever since they began doing so, the overall quality of prison food has dramatically decreased and the costs have dramatically increased. As well as causing prison and local community bakeries and butcher shops across the state – who were a lot cheaper – to close behind PIA forcing the CDCR to buy from them. Prisoners also working for \$1-4 a day used to produce good fresh quality baked goods. Now it’s pre-baked and shipped from PIA where the goods have either been stale or spoiled. For example, the bread is packed in plastic with industry-manufactured pinholes, causing the bread to spoil. And the lunch meats are now shipped from PIA in sealed pockets filled with nasty-smelling preservatives. We also know for a fact that PIA attempted to force CDCR to buy all dairy products from them in order to supply PBSP – which would have also been more costly – which nearly drove the local dairy supplier Humboldt Creamery in Fortuna, CA out of business. And the only reason PIA failed was because the dairy products would spoil during transport, etc.. The whole sordid story is public record and reported in the local paper, “The Triplicate” [www.triplicate.com]. PIA already produces all other CDCR products from shoes to the very poor quality mattresses. We don’t need or want them to also now control what we eat, period!

(23) Order that all CDCR food-ounce servings be raised two (2) ounces (for example, 3 oz. of eggs raised to 5 oz. of eggs). As well as raising our present two portions of fruit per day to four portions. And, start reissuing us the old real syrup and jelly packets and stop giving us the new unhealthy PIA artificial ones that nobody likes or eats. Thus, raising our overall daily calorie intake with solid non-PIA foods, and not with extra Kool-Aid packets, etc. We are grown men and women, so stop feeding us children’s portions that some fat-cats, so-called “nutritionist” sitting in Sacramento decides we should have. Maybe they

should be forced to first eat this PIA junk and small food portions for a year, in order to make a correct informed decision. That a memo be issued to all CDCR prisons to be posted in all unit sections ordering this immediately.

(24) Order that the CDCR DOM, CCR Title 15, Section 3220.4 and DOM Supplementals be revised where it states that, all *uncut*, R-rated movie/videos shall be permitted to be shown to all CDCR prison populations. At present, we are only allowed up to PG-13 movie/videos. We are not 13-year-old children, nor in juvenile detention centers. Again, we are grown men and women in adult state prisons. Therefore, we should be allowed to watch uncut R-rated movie/videos. Until then, issue a memo to all CDCR prisons to be posted in all unit sections approving this.

(25) Order that the CDCR DOM and CCR Title 15 be revised to state that all CDCR prisons shall provide – if they have not done so already – their prison populations with the minimum of twenty quality “entertainment channels.” Especially for prisons like PBSP that are so isolated that they can’t even receive one TV channel over the air, not even with a digital antenna. Presently, this prison only receives eight low-quality Charter Cable channels consisting of 3 cable and 5 network channels. Less than all other SHU prisons across the state. And, where there’s constant signal interruptions. Until then, issue a memo to all CDCR prison wardens – especially to PBSP’s Warden Lewis – ordering this, and to be posted in all CDCR unit sections.

(26) Order that all CDCR prisons use the funds are specifically designated for entertainment and recreation purposes from the CDCR budget, and/or from the IWF, to immediately purchase all the necessary equipment, storage sheds and any needed digital antenna towers, etc. These funds should also be used to pay the monthly fees and costs to cable companies to add the above-mentioned minimum twenty channels to all CDCR prisons.

(27) Order that all CDCR prisons use the funds that are specifically designated for exercise equipment purposes from the CDCR budget, and/or from the IWF, to immediately be used to purchase and install all the promised dip and pull-up bars on all SHU/Ad-Seg and Death Row yards.

(28) Order that CDCR prisons use the funds that are specifically designated for exercise equipment purposes from the CDCR budget, and/or from the IWF, to also be used to purchase weight-lifting equipment for all GP yards again, as they once had, so prisoners can have something to look forward to on those GP yards other than dip/pull-up bars, handballs and looking at each other.

(29) Order that all *arbitrary* contraband (“potty”) watches be stopped immediately. Especially order that the PVC tube torture restraints that are currently being used here at PBSP – and maybe at other prisons – as some kind of twisted torture experiment on prisoners that some C/O conceived and made in his garage, be immediately stopped and abolished forever! [See Rock newsletter vol. 1, no. 12, Dec. 2012, at p.4, “Freedom, Justice and Human Rights.”] And that all prisoners that prison staff *reasonably* suspect – not on some whim – have hidden contraband in cavities, first be given the *option* to be X-rayed to prove they have nothing hidden. Because, for the past couple of years, prison staff have “intentionally” not given that option in order to arbitrarily and systematically use these



PVC torture tube restraints to punish and torture prisoners! This is a barbaric and humiliating practice! Also, immediately order that when a prisoner does provide a bowel movement, that it be done in a *closed-room* environment, not in the damn hallways and side corridors leading to and from Visiting or law library, like they do here at PBSP-SHU, where everyone from the outside prison tours, to prisoners being escorted, can see him giving a bowel movement like some farm animal! As they walk by just feet away from him. Not to mention all our food carts that are pushed by them, too! That a memo be issued to all CDCR prisons – especially to PBSP Warden Lewis – to be posted in all unit sections ordering all these human rights violations to be immediately stopped!

(30) Order that Dr. Sayre be immediately removed as Chief Medical Officer (CMO) at PBSP, or at any CDCR prison – if it hasn't been done yet – and that he *never* hold any position of authority over any prisoner's health and medical treatment. He is behind countless medical negligence and civil rights complaints going back more than a decade. He is also behind not allowing prisoners the option of getting an X-ray, forcing them to go through the "potty watch" torture-tube-restraints "therapy," referred to at (29) – claiming it was too costly to give the X-ray option. This is the worst of the worst doctors in all of the CDCR and he must be removed!

(31) Order that all CDCR prison cells that have not been painted (i.e., Corcoran, Folsom, etc., and all Ad-Seg cells, etc.) be painted so the cells are not the present drab, depressing, bare gray concrete cell walls. PBSP-SHU cells have been painted since before it was opened. So all other cells should also be painted with a coat of paint! Order Maintenance and Plant Operations departments to do this ASAP. Issue a memo to be posted in all unit sections reflecting this order.

(32) Order Maintenance and/or Plant Operations departments at PBSP to finally *fix* the original flawed-design ventilation system that we have been complaining about in 602 appeals since the day this prison first opened, where they have repeatedly come around and basically did a whole lot of nothing to it. For example, in SHU, these cells only have out-take vents – no intake vents. The only intake vents are the giant ones above the control booths that sound like a jet engine when turned on, where prison staff and prisoners can't hear anyone talking to them. Thus, it's never turned on unless there is smoke or a prisoner got pepper-sprayed multiple times in the cell or section. And, the intake vents that are turned on 24/7, that are *supposed* to suck in any accumulated heat on the second tier, are those right above the top step on the second tiers. However, during the winter months, when this place first opened, and the heaters were turned on, those intake vents proved to be extremely inadequate, where the heat only rose and accumulated on the second tiers – where those prisoners, and even the cops feeding up there – complained of the heat. So, as stated, a whole lot of nothing was done. Where, to date, the heaters are never turned on! And, year round, air barely comes out of the ventilation systems, where we have to ask the Control Tower guard to open the yard door in the mornings prior to yard and when the yard is not being used, just so we can get some fresh air in here – even if it's ice cold air! Therefore, order PBSP's Maintenance and/or Plant Operations to *at least* replace the intake ventilation motors with those with a lot higher R.P.M.s, so, when the heaters are ever turned on again, those intake vents can maintain the heat at the proper levels on the second tiers. And, order them to keep the air levels turned up 24/7 where it properly circulates in

the units. Especially in those cells that have their fronts covered with Lexan/Plexiglas that become suffocating during the summer months. Issue a memo to PBSP to be posted in all unit sections that reflects the above order.

(33) Order Maintenance and/or Plant Operations at PBSP, and other prisons that have it, to cut one (1) foot off the bottom of the Lexan/Plexiglas coverings on all cells that have them so air can properly be allowed to circulate in those cells [see (32) above]. And, that ‘if’ a prisoner is housed in one of those cells who is not on “Lexan status,” to give those prisoners the *option* of having it removed. [Note: Some prisoners prefer it because it’s a lot more quiet and warmer in the winter months.] Thus, issue a memo to all CDCR prisons to be posted in all unit sections reflecting this order.

(34) Order that the CCR Title 15, Section 3097, “Inmate Restitution Fine and Direct Order Collections,” be revised where the restitution rate is reduced from 55% back to a reasonable level of 33% that a prisoner has to pay on all incoming monies. At present, prisoners are paying 55% of monies their loved ones send them – especially with the lack of prison paying jobs – so, in reality, their *loved ones* are the ones paying the full amount, not the prisoners, so a lot of prisoners no longer ask their loved ones to send them any funds. Thus a lot less additional funds get paid into the Restitution Fund. Until these revisions are done, issue a memo to all prison Trust Account Offices, and to be posted in all unit sections, ordering the restitution rate of all incoming monies be reduced to a total of 33% that a prisoner has to pay on all incoming monies.

(35) Order IGI staff at PBSP, and other prisons, to stop being so *extremely petty* on everything from screening mail, visiting, and legal visits. Because, it seems like ever since the first 2011 HS – where IGI for the first time felt they lost total control – they have made it their mission in life to use extreme petty tactics to attack all those in SHU, including all their extended families and friends. Where they have now made an art of twisting any mail/visiting/contraband, etc. rules and regulations until they “find” something to suspend visits, confiscate mail, etc. and/or issue RVRs for things they have never been known to do prior to the 2011 HS. Therefore, issue a memo to all IGI/ISU staff ordering them to stop being so vindictive and petty under the guise of security!

(36) Order that the following revisions be made to the Cal. Code of Regulations [CCR], which would state that, if an *Administrative* Rule Violation Report [ARVR] per CCR Title 15, Sec. 3314 hearing is not held within 30 days of issuing it [Id. Sec. 3320(b)], then no restrictions under Sec. 3314(e)(1)-(10) shall be imposed. And that if a hearing is not held within 60 days of issuing an ARVR, then the ARVR shall be ordered dismissed in its entirety and expunged from the prisoner’s C-file. Because, as it stands right now, even if an ARVR hearing is held six (6) months from issuing it, the hearing officer can still impose the same restrictions as if the hearing was held within 30 days of issuing it. This is not right! And there has to be some kind of accountability on CDCR staff for the countless unjustified delays in hearing ARVRs. Therefore, until it is revised, that a memo be issued to all CDCR prisons to be posted in all unit sections ordering this change.

(37) Order that the following revisions be made to the CCR Title 15, which would state that, if a *Serious* Rule Violation Report [SRVR] per CCR Title 15, Sec. 3315 hearing is not held within 60 days of issuing it, then the restrictions under Sec. 3315(f)(5)(A)-(P) shall

not be imposed. And that, if the hearing is not held within 90 days of issuing it, then the SRVR shall be ordered dismissed in its entirety and expunged from the prisoner's C-file. Because, as it stands right now, even if the hearing for a SRVR is not held within 30 days of issuing it, no good behavior credits can be taken. However, as in the ARVR, if a SRVR hearing is held six (6) months from issuing it, the hearing officer can still impose the same restrictions as if the hearing was held with 30 days of issuing it. This is not right either! And there should also be some kind of accountability for the countless unjustified delays in hearing SRVRs. Therefore, until it is revised, that a memo be issued to all CDCR prisons to be posted in all unit sections ordering this change.

(38) Order that an independent audit/investigation be conducted into the expenditures of the Inmate Welfare Funds [IWF] for the past five (5) years. And, that a copy of that investigation, and an up-to-date itemized list of IWF monthly expenditures be posted in all prison unit sections so we, as prisoners, can have something tangible to see where our monies are actually being spent, and to ensure none of those monies are being diverted to other areas not in the prisoner's interest or benefit. CDCR prisoners have the right to have this information posted in their sections. The IWF solely belongs to all CDCR prisoners. It was created to reimburse services to prisoners, including their training and education and to underwrite the prison canteens. Prisoners who are taxed for that purpose by the CDCR on purchases and the like, have paid every penny themselves that goes into the IWF. Those monies are *not* court-ordered restitution funds, nor do they belong to CDCR – even though they act like it does. Thus, issue a memo to all prisons to be posted in all unit sections reflecting this order.

(39) Order that all CDCR prisons' associate wardens conduct monthly meetings with GP, SHU/Ad-Seg and Death Row prisoner representatives [not subject to CCR Title 15, Sections 3230-3232] in order to have open dialogue between prisoners and the prisons' administrations. And, more importantly, order that every associate warden who conducts these monthly meetings is given the prison warden's *full authority* at these meetings, to address and grant/deny any grievances/requests from the prisoner reps right there and then, that can be dealt with at the institutional level -- where she or he is not later overruled by the warden – including, discussions on how our IWF should be spent. Thus, issue a memo to all prisons to be posted in all unit sections ordering this.

(40) Order that during any HS/WS negotiations—if CDCR does not meet the July 08, 2013 deadline—a member of our outside Mediation/Litigation Team and a member of the Press either be physically present and/or present by phone conference.

## **CONCLUSION**

We are hopeful that Governor Brown, the CDCR, et al, will make the changes required in order to meet our reasonable demands – *prior to July 08, 2013* – because we remain 100% fully committed to resuming our indefinite protest action(s) – to the point of our starvation resulting in serious permanent injury and/or death. To date, three prisoners have sacrificed their lives, and many more have suffered permanent damage, in solidarity with our cause!

We hope more deaths/injuries will not be required – but we are fully committed to our cause, and will accept nothing less than the changes to CDCR policies and practices referenced above.

In addition, be advised that since the 2011 Hunger Strikes, we have read many prison publications [i.e., the Rock and [www.sfbayview.com](http://www.sfbayview.com), etc., etc.] where we quickly came to realize that we here in PBSP-SHU were not the only ones who have been tortured with solitary confinement and countless deprivations from the past 10 to 40 years. That, all our fellow men and women prisoners all across California, from all security levels 1 through 4 (where many of theirs have been included within the above demands), and all those across all of these United States, in both federal and state prisons, have suffered similarly to us here, in one form or another. But most have never had a voice or forum to lay their demands out for change. Therefore, we have placed the next two paragraphs here in full solidarity with all our fellow women and male prisoners across the country so they can finally be heard!

Therefore, expect your offices to also soon be receiving separate demands from all other CDCR male and female prisoner representatives from all security levels [1 through 4] on GPs, Ad-Segs, Death Row and from all other CA SHU prisons who will also join us on the July 08, 2013 HS/WS, if their demands are not met by that deadline. Which will be tailored to their own particular institutional needs that are not listed above—which we fully support.

As stated above, we are also offering this forum to all male and female prisoners across the U.S. prison systems (state/federal) as a favor to them in full solidarity, who otherwise will not have a voice, nor probably ever have this unique opportunity again, where, if they also wish to volunteer to join us on a “National Hunger Strike/Work Stoppage,” to peacefully protest solitary confinement and other deprivations and conditions in their own individual state and federal prisons for the past 10 to 40 years, or less, and if they also wish to be heard, we encourage all their prisoner representatives to also formulate their own separate demands tailored for their individual state and federal institutional needs, where they also serve a copy on their state governors, etc. And where they also set the same deadline for those officials to meet their demands, or they will also be starting their HS/WS on July 08, 2013, which we will fully support.

Finally, from today to the July 08, 2013 deadline, and/or during the HS/WS, we are willing to keep ongoing communications open with your Sacramento CDCR Administration, and/or your office, Governor Brown, in order to negotiate all of our demands listed here that can be negotiated. With hopes that we can avoid having to resume our peaceful action(s) – or end it sooner – where we can all come to a reasonable Consent Decree.

Respectfully Submitted,

- Todd Ashker, C-58191, PBSP-SHU, D4-121
- Arturo Castellanos, C-17275, PBSP-SHU, D1-121
- Sitawa Nantambu Jamaa (Dewberry), C-35671, PBSP-SHU, D1-117
- Antonio Guillen, P-81948, PBSP-SHU, D2-106

*The PBSP-SHU Short Corridor Representatives*