



# PRISON FOCUS

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Serving The Interests Of Prisoners And Their Loved Ones On The Outside For Over Twenty-Five Years

## ASHKER SETTLES WEEKS BEFORE SUMMARY JUDGEMENT HEARING

**A**shker v. Brown, the lawsuit challenging the use of long-term solitary confinement at Pelican Bay (Case No. 4:09-CV-05796-CW, N.D. Cal. 2009), will settle and will not go to trial.

On September 1, 2015, at a well-attended press release at the U.S. District Court in Oakland, attorneys for the plaintiffs announced that they have come to an agreement with CDCR.

The settlement terms, as proposed, fundamentally change the structure of solitary confinement in California. We publish this special edition of *Prison Focus* in order to inform you as soon as possible about what the settlement will include, and to spur conversation and thoughts about whether, and how, this settlement may impact you.

Following are the key terms of the parties' Agreement, taken from directly from the documents filed with the Court on September 1:

1. CDCR shall no longer place prisoners into any SHU, Administrative Segregation, or the Step Down Program solely because of gang validation status. Instead, all SHU or Step Down Program placements of validated CDCR prisoners shall be based solely on a conviction of a SHU-eligible offense following a disciplinary due process hearing.
2. CDCR will no longer impose indeterminate SHU sentences, with a limited exception called Administrative SHU, imposed after a prisoner has served a determinate SHU term when the Departmental Review Board decides that overwhelming evidence shows that a prisoner presents an immediate threat and cannot be assigned to less-restrictive housing. CDCR will provide enhanced out-of-cell recreation and programming for these prisoners of 20 hours per week, and its placement decision is subject to review by Magistrate Judge Nandor J. Vadas. CDCR expects that a small number of prisoners will be retained in Administrative SHU.
3. CDCR will not house any inmate involuntarily in Pelican Bay's SHU for more than five continuous years.
4. Within one year of preliminary approval, CDCR will review the cases of all currently validated prisoners serving indeterminate SHU terms under the old validation regulations, or who are currently assigned to Steps 1 through 4 of the Step Down Program, or administratively retained in SHU. If an inmate has not been found guilty of a SHU-eligible rule violation with a proven Security Threat Group (STG) nexus within the last 24 months, he shall be released from the SHU and transferred to a General Population facility consistent with his case factors. Those who have been incarcerated in a SHU for more than ten years will generally be released from the SHU, even if they have committed a recent SHU-eligible offense and allowed to serve the remainder of the SHU term and their Step Down Program time in the new Restrictive Custody General Population unit.
5. The Step Down Program will be shortened from four to two years, and prisoners will be transferred from SHU after two years in the Step Down Program unless they commit a new SHU-eligible offense.
6. CDCR will create a new unit called the Restrictive Custody General Population unit (RCGP). The RCGP is a Level IV 180-design facility commensurate with similarly designed high security general population facilities. The RCGP will provide prisoners with increased opportunities for programming and social interaction such as contact visits, small group programming, and yard/out-of-cell time commensurate with Level IV general population in small group yards. Prisoners subject to transfer to the RCGP are those who: (i) refuse to complete required Step Down Program components; (ii) are found guilty of repeated STG violations while in the Step Down Program; (iii) face a substantial threat to their personal safety if released to the general population; or (iv) have been housed in a SHU for 10 or more continuous years and have committed a SHU-eligible offense with a proven STG nexus within the preceding 24 months.

7. CDCR will train staff about the Agreement's requirements, including training to ensure that confidential information used against prisoners is accurate.
8. Plaintiffs' representatives and their counsel, with the assistance of Magistrate Judge Vadas, will have an active, ongoing role in overseeing implementation and enforcement of the Settlement Agreement, including the opportunity to raise before Magistrate Judge Vadas alleged violations of the Agreement or the Constitution.
9. The Court will retain jurisdiction over this case for two years. Plaintiffs may extend the Court's jurisdiction by showing that current and ongoing systemic violations of the Eighth Amendment or the Due Process Clause of the Fourteenth Amendment exist; otherwise, the Court's jurisdiction and the parties' Agreement automatically ends.
10. Plaintiffs will file a motion for attorneys' fees following entry of a final order approving the Agreement.

*(Joint Motion for Preliminary Approval of Settlement Agreement, pp. 6-7 (Summary of Key Proposed Settlement Terms))*



A number of procedural steps remain in the settlement process, and things will not likely be final for several months at least. On October 6, Judge Wilken will decide whether to preliminarily approve the proposed terms of the settlement. This includes a decision to certify the supplemental class, defined to include prisoners who are now, or will in the future, be housed at the PB SHU for ten or more years and then were transferred to another CDCR SHU facility in connection with CDCR's Step Down Program. There is virtually no doubt that she will certify the class and grant preliminary approval for the terms. After that, there will be an opportunity for class members to write to the Court and voice their opinion about the fairness of the proposed settlement. A formal notice about the settlement, approved by the Judge, will be posted in each SHU pod or unit. Copies of the proposed settlement agreement will be put in SHU law libraries.

After class members are given a certain amount of time to write to Judge Wilken, a final hearing will take place to determine whether the terms and conditions of the settlement agreement, as proposed, should be finally approved by the court. If approved, CDCR will be under court order to change its policies as promised in the terms.

As with any settlement, the substance of the proposed agreement represents a compromise. Although, in many ways this agreement achieves more than what the original complaint sought for relief. One plus is that the settlement stands to impact not only those held in Pelican Bay's SHU, but those serving indeterminate sentences in other SHUs as well. A negative is that, as with virtually all settlements, CDCR is not explicitly acknowledging any constitutional violations or liability, and there will not be federal case law to rely on in future lawsuits.

CPF considers the most significant changes to CDCR policy, under the proposed settlement, to be:

- 1) Review of STG-validated inmates currently in SHU. For all those who are serving an indeterminate term in any SHU (not only those in Pelican Bay), the proposed settlement puts a process in place for removal. ICC

will conduct reviews of all those currently in a SHU on an indeterminate term, regardless of whether you have seen the DRB and/or been placed on a step in the Step Down Program. If you have been in the SHU for more than ten years at the time of your review, you will be removed from the SHU, and either be placed in RCGP or back in GP, depending on the most recent finding of misconduct.

- 2) Going forward, CDCR can no longer put someone in the SHU based on STG affiliation alone. Instead, there must be a determination that the person took some action or behavior.
- 3) SHU sentences can now be no more than five years per "SHU-eligible offense."

However, existing regulations having to do with STG/gang affiliation will remain highly relevant; most importantly, for the process by which a person might be released from the SHU. If your SHU-eligible offense is found to have a "proven nexus to an STG," then after serving your SHU term, instead of going directly into GP, you will get put into a revised version of the Step Down Program (lasting up to two years instead of the present five year program). If it is determined that you refuse to participate in Step Down or do not complete all Step Down Program "components," you may be moved into a new type of housing called Restricted Custody General Population (RCGP). Only time will tell what these units will really be like, but for now, the settlement terms promise that individuals will have opportunities for programming and social interaction beyond that which is currently provided in the SHU (present programming in the SHU, as we know, is nonexistent).

In addition to these changes, the proposed settlement has several other key provisions which deserve a close read. The settlement provides for the creation of "Administrative SHU" units (ASU), which is the loophole by which an individual might complete a five year term in the regular SHU and then continue to be held in long-term isolation beyond that time. The Departmental Review Board must determine that "overwhelming evidence exists supporting an immediate threat to the security of the institution or the safety of others" in order to keep someone in the ASU. The settlement states that "[i]t is CDCR's expectation that a small number of inmates will be retained" in Administrative SHU housing. See ¶ 29 of proposed Settlement Agreement, Ex. 1 to the Decl. of Jules Lobel in Support of Joint Motion.

Finally, there are terms that lay out the parameters for monitoring CDCR's obligations under the settlement. Plaintiffs' attorneys will have two years to monitor and have access to data and documents showing that CDCR is fulfilling its promises. Although there are legal restrictions on indefinite monitoring (and the settlement does provide the opportunity to extend this period of monitoring upon motion by the plaintiffs for up to one additional year), the twenty-four month period of monitoring may prove to be particularly difficult in this case; it will be impossible to determine whether CDCR has met its obligations to remove people from SHU after a five-year maximum term until long after the monitoring period is over.

The entire motion for preliminary approval and attachments number 67 pages, which is too long for us to publish in this paper or to mail out to all individuals who deserve and would appreciate a copy. In this issue, we publish a full and complete excerpt of the Terms and Conditions as proposed in the settlement (¶¶ 13-40, Settlement Agreement, Ex. 1 to the Decl. of Jules Lobel). We encourage you to read these terms closely, and not simply rely on the summary of terms (provided above) which will be posted in the SHU units.

Knowing that access to the law library is extremely restricted in the SHU units, and typically restricted only to those who have fast-approaching court deadlines in their individual cases, we hope that class members' rights to review the entire settlement, with sufficient time to respond to the Court, will be respected by CDCR during this time.

If you have thoughts or intend to write to the Court regarding their position on the settlement and would like us to publish it, we encourage you to send us a copy of your comments for our next issue of *Prison Focus*. •

## A MESSAGE FROM CPF

First of all, congratulations to all those who participated in the peaceful protests of 2011 and 2013, and to all of you who have survived the horrors of prolonged solitary confinement for the recent victory that you made happen. Despite the work that we all know is still needed, it is worth taking some time to congratulate yourselves and recognize that your determination has paid off. Not only will many of you be released from the SHU (it should be *all* of you), but there are many young people, and those of all ages, who will benefit from this historical court settlement that you inspired.

When CPF began this work in the early 1990s, the use of solitary confinement and lack of prisoner rights was an even less popular topic than it is now. At that time, there were no other organizations focusing on the abhorrent practice of solitary confinement in California prisons. Torture of this nature was rarely addressed in the public or political realm. Years of hard work by incarcerated men and women, and your allies on the outside, including California Prison Focus, helped change that. From *The New York Times*, *Los Angeles Times*, and *San Francisco Chronicle* to CNN and ABC, from Justice Kennedy to President Obama, from the individuals most affected by mass incarceration to others who became aware through public outreach, the problem of solitary confinement has finally surfaced. Such torture is no longer an atrocity that the state can sweep under the rug. It's a topic that has finally hit the public and thus political realm, and the *Ashker vs. Brown* settlement is a strong reflection of the conscience that is finally surfacing among the American public and intolerance at the reality of torture executed supposedly on their behalf.

We at CPF understand that there is still much left to be done to end the practice of long term solitary confinement in California prisons, to end the violations of prisoner human rights and to fundamentally change the criminal justice system toward one of rehabilitation and genuine justice. We understand there will be a great deal of retaliation and other problems that will require close monitoring. CPF will continue to investigate the SHU and relevant issues, and expose what we learn. Aside from our investigative visits, we continue to invite first-person prisoner reports through written correspondence. Our summary reports include information about specific conditions, retaliation, the Agreement to End Hostilities, DRB and STP and so on.

At this junction in the movement to end solitary confinement, CPF realizes that this is a time to regroup; to come together and discuss where we go from here. In a couple of months we will be holding a Vision Meeting to discuss our mission and strategy as we move forward. We invite you (and your friends and family members) to give us your input, which will be shared with others at the Vision Meeting and be applied to any decision-making that will take place.

Here are some of the questions we will be addressing:

- What are the organizational priorities at this time?
- Do we want to shift our focus in any way?
- What sort of cross-organizational collaborating should CPF engage in - that we are not already? How might we collaborate more effectively with other agencies in the community? Which organizations should CPF reach out to?
- How can CPF become more inclusive and inviting to the communities most impacted by mass incarceration, both on the inside and outside?
- How can we foster more involvement by incarcerated men and women? How might we enable imprisoned individuals to contribute more to the mission of CPF?
- How might CPF increase revenue streams?

In conclusion, I want to thank each and every one of you personally for your tireless efforts to bring to light what you have suffered, and for your part in changing the collective consciousness around torture, as well as efforts to end hostilities and violence among those incarcerated. Onward!

*In solidarity, Kim Pollak*

**Which Minority is  
Destroying  
America?**

**The Rich**

## WELFARE CHECKS: PROMOTING PRISONER WELL-BEING OR THE LATEST FORM OF HARRASSMENT AND RETALIATION?

*By Taeva Fhesler*

Correspondents at Pelican Bay State Prison SHU report that as of August 1, guards have implemented "welfare checks," occurring every thirty minutes, or forty-eight times per day. Guards are conducting the checks in an aggressive manner, routinely banging the metal wand against doors, stomping through the corridors, slamming doors, and shining lights in prisoners' eyes while they are trying to sleep. Given the reverberation of noise throughout the concrete and steel pods, this results in virtually non-stop disturbance throughout the cell.

As a result of the Coleman settlement regarding the treatment of mentally ill and developmentally disabled prisoners, CDCR was ordered to conduct "welfare checks" on prisoners in regular intervals. It was left up to the Department to design a system for implementation of these checks. CDC implemented a system with electronic wands which the guards must connect to a metal button by each cell. The wands beep with every connection, and due to the concrete and steel design of the SHU pods, each sound reverberates loudly throughout the pod, as well as in adjoining pods.

Although it is possible to conduct these checks quietly, and that the beeping should be turned off turning the night, guards are showing no awareness or respect for how much noise they are creating while making rounds. Many are convinced that the guards are using these checks as a method to harass prisoners and disrupt their sleep, as well as an excuse to disrupt programming throughout the day.

Sleep deprivation and relentless exposure to loud noise are known methods of torture. Some prisoners are considering going on hunger strike again as a method to combat CDCR's latest tactics. As one prisoner wrote in a letter to Jeffrey Beard, Secretary of CDCR, "Deprivation of sleep is a common form of torture and has no place in a civilized society. Sleep is a basic human need and a fundamental constitutional right and I shouldn't have to be starving myself so I and my fellow prisoners can get some sleep."

In addition to the disruption of the checks themselves, guards have used the implementation of this system – required in numerous CDCR facilities – as an excuse to disrupt what little programming exists at the SHU. Reports include that food services are running hours late, showers are not provided at regular pace (usually they can do 3 or 4 showers in an hour, but now they are saying that showers are taking over an hour each), and that yard time is not starting until after 9am some days, when yard time must start at 7 or 7:15am each day in order to ensure that everyone will get yard time that day. In August, lawyer representatives for CPF who came to visit Pelican Bay were denied visits to nearly half of those on their approved visit list, told only that there was no way the guards would be moving one person per hour for the visits, which had been scheduled weeks in advance. The rationale for all of these delays is that guards are simply unable to keep schedule with the new responsibilities of the welfare checks.

We have heard reports of these checks presenting a severe nuisance and disturbance from other SHUs as well as Pelican Bay, including Corcoran and Tehachapi. In the other SHUs throughout the state, reports have been consistent for over a year that while it was possible to conduct the checks quietly, particular guards would be extremely noisy, and that the consequent sleep deprivation was creating agitation and high levels of anxiety throughout the SHU pods. Conversations between individuals, already challenging, are damped because people must try to get sleep whenever they can. A perverse outcome given the name and nature of these checks, those with mental health issues report exacerbated symptoms due to the levels of anxiety they are experiencing.

In all of the SHUs, including Corcoran, Tehachapi, and Pelican Bay, guards have encouraged people inside to file 602 forms complaining about the practice in hopes that Sacramento will stop the program and they will not have to do the work involved. In October of 2014, a group of individuals at Corcoran filed a group 602 on this issue, based on the fact that checks are not effective. On the outside, the Prisoner Hunger Strike Solidarity coalition has taken action and encouraged its network to write letters to Warden Ducat at Pelican Bay and is in dialogue with Coleman attorneys, who are aware of the distress resulting from the checks.

The following is a letter to CDCR officials from Michael Bien, one of the lead counsel on the *Coleman* case, explaining why the current situation is not an acceptable implementation of the court's orders in *Coleman*.

### Letter from Michael Bien:

We write to raise very serious and emergent concerns regarding the recent implementation of the Guard One system

in the Pelican Bay State Prison SHU. We received correspondence today indicating that at least one prisoner is on an active hunger strike and that a group hunger strike is planned. The Warden at PBSP must assert control over custody staff in the SHU and their efforts to undermine the implementation of this CDCR policy.

We have received multiple credible reports from multiple prisoners that custody officers in the SHU are intentionally awakening each and every prisoner in the SHU every 30 minutes through not only aggressive use of the Guard One wand system and excessive stomping/key jingling noise throughout the rounding, but also by repeatedly slamming the door to the Pod, and shining their flashlights into every prisoner's eyes. We have also received several credible reports that multiple prisoners have required medical attention due to the resulting effects of sleep deprivation and that many others are experiencing severe psychological distress. As you know, CDCR has experienced resistance to the implementation of welfare checks and Guard One in other prisons and segregation units, which appears to have been successfully addressed by supervisors at those locations, including death row.

PBSP either lacks adequate custody staffing or as part of the job action, they are so contending that they are unable to carry out the rounding requirement while maintaining basic regular programs in the SHU. We are reliably informed that yard time, canteen, mail, and shower opportunities have been severely curtailed since the implementation of Guard One, and that prisoners are being told this is due to the lack of staff available for any activities other than the completion of welfare checks. We are also informed that access to basic hygiene supplies (shavers) and to clean laundry has been interrupted due to the alleged shortages in staffing resulting from Guard One implementation. We ask that you urgently review the impact that the Guard One implementation has had on the regular PBSP program and that any necessary staffing adjustments be made immediately. Correctional officers have made clear that they are forced to restrict these other activities on the Unit as a result of Coleman requiring them to do Guard One rounds. Other forms of retaliation have been a new policy to restrict ventilation on the unit by closing the door to the yard.

Finally, we ask that the apparent campaign of misinformation on the part of PBSP's custody staff immediately end. We have received multiple and consistent reports that custody staff is telling prisoners that Coleman counsel are specifically responsible for the implementation of the Guard One system in the PBSP SHU and for the harms that prisoners in the SHU are experiencing as a result of the misuse of the system, and that their complaints about the system can only be addressed by us and not through the normal grievance process. Encouraging prisoners to write to us rather than to use CDCR's grievance process reduces command staff's and headquarters' access to information about conditions in the SHU and hinders your ability to monitor and correct these serious concerns. We will, of course, respond to inmate correspondence, but we continue to encourage prisoners to use 602's and medical grievances to complain about the deprivations they are suffering in the SHU.

As you are well aware, Guard One was CDCR's chosen method to implement a long-standing requirement of regular welfare checks in CDCR's segregation system. We certainly did not ask for, and we most strongly object to, the retaliatory and dangerous manner in which PBSP staff have chosen to implement this valuable tool in the SHU.

Thank you for your immediate attention to what appears to be an increasingly dangerous situation. Conditions in the SHU, even when it operates routinely, are very difficult for human beings to tolerate. Whether or not the conditions cause permanent harm will be decided by the *Ashker* court. CDCR has now substantially worsened conditions in the SHU by its mismanagement of the implementation of Guard One. •

*Michael Bien, Attorney*

### WELLNESS CHECK COMPLAINTS

We continue receive complaints about the 30 minute "wellness check" device that CDCR has installed and is using in SHUs and other solitary cells. In addition to filing 602 complaints, prisoners can write to the prisoners' attorneys in the Coleman mental health case. Letters need not be long but should be factual -- details about if and how the device is disturbing to the prisoners, such as effect on sleep, concentration, mood, etc. It is important that these attorneys hear from prisoners about how the device is impacting them.

The attorneys are:

**Prison Law Office  
1917 5th Street  
Berkeley, CA 94710**

**Rosen, Bien, Galvan & Grunfeld  
315 Montgomery Street  
San Francisco, CA 94104**

## “MANDELA RULES” PASSED

standards on the treatment of prisoners enhanced for the 21st century

Vienna Crime Commission revises the 1955 standard minimum rules for treatment of prisoners, ensuring they remain the universally acknowledged benchmark for prison administrations worldwide

Vienna, 22 May 2015 - Following agreement on UN rules for the treatment of prisoners, the head of UNODC, Yury Fedotov, praised Member States' efforts and said the resolution heralded a new era for the improvement of prisoners' treatment everywhere.

“I offer my warmest congratulations to Member States for their constructive spirit and commitment in passing the resolution on the UN standard minimum rules. Thanks to your work, the world now has an updated blueprint offering practical guidance on how prisons should be managed safely, securely and humanely,” the UNODC's Executive Director said.

Countries are encouraged to reflect the “Mandela Rules” in their national legislation so that prison administrators can apply them in their daily work.

At their core, the rules stress the overriding principle that all prisoners shall be treated with respect due to their inherent dignity and value as human beings. “Most importantly”, Mr. Fedotov went on, “the rules stress that prisoners will be protected from torture and other cruel or inhuman or degrading treatment or punishment. This means the rules probably represent one of the most significant human rights advances in recent years.”

The revision focussed on nine thematic areas, including health care in prisons, investigations of deaths in custody, disciplinary measures including strict limitations on the use of solitary confinement, professionalization of prison staff and independent inspections, among other topics.

Mr. Fedotov was speaking on the margins of the 24th Session of the Commission on Crime Prevention and Criminal Justice, which is held in Vienna every year. His comments came as the Crime Commission drew to a close, and endorsed the revision of the rules for subsequent adoption by the General Assembly.

The UN Standard Minimum Rules on the Treatment of Prisoners are to be named the “Mandela Rules” to honour the legacy of the late President of South Africa. These rules are an essential update of the original rules adopted at the very first Congress on Crime Prevention and Criminal Justice in Geneva in 1955. •

## PLAINTIFFS' ON THE SETTLEMENT IN ASHKER V. BROWN

Dated Aug. 31, 2015

This settlement represents a monumental victory for prisoners and an important step toward our goal of ending solitary confinement in California, and across the country. California's agreement to abandon indeterminate SHU confinement based on gang affiliation demonstrates the power of unity and collective action. This victory was achieved by the efforts of people in prison, their families and loved ones, lawyers, and outside supporters.

Our movement rests on a foundation of unity: our Agreement to End Hostilities. It is our hope that this ground-breaking agreement to end the violence between the various ethnic groups in California prisons will inspire not only state prisoners, but also jail detainees, county prisoners and our communities on the street, to oppose ethnic and racial violence. From this foundation, the prisoners' human rights movement is awakening the conscience of the nation to recognize that we are fellow human beings. As the recent statements of President Obama and of Justice Kennedy illustrate, the nation is turning against solitary confinement. We celebrate this victory while, at the same time, we recognize that achieving our goal of fundamentally transforming the criminal justice system and stopping the practice of warehousing people in prison will be a protracted struggle. We are fully committed to that effort, and invite you to join us. •

Todd Ashker  
Sitawa Nantambu Jamaa  
Luis Esquivel  
George Franco  
Richard Johnson  
Paul Redd  
Gabriel Reyes  
George Ruiz  
Danny Troxell

**Prison Focus. Working to Extend Democracy to All.**

## GOOD MEN, NOT WORST OF THE WORST

By Johnny Aguilar

We are coming up on three years since the End of All Hostilities with all races has been implemented. I am feeling mighty proud for this historic mark in history that has no doubt seized the moment and put an end to more than 20-30 years of hostilities between different groups.

I had the honor to be amongst the prestigious class of good men of all walks of life during the historic hunger strike in 2013. In August of 2013, after being released from the ASU (hole), I arrived at Pelican Bay B-yard and collectively we all submitted 602s (administrative appeals, or complaints) on behalf of people of each race wrongly being given 115s (notices of serious rules violation, write-ups) by Pelican Bay staff when they were handing them out like sweepstakes tickets.

I was placed on an add list to Calipatria State Prison. I arrived at Calipatria on Oct. 28, 2013, only for the prison to go on lockdown in December 2013 and again in February 2014. Then when he came off lockdown, a collective of good people came together and started to really push the Agreement to End Hostilities at Calipatria.

Setting aside the few hick-ups, all in all we started to see the positive results and the major positive effects that were evolving. We also started to see that despite CDC's tactics, their ASUs (Administrative Segregation Units) were no longer being flooded. For 11 months we diligently kept the peace and honored the collective agreement that was set in stone for the betterment of all people, all classes, all groups and all parties.

Now I've been sent to a 180 design maximum prison here at High Desert State Prison's D upper yard in general population. High Desert opened up the upper yard, which was previously Ad-Seg overflow. Currently Blocks 5, 6 and 7 are mainline and we're awaiting Block 8 to be opened for a mainline program. So the general population yards can be filled with plenty of those still in the SHUs in Pelican Bay, Tehachapi and Corcoran.

For a few weeks now, I've been seeing people from all walks of life and groups observing the Agreement to End Hostilities. Walking together, going to school together, working together, going to visiting together, carrying on conversations, respecting one another. It is really good to see such peace and such positive actions.

These are human beings, human lives, yet CDC chooses to ignore the psychological trauma involved. They continue to house them in suffering, inhumane, deplorable conditions.

We will continue to stand up for human lives because these brave men in the class action lawsuit, locked away in all the SHUs and ASUs across the state, every man and woman in solitary confinement – all of us are created equal. We will continue resisting the bad policies and guard terrorism that are only meant to hurt us. This is real lives we are talking about, human retaliation issues, human rights, as well as racial profiling issues under false pretense with their STG (Security Threat Group) policy that is only widening the net for more abusive gang validations (being labeled a gang member or associate – a ticket to solitary confinement).

We will stand up and defend ideas of positive social reform that will be beneficial to us all as a whole class. The irony here is good men are creating better environments for us. Stop labeling these good men “worst of the worst”!

What CDC could not do in 20-30 years, these brave men in the Short Corridor prison collectives accomplished in just a short period of three years. Yet CDC continues to label them “worst of the worst.” That's complete bullshit!

The Agreement to End Hostilities means no more group conflict. That and many more ideas and policies CDC needs to try and learn from the Short Corridor Collectives at Pelican Bay, Tehachapi and Corcoran SHUs. This is a movement I will continue to be in 'til death. *In solidarity, in respect*

## PARADIGM SHIFT

By Wilbert Jefferson

Let's paint the picture of tragedy, my social decline impulsive thoughts go unchallenged, truly, it's all in my mind

The perception that's given, are airbrushed in the wind so with these lyrics it's quoted, noted, and unspoken soon

My upbringing was Calais, malice, I lacked self-respect overly defensive and bitter, the ripple of this affect

Forever scared by decisions made, in the prime of my youth arrested for murder, at 16, my confinement is proof

I disenfranchised the future, do you railed desires and dreams my household was broken, dysfunctional as a teen

I'm steady fighting a battle, pride will soon pay the cost my beliefs that are routed, triggered, that now set me off

I occupied this space, place, to protest that latter do police fear black people, I wonder, all lives matter

With a swing goes the splatter, better, a river of tears the stereotype that's projected, can now account for my peers

Now for the sake of reality, I must change or get drugged I say a prayer to the father, please God, awaken my thugs •

## PRISONERS LED FIGHT AGAINST SOLITARY CONFINEMENT

By Latif Asad Abdullah, San Jose Mercury News,

I have been out of prison for 10 years, but my eight years in solitary confinement in the Pelican Bay Special Housing Unit still haunts me. It affected the very core of my being. The sensory deprivation was extreme; there was no stimulation for my senses of sight, sound, smell, taste, and touch. Mankind is stimulated by nature — the flight of a bird, the smell of a rose — but Pelican Bay SHU is nothing but concrete. There was nothing to motivate my creativity.

Instead, I had a redundant daily existence — no grass, birds, barking of dogs, soothing sounds of the ocean. It was the opposite. And when I got out, I had nothing. I didn't know what to do to grow, to be active, to be creative, to aspire to be something. What is so disturbing to me is that this environment, which deprives human beings of all sensory input, is created by design.

To survive, I had to see myself as a combatant in a war that was attempting to destroy me. My techniques were exercise, study, and talking to myself. People who did not take this approach would scream, shout, and have mental breakdowns. I had to fight every day not to succumb to this fate.

At the very inception of the Pelican Bay SHU, prisoners challenged as inhumane the process used to house us in sensory deprivation units. I was put in the SHU when the prison decided I was associated with a prison gang, not for any behavior on my part. I tried to challenge this as a violation of due process, but like many others, with no legal team or movement behind me, I faced a process that seemed to be set in stone.

Even so, prisoners continued to believe we could prevail. We saw marginal gains with the Castillo case, which led to my release from SHU to General Population in 2000.

The wider-ranging gains made by the latest victorious settlement of Ashker v. Brown, the class action lawsuit against solitary confinement in California, are a direct result of the ongoing effort of prisoners to bring about real change. Those efforts inspired a human rights movement to say that these conditions are cruel and unusual, and a legal team led by the Center for Constitutional Rights, together with Legal Services for Prisoners with Children and others to get on board.

While some might play down the settlement in Ashker as not enough, I believe that it is enough for today. Not sending someone to SHU because of alleged gang membership is huge. Creating a new alternative housing unit for some prisoners is also important. The changes are a step towards a bigger objective—ending solitary confinement entirely.

Challenges to cruel and unusual punishment will continue, and Pelican Bay SHU will continue to be a focal point. I hope that more people will get involved.

We need to apply more pressure on the prison system until it surrenders the arrogant disposition that allows it to maintain these inhumane conditions. •

Latif Asad Abdullah of Oakland is a 58-year-old drug and alcohol rehab counsellor and a college student. He was released from prison 10 years ago with no arrests in that time.

### Message from Dolores Canales of California Families Against Solitary Confinement (CFASC)

On July 1<sup>st</sup>, 2011, the men in the short corridor of Pelican Bay State Prison initiated a hunger strike, in unity as a peaceful protest that ended up being the first of 3 hunger strikes. They asked that this be recognized and acknowledged as a unique historical event and indeed, from the hunger strikes to the court settlement, this is truly history in the making. All of this has stirred the consciousness and the hearts of the people to create a movement that has drawn national attention! I am so thankful for all the family members, advocates, supporters and for the tenacity of the prisoners. With the recent passing of the Mandela Rules [see page 4], California Families Against Solitary Confinement is hoping this is just the beginning of much overdue change to the way we treat our imprisoned human beings. This settlement reaches beyond the confines of Pelican Bay, showing the strong solidarity amongst the men, as they would not settle unless all SHU's would be included. While we might not be where we want, I would say this is one heck of a great start as family members are holding their loved ones for the first time in decades!!! For now we are taking a deep breath and savoring the Victory!

Information about CFASC can be found at: <http://www.abolishsolitary.com>. If you have family members, friends or advocates that want to get involved, they can contact CFASC by email ([dol1canales@gmail.com](mailto:dol1canales@gmail.com)) or snail mail, at:

CFASC  
c/o FACTS Education Fund  
Inglewood, CA 90302

# THE LOSS OF A COMRADE

## HUGO IS DEAD

### Cops Celebrate The News With High Fives

Regular readers may remember the articles I've written about the murder of Fey Stender, a Bay Area attorney and prisoner rights activist, who was killed by an ex-con who figured she was not doing enough for the prisoners' movement.

That act killed, no murdered, the national prisoner support community on the outside. I was a prisoner rights activist in Washington State Penitentiary at the time, and our outside support evaporated after the Stender killing. Some members of Seattle's political community wrote anti-prisoner diatribes which in effect, and actually did say, "Supporting prisoners equals death."

I don't know how the murder of Hugo Pinell happened, but in political and moral terms it's along the same vein as the Stender thing—we are stupidly killing our best.

Who were the killers? Way up here in Seattle I don't know their names, race, or anything else about them. Were they lowly cowards, sneaking up behind Hugo and stabbing him in the back, as I suspect? Or did they give him a shank and do the dance of death with him one-on-one, like a man, like someone with integrity and honor?

Please feel free to correct me if I'm wrong. And while you are telling me how it happened, any information on why would be appreciated as well. Please do this in a way that avoids the eyes of the state, and no names. I would simply like to know what Hugo's "crime" was that got him killed. It is hard to get my head around a prisoner killing Hugo for the pigs. But I see no other viable explanation. Feel free to set me straight.

As prisoners you should be opposed to the state murdering us—opposed to the death penalty. Yet you do it to each other? That you don't "get this" is a measure of your alienation, confusion, and absence of any meaningful level of class consciousness.

You in there are for the most part what we commies call the "lumpenproletariat" or lumpen, also known as the dregs of society. Yet you don't need to be there. All you must do is a little study and some internal discipline and you too can become a member of the international working class. It is quite simply a matter of elevating your class consciousness—a rudimentary sense of which you already possess.

Maybe you are one of those prisoners who are quite satisfied with their current level of class consciousness—which in most cases equals zero. You rob, rape, and kill your fellow prisoners in the name of who, Hitler? Zapata? Malcolm X?

It was the will of the pigs that Hugo be murdered on his second day into the general population after decades in the SHU. Hugo was convicted of killing a prison guard and slammed down. Those who killed him were either working for the CCOPA or CDCR, or were so stupid as to be unable to see how this act served the interests of the state. Indeed, news reports say the pigs were cheering and celebrating at the news of Hugo's death—high fives all the way around!

Let me take one more wild guess. I'll bet Hugo's killers never did anything for the prisoners' struggle while they were on the streets. Am I right?

Was a gang responsible for this green light? If so, that gang is a bunch of collaborators who do the will of the pigs, they act as a brake on prisoners' struggle for progress. Now let's see how the pigs "thank you for your service" to their cause.

It pains me to the deepest levels of my being to say this, and I know I'm not a tough guy or anyone who calls any shots. That said, please. No retaliation. No violence. Honor the Agreement to End All Hostilities.

Prisoners cannot allow the pigs to trick them into backsliding into the old ways of being. Let the cronies of the inmates who killed Hugo be shunned, not killed. To kill the killers is to put yet another knife in the back of what has been accomplished so far, and the forward progress yet to be made. Peace out! •

*Ed Mead*

**"I don't ever regret speaking out and standing up for our people in here. I regret not being able to give more."**

*Hugo L.A. Pinell (Yogi Bear)*

## HUGO PINELL, MY COMRADE

"If ever I should break my stride  
Or falter at my comrade's side  
this oath shall kill me..."

*—from Ulysses' Oath*

Last night (8/29/2015) a comrade called me on the phone and he was drunk out of his skull. Larry, an anarchist former political prisoner I did time with in the federal system, was lamenting the decades of confinement his comrade Bill Dunne was still doing time for the 1976 conviction he was imprisoned for.

He wanted to know why Bill wasn't out (our histories by the way were similar - - gunfights with the police). I told him police agencies would prefer our deaths but life without is an acceptable alternative for them. I told him, Bill is a scapegoat, a cover boy if not their centerfold for their 'Police Killer' magazine.

Hugo Pinell was one of many scapegoats the pigs want dead or doing life without. Hugo of the San Quentin Six was an inspiration for me. When my comrade Clemmon Blanchey and I formed the first prison chapter of the Black Panther Party for Self Defense it was George Jackson and the San Quentin Six who gave us that political direction unique to the prison movement. In prison and after my release, I have never broken that stride. And it is the ROCK that draws me back like a moth to the flame when I see the current efforts of the California prisoners. Hugo in his resilience withstanding the decades of isolation in the hole was a symbol for all prisoners. His words of encouragement to struggle are not forgotten.

As for those two ass-holes to did the dirty deed, they represent the malice of counter-revolutionaries and lackeys of the pigs? In you name Hugo, I will continue my resilience until death!

If ever I should break my stride  
Or falter at my comrade's side  
This oath shall kill me.

If ever my word should prove untrue  
should I betray the many or the few  
This oath shall kill me.

If ever I withhold my hand  
Or show fear before the hangman  
This oath shall surely kill me. •

*Mark Cook*

## FROM A STATEMENT SENT BY HUGO TO THE CALIFORNIA COALITION FOR WOMEN PRISONERS IN 2013:

"In 1967 when I joined the liberation movement in San Quentin, one of the goals was to build a new man, the way Brother Malcolm X showed we could. We don't know how long it will take to create that new, beautiful world. It might take generations. But if we continually work at it and try to create the new man in ourselves, we can achieve a personal freedom. I go through different changes to stay human for I will never get used to isolation and deprivation."

## DEATH AND LIFE OF HUGO PINELL

It was with true sadness that, on August 13th, I received the news that legendary California prison activist Hugo Pinell, was killed in a California prison. This is Jaan Laaman, your political prisoner voice and let me share a few thoughts about the life and death of this extraordinary man.

I never personally knew Hugo Pinell. The simple reason for that is because Hugo Pinell was locked up in California state prisons for 50 years! That is insane. It is hard to wrap your mind around the reality of someone being held captive for 50 years. Even more insane, for most of those years he was held in isolation-segregation cells.

Hugo was just released from segregation and it is being reported that he was killed by two white prisoners. There was a serious uprising or riot that also took place at this time.

Hugo Pinell spent decades teaching, advocating and

struggling for Human Rights, justice and dignity for prisoners. He taught and fought for racial and revolutionary unity among all prisoners. Locked up in 1965, like many other prisoners at that time, Hugo became politicized inside the California prison system. In addition to exploring his Nicaraguan heritage, Hugo was influenced by activists like Malcolm X, Martin Luther King, as well as his comrades inside, including George Jackson. His leadership in combating the racism and brutality of prison officials made him a prime target for retribution and Hugo soon found himself in the notorious San Quentin Adjustment Center.

While in San Quentin, Hugo and five other politically conscious prisoners were charged with participating in the August 21, 1971 rebellion, which resulted in the assassination of George Jackson by prison guards on that day. Hugo Pinell, Willie Tate, Johnny Spain, David Johnson, Fleeta Drumgo and Luis Talamantez became known as the San Quentin Six. They had a very public 16 month trial. The San Quentin Six became a global symbol of unyielding resistance against the prison system and its violent, racist design. Hugo spent decades in segregation, but continued to work for racial unity and human rights for prisoners.

Personally, I am of course upset that a brother like Hugo was killed, by what I have to assume were some reactionary fascist minded prisoners. But truly what I mainly feel is sadness, profound sadness at this news.

Hugo Pinell is gone. His bid, his sentence is now ended. After 50 years of captivity, that is not a bad thing. Even as an elderly person, in his 70's, Hugo Pinell died in the struggle. The hands that struck him down, it is reported, were prisoners, but the actual force that killed him was the capitalist police state prison system that holds 2.2 million men, women and children in captivity.

Hugo Pinell, we will remember you brother and your strong lifelong example of resistance. We will continue this resistance and this struggle for Freedom. •

*This is Jaan Laaman*

## A MEMORIAL TO HUGO PINELL, AKA YOGI BEAR

### My Dad, My Buddy, My Hero

*By Allegra Taylor*

Whenever I am asked to write or talk about my Dad, a flood of emotions run through my mind, my heart, and my spirit. My Dad (Hugo L.A. Pinell) was everything I needed and wanted in a Dad. You see my Dad led me to believe that I got the very best of him. He made me feel extra special, he had nick names for me and I loved it when he called me by his special names.

In his absence I have come to find that he gave everybody with whom he had a relationship the best of him. My Dad was a very compassionate man, and I love him with all of my heart. He loved me the same. You see Daddy was a one of a kind, there will never be another man like Hugo L.A. Pinell.

There has been a lot said about my Dad and some of the things have been painful to hear and read, however it has been a true blessing to hear from the many people with whom my Dad had a relationship.

He touched the lives of so many people in prison as well as out of prison. To hear the stories from those who knew him has since been a validation. It is not that I doubted who he was to me. No not at all, you see he didn't paint pretty pictures of himself, he just kept it real with me.

My Dad was my friend, my buddy, my confidant, the one I trusted with my heart. He is my hero! He used to say to me that he loved me with every beat of his heart. My Dad had a unique way of making you **feel** what he was saying on paper. He had a way of encouraging you and lifting your spirits if you were feeling down in the dumps.

It was a month this past Saturday since he left us and I am still trying to process the reality that my Dad is no longer here. It hurts to know there will be no more letters, singing, jokes, no more visits. My Dad, my buddy, my hero I will miss you and love you forever. My heart is filled with memories of love and laughter, appreciation and acceptance, he was excellent at guiding me and giving me advice about life. Now we are left to pick up the pieces of our lives and live without his influence and love. I don't think any of us will ever get used to that.

I will do my best to keep my promises to him, which were based on things he felt were important to him for me, the family, and for his legacy. I will never stop loving my Dad, I will never stop sharing his life story. He was an amazing soul filled with love and acceptance of all. I want to make sure that people hear the other side of the story about the Great man I loved and called Daddy. I am grateful that my Dad had a wonderful mother and step father who showed him love, and commitment. They stayed by his side sup-

porting him through the years and for that I will always love and honor them as well as the memory of my Dad.

I shared the saying above, because I used to do that with my Dad. I would send him sayings or words of encouragement and love.

*encouragement and love*

## FROM A COMRADE

Hugo...although we never met in the flesh, for over four decades i've known who YOU are :The fearless and tireless Warrior...one who dedicated and gave his ALL in the struggle for a better life for our People--a better world. i've always envisioned you as an unmovable Mountain.

Sooo, the State, in its impotent arrogance, \*gave\* you two life sentences...and an ignorant and depraved assassin \*took\* your life. But, what neither wicked and doomed force can never ever understand is that YOU were the Captain of your own ship...YOU had already given YOUR LIFE to the People.

Rest in Peace, my Comrade, knowing that the trick is on them. YOU can never die...for in death you have gained true immortality. YOU will always be remembered wherever people gather who love and fight for Freedom.

Hugh Pinell, Hugo Pinell, Hugo Pinell, Hugo Pinell...i will always remember to whisper your name upon the WIND.

YOU fought the good fight ! We thank YOU! •

*Comrade*

## THE TRAGIC LOSS OF A TRUE SERVANT

*By Taharka Omowale*

When I received the sad and shocking news about our loss of Bro Hugo Pinell KAK "Yogi Bear & Dahariki at one time"; I must say it felt like a big blow to my gut.

In losing our Bro Hugo Pinell, I lost not only a Brother, but a Comrade, Hero, Motivator, and Educator. Bro Yogi was the name that Hugo called himself most, so I'll more often use that name throughout this essay.

Bro Yogi along with another veteran warrior in the Black Liberation Struggle: Bro Ruchell Cinque Magee, are perhaps (2) of the longest held political prisoners in the U.S.

Bro Yogi had been locked down inside the dungeons for (50 plus years) with (46) of those years being in the hole (another name used for the SHU).

Under International Law this is ruled "Torture". Despite the decades of torture, and being denied parole numerous times; Bro Yogi still kept it moving forward with his spirit intact. Even up to his death Bro Yogi hadn't had a disciplinary write up for 35 years. Yet he kept being denied, and he was kept in the hole.

Christmas, Willie "Sundiata" Tate, George Jackson, etc. held Bro Malcolm X up as their "Patron Saint". Yogi followed such discipline as Malcolm to help build the New Man.

Throughout the last 11 years I have been corresponding with Bro Yogi, have given me a reliable history lesson on the revolutionary struggle for prison rights, and his political development.

He spoke of the change in the lives of brothers like W.L. Nolan and William Christmas both played a major role in the development of his and other brothers becoming aware of consciousness.

Bro Yogi never sent a letter to me where he didn't acknowledge those who came before him in the struggle; like Malcolm X, W.L. Nolan, George Jackson, William Christmas, and Khatari Gouden.

Whenever I would discuss George Jackson or Black August in a letter my letters were confiscated. The prison officials at PB would affiliate them with a terrorist gang affiliate.

When people of Afrikan decent organize to better their deplorable conditions, then they're labeled as gang members, etc.

Bro Yogi was a staunch revolutionary, simple and plain. He was also known to be a brother who not only preached the true principles of communalism, but Bro Yogi practiced it which is a rarity these days.

Bro Yogi loved and appreciated the soulful sounds of legendary R&B artists especially Bro Sam Cook's powerful song "A Change was Gonna Come". That song was one of Bro Yogi's favorites. Bro Yogi would always reassure me that A change was gonna come, although it may not happen in our life time.

Bro Yogi stated that it's very crucial to transform into a New Wholesome and Beautiful Man or Woman in order to create a more harmonious and balanced world.

Bro Yogi had stressed this all the way to the end of his life. This bold and principled revolutionary will be sorely

missed; however Bro Yogi would want for us to push ahead in the struggle.

If we do this we will be paying our Beautiful Brother a great honor. Farewell Big Brother and know that your spirit and legacy will be ever with us all who truly value you the revolutionary.

As for Pelican Bay which is called Skeleton Bay because of the uninhabitable conditions inmates were forced to live in, and the other SHU's we need to join forces and SHUT THEM DOWN!

*Kwaheri!*

## WE ARE SADDENED BY THE NEWS OF HUGO PINELL'S DEATH.

**Hugo Pinell always expressed a strong spirit of resistance. He worked tirelessly as an educator and activist to build racial solidarity inside of California's prison system.**

Incarcerated in 1965, like so many others, Hugo became politicized inside the California prison system.

In addition to exploring his Nicaraguan heritage, Hugo was influenced by civil rights activists and thinkers such as Malcolm X, Martin Luther King as well as his comrades inside including George Jackson. His leadership in combating the virulent racism of the prison guards and officials made him a prime target for retribution and Hugo soon found himself confined in the San Quentin Adjustment Center.

While at San Quentin, Hugo and five other politically conscious prisoners were charged with participating in an August 21, 1971 rebellion and alleged escape attempt, which resulted in the assassination of George Jackson by prison guards. Hugo Pinell, Willie Tate, Johnny Larry Spain, David Johnson, Fleeta Drumgo and Luis Talamantez became known as the San Quentin Six. Their subsequent 16-month trial was the longest in the state's history at the time. The San Quentin Six became a global symbol of unyielding resistance against the prison system and its violent, racist design.

As the California Prisons began to lock people up in long-term isolation and control unit facilities, Hugo was placed inside of the SHU (Secure Housing Unit) in prisons including Tehachapi, Corcoran and Pelican Bay. There, despite being locked in a cell for 23 hours a day, he continued to work for racial unity and an end to the torturous conditions and racially and politically motivated placement of people into the SHU. This work included his participation in the California Prison Hunger Strikes as well as supporting the Agreement to End Racial Hostilities in 2011.

At the time of his death, Hugo had been locked behind bars for 50 years yet his spirit was unbroken.

We would like to share this brief poem by Luis 'Bato' Talamantez:

Hasta Siempre Hugo  
Solidarity forever  
And we are saddened  
Solidarity left  
You when (it) should have  
Counted for something and  
What your long imprisoned  
Life stood for  
Now all your struggles  
To be free have failed  
And only death a  
Inglorious and violent  
Death has  
Claimed you  
At the hands of the  
Cruel prison system  
La Luta Continua

*-Bato and the San Quentin 3*

and a short poem written by Hugo Pinell from a publication issued in 1995.

No  
Matter  
How long it takes,  
Real Changes will come,  
And the greatest personal reward  
Lies in our involvement and contributions,  
Even if it may appear that nothing significant  
Or of impact really happened  
During our times,  
But it did,  
Because  
Every sincere effort  
Is as special as every human life •

*-Hugo Pinell (1995)*

## STATEMENT BY THE SAN QUENTIN SIX

Hugo Pinell was assassinated at new Folsom State Prison, August 12, 2015. This is another example of the racism people of color inside those prisons are confronted with on a daily basis. Like Comrade George, Hugo has been in the cross hairs of the system for years. His assassination exemplifies how racists working in conjunction with prison authorities commit murderous acts like this. We saw it on the yard at Soledad in 1970 and we see it again on the yard at Folsom in 2015.

Hugo's life was a living hell. We witness the brutality inflicted on him by prison guards as they made every effort to break him. He endured more than fifty years of sensory deprivation; for decades, he was denied being able to touch his family or another human being, as well as attempts on his life. This is cruel and unusual punishment! Hugo is not the monster that is being portrayed in social media / news media. The CDC is the real monster.

During the SQ Six trial we really got to know Hugo. He was as we all were under a lot of stress. His stress was heavier than mine because he had the additional load of being beaten on regular occasions. We saw the strength of his spirit, and through it all he managed to smile.

We mourn the loss of our comrade brother, Yogi. We have been hit with a crushing blow that will take some time to recover from. We must expose those who under the cover of law orchestrated and allowed this murderous act to take place. The prisoners who did it acted as agents of the state. It comes at a time when prisoners are collectively trying to end decades of internal strife. Those who took his life have done a disservice to our movement, their actions served the cause of the same oppressor we fought against!

No longer do you have to endure the hatred of people who didn't even know you and never dared to love you. You have represented George & Che well, and we salute you!

*SQ SIX*

*David General Giap Johnson*

*Luis Bato Talamantez*

*Willie Sundiata*

## MORE YOGI QUOTES

*By Charlie Hinton*

It's been a long journey, one that will last for a lifetime and, altho it's been really hard and trying, I've kept growing and growing. No matter how hard the times and experiences, I always remember that it is 10 or 20 times harder for billions out there. Heck, it's much harder for the poor, the workers and the average person (citizen or not) in this country. It doesn't minimize my situation or make it easier for me, but it keeps me grounded to not be complaining, bothering, or burdening anyone for much of anything. Living within my self reliant principles and constantly building the New Man has allowed me to stay humble, considerate, and I've found a personal freedom which cannot be deterred or taken away. I hope you can understand me, but we can always keep conversating, exchanging and being good company, providing you want to stay around.

I know what you mean about what it would take for so many people to change for the purpose of building a great beautiful world, but we have to encourage people to do so. That, no matter what else they are doing, they must be working internally, growing and evolving. You know as well as I do that beautiful people will make the beautiful world society we all want to live in. It will take time, generations, but we have to be transforming from within ourselves or else these terrible imbalances will continue to prevail in which a few million have the most while billions suffer and die without a chance to live.

Of course, you might not be able to get others to really self change, but you can keep on growing, right along with me, and you can be creating your own personal freedom and peaceful place. Dying is too easy. We are all gonna die, sooner or later, one way or another, so it's all about living and how well we live the living ways we've chosen, control and are accountable for. •



# PROPOSED SETTLEMENT AGREEMENT

## EXHIBIT 1 TO THE DECLARATION OF JULES LOBEL IN SUPPORT OF JOINT MOTION

### III. TERMS AND CONDITIONS

#### A. NEW CRITERIA FOR PLACEMENT IN SHU, ADMINISTRATIVE SEGREGATION, OR THE STEP DOWN PROGRAM.

13. CDCR shall not place inmates into a SHU, Administrative Segregation, or Step Down Program solely on the basis of their validation status.

14. CDCR shall amend the SHU Assessment Chart located in Title 15 of the California Code of Regulations, section 3341.5, subsection (c)(9). The SHU Assessment Chart shall be amended as set forth in Attachment B.

15. Under the revised Step Down Program policy, STG-I inmates, as defined in Title 15 of the California Code of Regulations, section 3000, will be transferred into the Step Down Program if they have been found guilty in a disciplinary hearing of committing, with a proven nexus to an STG, a SHU-eligible offense, as listed in the SHU Assessment Chart.

16. STG-II inmates, as defined in Title 15 of the California Code of Regulations, section 3000, will be transferred into the Step Down Program if they have been found guilty in a disciplinary hearing of committing, with a proven nexus to a STG, two SHU-eligible offenses within a four year period, as listed in the SHU Assessment Chart.

17. Any STG-I or STG-II inmate shall be transferred into the Step Down Program as described in Paragraphs 15 and 16, upon the completion of the determinate, disciplinary SHU term imposed by the Institution Classification Committee for that offense. All time spent in the SHU following completion of the determinate SHU term prior to actual transfer into the Step Down Program shall be credited as part of the inmate's Step Down Program time. The Institution Classification Committee shall continue to have the authority to impose, commute, or suspend any part of the determinate SHU term, as provided in regulations.

#### B. MODIFICATIONS TO THE STEP DOWN PROGRAM.

18. CDCR shall modify its Step Down Program so that it is based on the individual accountability of each inmate for proven STG behavior, and not solely on the inmate's validation status or level of STG affiliation.

19. The revised Step Down Program shall be 24 months in duration and consist of 4 program steps that take place within a SHU. Except as provided in Paragraphs 22 and 23, each step will be 6 months in duration. Step 5 of the existing Step Down Program shall be eliminated. Upon successful completion of the Step Down Program, the inmate shall be transferred to a General Population prison commensurate with his specific case factors and in accordance with existing regulations.

20. Each Step within the Step Down Program shall provide incremental increases in privileges and freedom of movement commensurate with program placement as set forth in Attachment A.

21. The Step Down Program incorporates rehabilitative programming consisting of both required and elective components. Within 90 days of the Court's preliminary approval of this Agreement, CDCR will afford Plaintiffs' counsel and four inmate representatives identified by Plaintiffs an opportunity to meet with CDCR officials to discuss the nature, content and substance of the mandatory and elective programming. It is CDCR's intent to provide programming with clear requirements and outcomes to provide an alternative path away from STG behavior and promote critical life skills. CDCR shall convene a panel of experts, of CDCR's choosing, to evaluate the Step Down Program curriculum and to make recommendations in keeping with this intent. CDCR will provide Plaintiffs' counsel with a copy of the panel of experts' recommendations. Plaintiffs' counsel and the four inmate representatives will have the opportunity to meet with Defendants regarding recommended components; however, CDCR retains its discretion to implement the mandatory programming of its choosing for this population.

22. Participation in the Step Down Program is mandatory for any inmate placed into the program. An inmate's refusal to participate in or complete the required programming in the Step Down Program shall not result in regression or retention in the program, but shall be addressed as follows: At the 180-day review performed by the Institution Classification Committee at the end of Step 3, if the Committee determines that the inmate refused to participate in or has not completed all components of the Step Down Program, the Committee shall retain the non-participating inmate in Step 3 for an additional 6 months. If, at the end of that additional 6-month period, the inmate continues to refuse or does not complete all Step Down Program components, the Institution Classification Committee shall remove the inmate from the program and transfer him to a Restricted Custody General Population

(RCGP) facility. That inmate shall be assigned to the Step 3 privilege group, however the Institution Classification Committee may later reassign the inmate to the Step 4 privilege group based on his progression through the commensurate Step Down Program components remaining to be completed. If the inmate elects to complete the Step Down Program requirements, he shall do so within the RCGP and shall not be returned to the SHU to complete the program, unless he is found guilty in a disciplinary hearing of a new SHU-eligible offense. If the inmate completes the Step Down Program components and, while in the RCGP, is not found guilty of either one serious STG-related or two administrative STG-related rules violations as listed in the STG Disciplinary Matrix, during the 180-day review period, he will then be released to the General Population. (See Attachment C.) The Institution Classification Committee shall conduct reviews no less than every 180-days to determine whether the inmate has completed the Step Down Program and is eligible for release to the General Population. Non-participation or lack of completion that is due to the unavailability or inaccessibility of programming components necessary for Step Down Program compliance shall not impede an inmate's progress to the next step and shall not be considered as a factor in an inmate's regression or retention in any step. CDCR shall provide an opportunity for each inmate to complete Step Down Program programming for each step within 6 months. All time spent awaiting transfer to another step shall be credited to the completion of the next step.

23. The Step Down Program is intended to be a rehabilitative, gang behavior diversion program for STG affiliated inmates. As such, inmates within the program are expected to remain disciplinary-free. Misconduct shall be addressed in accordance with existing disciplinary rules and regulations. The commission of repeated STG violations while in the Step Down Program shall not result in regression or retention in the program, but shall be addressed as follows: If an inmate has committed either 3 serious STG rules violations or 5 administrative STG rules violations as listed in the STG Disciplinary Matrix while in the Step Down Program, he shall be transferred to the RCGP facility. The Institution Classification Committee shall review the inmate's disciplinary history and make this determination during the 180-day reviews performed at the end of Steps 3 and 4. If, during the Step 3 review, the inmate is guilty of committing 3 serious STG rules violations or 5 administrative STG rules violations while in the Step Down Program, the Committee shall retain the inmate in Step 3 for an additional 6 months. At the end of that additional 6-month period, the Committee shall remove the inmate from the program and transfer him to the RCGP. An inmate transferred to the RCGP pursuant to this Paragraph shall be assigned to the Step 3 privilege group. The inmate can appeal the decision to transfer him to the RCGP to the Departmental Review Board, which would review the inmate's disciplinary history and determine whether removal from the program and transfer to the RCGP is appropriate; a hearing before the Board is not required for a determination of such an appeal. Consistent with Paragraph 22, if the inmate completes the Step Down Program components and, while housed in the RCGP, is not found guilty of either one serious STG-related or two administrative STG-related rules violations as listed in the STG Disciplinary Matrix during the RCGP 180-day review period, he will then be released to the General Population. The Institution Classification Committee shall conduct reviews no less than every 180-days to determine whether the inmate has completed the Step Down Program and is eligible for release to the General Population.

24. If an inmate is found guilty of committing a SHU-eligible offense while assigned to the Step Down Program or RCGP, he shall complete the intervening determinate, disciplinary SHU term as imposed by the Institution Classification Committee for that offense before returning to the Step Down Program or RCGP. If such SHU-eligible offense has a proven nexus to an STG as described in Paragraphs 15 and 16, upon completion of the determinate term imposed by the Committee, the inmate shall be returned to the Step Down Program at Step 1 or another step as determined by the Committee.

#### C. REVIEW OF STG-VALIDATED INMATES CURRENTLY IN SHU.

25. Within twelve months of the Court's preliminary approval of this Agreement, CDCR shall review the cases of all validated inmates who are currently in the SHU as a result of either an indeterminate term that was previously assessed under prior regulations or who are currently assigned to Steps 1 through 4, or who were assigned to Step 5 but are retained within the SHU. These reviews shall be conducted by Institution Classification Committees and prioritized by the inmates' length of continuous housing within a SHU so that those of the longest duration are reviewed first. If an

inmate has not been found guilty of a SHU-eligible rule violation with a proven STG nexus within the last 24 months, he shall be released from the SHU and transferred to a General Population level IV 180-design facility, or other general population institution consistent with his case factors. An inmate who has committed a SHU-eligible rule violation with an STG nexus within the last 24 months shall be placed into the Step Down Program based on the date of the most recent STG-related rule violation, as follows: Step 1: violation occurred within the last 6 months; Step 2: violation occurred within the last 6-12 months; Step 3: violation occurred within the last 12-18 months; Step 4: violation occurred within the last 18-24 months. Inmates currently assigned to Step 5 in the General Population shall remain in the General Population and shall no longer be considered current Step Down Program participants.

26. During the review described in Paragraph 25, any inmate housed in a SHU program for 10 or more continuous years who has committed a SHU-eligible offense with a nexus to an STG within the preceding 2 years, will be transferred into the RCGP for completion of Step Down Program requirements. Inmates subject to this provision who are currently serving a disciplinary SHU term will be allowed to complete the SHU term in the RCGP prior to beginning the Step Down Program, unless the Institution Classification Committee determines by a preponderance of the evidence that to do so would pose an unreasonable risk to individual or institutional safety and security. This function of the RCGP shall be implemented as a pilot program. If the inmate completes the Step Down program requirements, he will be transferred to a General Population prison setting in accordance with his case factors. One hundred twenty days after completion of the reviews described in Paragraph 25, CDCR will produce a report on the functioning of this pilot program and shall inform plaintiffs' counsel whether it intends to make permanent, modify, or terminate this RCGP function. Within 30 days of receiving the notice from CDCR, the parties shall meet and confer regarding any proposed changes to the RCGP pilot program. If CDCR decides to terminate the RCGP pilot program, inmates housed in the RCGP pursuant to this Paragraph will, in the absence of pending disciplinary charges of a new SHU-eligible offense requiring segregation, either remain in the RCGP until they transition into General Population or will be transferred to non-segregated housing.

27. For those STG inmates considered for release to the General Population either following Step Down Program completion or pursuant to the review described in Paragraph 25, and against whom there is a substantial threat to their personal safety should they be released to the General Population as determined by a preponderance of the evidence, the Departmental Review Board retains the discretion, in accordance with existing authority, to house that inmate in alternate appropriate non SHU, non-Administrative segregation housing commensurate with his case factors, such as a Sensitive Needs Yard or RCGP, until such time that the inmate can safely be housed in a general population environment. The Departmental Review Board shall articulate the substantial justification for the need for alternative placement. If the Institution Classification Committee refers a case to the Departmental Review Board pursuant to this Paragraph, the Departmental Review Board shall prioritize these case reviews and expeditiously conduct the hearing and render its placement decision. Thereafter, during their regular 180-day reviews, the Institution Classification Committee shall verify whether there continues to be a demonstrated threat to the inmate's personal safety; and if such threat no longer exists the case shall be referred to the Departmental Review Board for review of housing placement as soon as practicable. For Departmental Review Board hearings held pursuant to this Paragraph, a staff assistant shall be provided to help inmates prepare and present their case due to the fact that the complexity of these types of cases makes assistance necessary. If Plaintiffs' counsel contends that CDCR has abused its discretion in making housing decisions under this Paragraph, that concern may be raised with Magistrate Judge Nandor J. Vadas in accordance with the dispute resolution and enforcement procedures set forth in Paragraphs 52 and 53 below to determine whether CDCR has articulated substantial justification by a preponderance of the evidence for alternative placement.

#### D. THE RESTRICTIVE CUSTODY GENERAL POPULATION HOUSING UNIT.

28. The RCGP is a Level IV 180-design facility commensurate with similarly designed high security general population facilities. Inmates shall be transferred to the RCGP if they have refused to complete Step Down Program components as described in Paragraph 22; if they have been found guilty of repeated STG violations while in the Step Down Program as described in Paragraph 23; if identified safety

concerns prevent their release to General Population and the RCGP is deemed to be appropriate as described in Paragraph 27; or if they meet the eligibility for placement in the RCGP under the pilot program described in Paragraph 26. Programming for those inmates transferred to or retained in the RCGP will be designed to provide increased opportunities for positive social interaction with other prisoners and staff, including but not limited to: Alternative Education Program and/or small group education opportunities; yard/out of cell time commensurate with Level IV GP in small group yards, in groups as determined by the Institution Classification Committee; access to religious services; support services job assignments for eligible inmates as they become available; and leisure time activity groups. Contact visiting shall be limited to immediate family and visitors who have been pre-approved in accordance with existing Title 15 visiting regulations, and shall occur on the schedule set forth in Attachment A. Other privileges provided in the RCGP are also set forth in Attachment A. CDCR policy is that inmate movement, programming, and contact visits within the RCGP shall not require the application of mechanical restraints; any application of restraints shall be in accordance with existing Title 15, section 3268.2. CDCR will provide Plaintiffs' counsel with the opportunity to tour the proposed RCGP facility and to meet and confer with Defendants regarding the functioning and conditions of the RCGP, prior to its implementation.

#### E. ADMINISTRATIVE SHU STATUS.

29. An inmate may be retained in the SHU and placed on Administrative SHU status after serving a determinate SHU sentence if it has been determined by the Departmental Review Board that the inmate's case factors are such that overwhelming evidence exists supporting an immediate threat to the security of the institution or the safety of others, and substantial justification has been articulated of the need for SHU placement. Inmates may also be placed on Administrative SHU status if they have a substantial disciplinary history consisting of no less than three SHU terms within the past five years and the Departmental Review Board articulates a substantial justification for the need for continued SHU placement due to the inmate's ongoing threat to safety and security of the institution and/or others, and that the inmate cannot be housed in a less restrictive environment. Inmates currently serving an Administrative SHU term may continue to be retained in the SHU based on the criteria set forth in this Paragraph. The Institution Classification Committee shall conduct classification reviews every 180 days in accordance with Title 15, section 3341.5. The Departmental Review Board shall annually assess the inmate's case factors and disciplinary behavior and shall articulate the basis for the need to continue to retain the inmate on Administrative SHU status. The inmate's privilege group shall be set in a range similar to S-1 to S-5, which can be modified by the Institution Classification Committee during the inmate's classification review, if deemed appropriate. CDCR shall provide inmates placed on Administrative SHU status with enhanced out of cell recreation and programming of a combined total of 20 hours per week. It is CDCR's expectation that a small number of inmates will be retained in the SHU pursuant to this Paragraph. If Plaintiffs' counsel contends that CDCR has abused its discretion in making a housing decision under this Paragraph, that concern may be raised with Magistrate Judge Vadas in accordance with the dispute resolution and enforcement procedures set forth in Paragraphs 52 and 53 below to determine whether the Defendants' decision meets the evidentiary standards and criteria set forth in this Paragraph.

30. The initial decision to place an inmate on Administrative SHU status, as described in Paragraph 29, can only be made by the Departmental Review Board.

31. At each 180-day review, institutional staff shall identify all efforts made to work with each inmate on Administrative SHU status to move the inmate to a less restrictive environment as soon as case factors would allow.

#### F. HOUSING ASSIGNMENT TO PELICAN BAY'S SHU.

32. Notwithstanding Paragraph 29 above, CDCR shall not house any inmate within the SHU at Pelican Bay State Prison for more than 5 continuous years. Inmates housed in the Pelican Bay SHU requiring continued SHU placement beyond this limitation will be transferred from the Pelican Bay SHU to another SHU facility within CDCR, or to a 180-design facility at Pelican Bay. Inmates who have previously been housed in the Pelican Bay SHU for 5 continuous years can only be returned to the Pelican Bay SHU if that return has been specifically approved by the

Departmental Review Board and at least 5 years have passed since the inmate was last transferred out of the Pelican Bay SHU.

33. Notwithstanding Paragraph 32 above, inmates may request in writing that they be housed in the Pelican Bay SHU in lieu of another SHU location, but such a request must be reviewed and approved by the Departmental Review Board. An inmate's request to remain housed in the Pelican Bay SHU shall be reviewed and documented by the Institution Classification Committee at each scheduled Committee hearing.

#### G. CONFIDENTIAL INFORMATION.

34. CDCR shall adhere to the standards for the consideration of and reliance on confidential information set forth in Title 15 of the California Code of Regulations, section 3321. To ensure that the confidential information used against inmates is accurate, CDCR shall develop and implement appropriate training for impacted staff members who make administrative determinations based on confidential information as part of their assigned duties, consistent with the general training provisions set forth in Paragraph 35. The training shall include procedures and requirements regarding the disclosure of information to inmates.

#### H. TRAINING.

35. CDCR shall adequately train all staff responsible for implementing and managing the policies and procedures set forth in this Agreement. Plaintiffs' counsel shall be provided an advanced copy of all such training materials with sufficient time to meet and confer with Defendants, prior to the implementation of the trainings. Plaintiffs are entitled to have an attorney attend training sessions on these modifications, no greater than 6 times per year.

#### I. NEW REGULATIONS.

36. CDCR shall promulgate regulations, policies and procedures governing the STG management and Step Down Program as set forth in this agreement. The pilot program described in Paragraph 26 will not be required to be promulgated in regulations, unless the pilot program is made permanent.

#### J. DATA AND DOCUMENTS.

37. For a period of twenty-four months following the Court's preliminary approval of this Agreement, CDCR will provide Plaintiffs' counsel data and documentation to be agreed upon, under the protective order in place in this matter, to monitor Defendants' compliance with the terms of this Agreement. No later than thirty days after the Court's preliminary approval of this Agreement, and again twelve months after the Court's preliminary approval, the parties shall meet and confer to determine the details of the data and documentation to be produced. That agreement and any disputes regarding data and document production, including modification of the agreement, shall be submitted to Magistrate Judge Vadas in accordance with the dispute resolution and enforcement procedures set forth in Paragraphs 52 and 53 below. In addition, Magistrate Judge Vadas can request and order the production of any documentation or data he deems material to compliance with this Agreement or the resolution of any dispute contemplated by the terms of the Agreement. The parties agree, nevertheless, that data and documentation will include, but not be limited to, the following:

a. The number of validated STG I and STG II inmates as of the first of the month following preliminary approval. Subsequently, the number of all new STG I and STG II validations shall be provided on a quarterly basis for a period of nine months following the Court's preliminary approval of this Agreement, and shall be provided on a monthly basis thereafter until the termination of this case;

b. A list of the names of all inmates serving a SHU term for a SHU-eligible offense with a nexus to an STG as of the first of the month following preliminary approval.

Subsequently, the names of all new inmates serving a SHU term for a SHU-eligible offense with a nexus to an STG shall be provided on a monthly basis;

c. A list of the names of all inmates reviewed pursuant to Paragraph 25 and the outcome of those placement reviews on a quarterly basis;

d. A list of the names of all inmates in each of the following programs: Step Down Program, RCGP, and placed on Administrative SHU status. This document shall be provided on a quarterly basis;

e. The total number of Rules Violation Reports issued to inmates in each of the following programs: RCGP, Step Down Program, and Administrative SHU status. This data shall be provided on a semi-annual basis;

f. The total number of Rules Violation Reports issued for assaults and batteries on staff and other inmates, riots, weapon possession, attempted murder, and murder committed by inmates in each of the following programs: RCGP, Step Down Program, and Administrative SHU status. This data shall be provided on a semi-annual basis;

g. A list of the names of inmates who have not been progressed to the next successive step in the Step Down Program during their 180-day Institution Classification Committee review, and a list of the names of inmates who have been retained in the RCGP during their 180-day Institution Classification Committee review; these lists shall be provided on a semi-annual basis;

h. The following documents shall be produced on a quarterly basis regarding all inmates found guilty of a SHU-eligible offense with a nexus to an STG: (i) STG Unit Classification Committee validation determinations; and (ii) the decision of the hearing officer to find the inmate guilty of a SHU-eligible offense. Defendants also shall produce on a quarterly basis a randomly chosen representative sample of the documents relied upon for the validation determinations

and RVR decisions for these inmates, including redacted confidential information. The number of representative samples shall be sufficient to demonstrate CDCR's practice and procedure, but shall be reasonable in amount such that compliance with this request is not overly burdensome;

i. Institution Classification Committee chronos documenting the decision to place an inmate into the RCGP, on a quarterly basis;

j. All Departmental Review Board classification chronos in which the decision is made to house an inmate in alternate placement, pursuant to Paragraph 27, due to a substantial threat to their personal safety. Should Plaintiffs' counsel dispute the determination made, or require more information to determine whether a dispute may exist, Plaintiffs may request and will receive a redacted copy of the documents relied upon by the Departmental Review Board;

k. All Departmental Review Board classification chronos in which an inmate is placed on Administrative SHU status, pursuant to Paragraph 29; all non-confidential documents relied upon for that placement determination; and, on a quarterly basis, a random representative sample of redacted confidential documents relied upon;

l. All Institution Classification Committee chronos reflecting the committee's decision to not progress an inmate to the next successive step in the Step Down Program, or to retain an inmate in the RCGP; this document shall be provided on a quarterly basis;

m. For all inmates placed on Administrative SHU status, all 180-day Institution Classification Committee review chronos, and all annual Departmental Review Board review classification chronos;

n. A random, representative sample of Rules Violation Reports relied upon to deny an inmate progression through the Step Down Program, including redacted confidential sections, on a quarterly basis.

38. Any and all confidential information provided shall be produced in redacted form where necessary, be designated as "Attorneys' Eyes Only" as defined in the protective order in this case, and shall be subject to the protective order. CDCR shall provide Magistrate Judge Vadas, upon request, unredacted copies for in camera review in order to resolve any disputes in accordance with Paragraphs 52 and 53, below.

39. Representative samples, as discussed in this Paragraph, shall be of sufficient size to allow a determination regarding CDCR's pattern and practice, but shall be reasonable in amount such that compliance with the request is not overly burdensome. Any disputes regarding data and document production shall be submitted to Magistrate Judge Vadas in accordance with the dispute resolution and enforcement procedures set forth in Paragraphs 52 and 53 below. ●

*[Ed's Note: Section K. "Attorney Client Communications" was a single paragraph on the ability of counsel to contact the plaintiffs as needed, and is not relevant to non-plaintiff readers.]*

## A WALK IN THESE SHUs

By Kevin Stewart (July 2013)

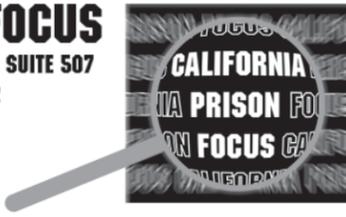
### Part I

The silence is caustic  
It eats at my brain  
The voices inside  
They scream out in pain  
But nothing is said  
Not even a word  
My reasoning muted  
And nothing is heard  
What is this asylum  
Without padded rooms  
All this mental torment  
Found in concrete tombs  
Maybe one day  
Some light will be shed  
Perhaps by that time  
My mind will be dead...

### Part II

The screaming persists  
My head rattles on  
Awaiting the day  
For this life to be gone  
Embracing the hatred  
A fury instilled  
The story line goes  
"It's kill or be killed!"  
Come take my hand  
Sweet silvery steel  
We'll chase down the culprits  
And madness they'll feel  
Beserker set loose  
My passion will yell  
Grinding my teeth  
As they're put through my hell  
Now miss me with such  
A façade of dismay  
Surely it's known  
They made me this way!

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### CPF MISSION STATEMENT

California Prison Focus fights to abolish the California prison system as we know it. We investigate and expose human rights abuses with the goal of ending long-term isolation, medical neglect, and all forms of discrimination. We are community activists, prisoners, and their family members working to inspire the public to demand change.

### ABOUT CPF

California Prison Focus is a non-profit community-based human rights organization working with and for California prisoners. Our two main issue areas are fighting against the long term isolation, torture and abuse of Security Housing Units (SHU) and demanding an end to the medical neglect and abuse of prisoners.

The focus of our work is our investigative trips to prisons with SHU facilities. We make as many SHU visits as possible. We work to build strong bridges between the prisoners and the community, and to bring forth the voice of the prisoners through our newsletter, Prison Focus, and our ongoing educational outreach. Central to our work is training ourselves, prisoners and their loved ones in self-advocacy through public protest, networking, coalition building, letter-writing and contacting prison officials and policy makers.

Founded in 1991 (as Pelican Bay Information Project), we have made hundreds of prison visits and conducted thousands of interviews with prisoners. Our membership is comprised of prisoners, activists, family members of prisoners, former prisoners, law students, attorneys, and human rights advocates.

### PRISON FOCUS #48

#### Submissions are Welcomed

CPF depends on our readers to keep us informed. *Prison Focus* welcomes all submissions. Submissions are not guaranteed to be published, nor will they be returned (unless prior arrangements have been made). We generally cannot respond to individual submissions because of the volume of mail we receive.

#### Suggestions for general submissions:

- Artwork or graphics
- Letters, articles or creative writings (250-500 words)
- Helpful resources, including addresses and other pertinent information.
- Larger articles are accepted, but inclusion will depend on available space.
- For all personal writings, let us know if you want us to use your full name. Otherwise we will use your initials and city/state of residence. You can also specify "anonymous."

#### Special Topics

Following are some current topics of interest that we invite you to comment on:

- Step Down Program
- Agreement to End Hostilities
- Family Visits
- Community Activism: Ideas on how we can draw friends, family, and community members of prisoners into the struggle for social justice.

### NOTICE OF CONFIDENTIALITY

California Prison Focus (CPF) treats all incoming mail as confidential. We respect your privacy and understand that there are risks for you involved. Therefore we will keep what you tell us anonymous unless you give us permission to use your name. *Unless you direct us otherwise, we will share what you tell us anonymously* in order to educate the public about conditions here and to support advocacy for prisoners. We rely on you to tell us if you want us to treat your information differently (for example, to use it with your name, or not to share it with anyone).

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