

Memorandum

Sept. 1, 2014

To: CDCR-Administration
Secretary Beard, UnderSec. Hoshino
Director Stainer, Assoc. Dir. Diaz,
PBSP Warden Ducart

From: Todd Ashker, C58191- One of four PBSP-SHU Prisoner Reps
(via outside mediation team)

Subject: Five Core Demands, 40 Supplemental Demands, and CDCR's STG-SDP

This memorandum is directed to the above CDCR Administrators for the express purpose of respectfully reminding you about unresolved, and/or continued problematic, issues relevant to our 2011-2014 Five Core and 40 Supplemental demands... and CDCR's Security Threat Group-Step Down Program [STG-SDP]...

I am requesting your attention and responsive dialogue-addressing these issues during the meeting with our outside mediation team- and with Arturo Castellanos, George Franco, James Williamson, and myself in the near future... The following is from me.

We are presently at the one year point- post "suspension," of our third peaceful protest hunger strike action against longterm-indefinite-solitary confinement [i.e. SHU/Ad-Seg confinement]... and related conditions therein and damage therefrom- to prisoners, our outside loved ones, and society in general, as supported by the public record from the legislative Joint Public Safety Committee hearings held in Oct. 2013/Feb. 2014...

I believe we have demonstrated our commitment to seeing the reforms sought in our demands implemented in principle and spirit, via our peaceful collective actions and I am reminding you of some relevant facts...

A) In 2011, CDCR Undersecretary Kernan, and others, admitted that our five core demands were reasonable-and, many should have been implemented/provided [20] years ago-Three years later, many remain unresolved -

B) It was our (2) peaceful hunger strike actions-involving thousands of prisoners statewide, and related international/national public exposure and condemnation of our decades of subjection to a form of coercive, state sanctioned torture... that brought out Undersecretary Kernan, and others', public admission that CDCR had been over using the validation process', and was going to revise such policies... responsive to our demands -

C)Our Primary Goal has always been, and remains, ...Ending Longterm Indefinite- SHU/Ad-Seg confinement!

Contrary to CDCR Secretary Beard, et al claims, the STG-SDP is not responsive to our Primary Demand because it continues a policy of indefinite SHU placement and retention. (And it's structured in vague over reaching terms, that will ultimately result in many more prisoners being

subject to indefinite SHU-in large part due to minor infractions- already being born out by fact of, more prisoners are in SHU-Ad-Seg today- than there were prior to start of STG-SDP pilot program Oct. 2012!)

D)With our primary goal in mind -"Ending Indefinite SHU" policy- any policy/practice that enables such to continue is not acceptable, thus, while CDCR has been somewhat responsive to some of our demands re: SHU/Ad-Seg program/privilege issues- most of us in SHU for decades already,... remain here indefinitely! The point is, no matter how you dress it up- spending 24/7 in a small cell for months, years, decades- without normal human contact- especially, the contact of physically touching one's outside loved ones... equals a form of torturous social extermination-period!!

E) A major aspect of our collective movement to meaningfully reform this prison system in ways beneficial to prisoners, staff, outside loved ones, and society in general, is related to the system's rank and file treating prisoners and our outside loved ones humanely- as fellow human beings, with dignity and respect.

I'm not sure how many of you current administrators were in the loop during our discussions about SHU policy change(s) in 2011-2012, ...but we pointed out that "CDCR leadership knows how to create a reform policy- intended to be successful or, - one intended to fail." ...As summarized below, the current structure and implementation of the STG-SDP appears to be intended to fail- this will not bode well for CDCR!

Remember this, our 2013 peaceful protest action was "suspended" and many prisoners are not happy with much of the STG-SDP policy!! They aren't being treated humanely-with dignity, or respect, under the present structure and implementation of said policy...

Like it or not, you need prisoners cooperation, support, and participation with any policy affecting thousands, or your policy fails!

For example, if all prisoners refused to participate in you SDP, while you go by the STG provisions- your policy fails you because you end up having tens-of-thousands on Step 1, indefinite SHU status... Add peaceful actions, resulting in additional peaceful protesting prisoners' deaths, and costs, etc... should you have to force feed a hundred to two hundred etc. prisoners- and related global attention... At some point, jobs would be lost and changes made- ending the failed policy!! Will it come down to this?? The bottom line is, longterm-indefinite-SHU is not effective and harms all concerned. It's ending nationwide and this will be the case in Calif. too- better to be sooner than later...

With the above in mind, the following are points supporting the referenced facts and unresolved issues you have the power to meaningfully resolve:

1) Our alternative proposal to the STG-SDP has been on the table since Sept. 2012.... It's based on principle points of (a) SHU placement being reserved for those guilty of felonious type violations- assessed determinate SHU terms, and (b) A modified type of general population transition program between SHU and G.P.- Our mediation team has details about this proposal, which have been provided to you as well. The SDP-Steps 3 and 4, aren't even close to this (e.g. zero contact visits)

2) In addition to provisions enabling continued indefinite SHU placement and retention, the following

examples support the position that the STG-SDP as structured and implemented is designed to fail...

(a) The issue(s) re: legitimate- meaningful- incentives for each step have not been satisfactorily resolved (e.g. allowing more- phone calls, photographs, packages/special purchases, contact visits, etc.)

(b) Steps 3 and 4 at CCI-Tehachapi, are seen as a bad-step down re: conditions, programming and privileges- to the extent that many prisoners see no point in participating!

Examples are: visits are limited to (1) hour, on either Sat. or Sun.; cells are dirty and cleaning materials are not being provided; nor is laundry, clothing, linen, etc, being provided/exchanged; the T.V. and radio stations are very limited and out of signal all the time; the food is bad; shower program is poorly run- as is yard program; property is processed very slowly, and typewriters are not being allowed, etc.,etc.,etc; Staff attitudes are poor!!

Plus, many prisoners held in PBSP-SHU for decades have loved ones who reside in the Del Norte Co. area- with jobs, etc., and a transfer to CCI is a hardship to their loved ones...

You have ability to remedy the above, via use of former PSU [at PBSP] cell block(s) for Steps 3 & 4... These steps should also allow contact visits!! A Step 3 and 4 at PBSP should be an option for those with local family ties, etc!!

There's no legitimate penological basis to deny these prisoners human physical contact with loved ones and friends... Up until mid 1986, all SHU prisoners were allowed contact visits- thus, it's a reasonable, meaningful incentive for those prisoners participation in Steps 3 and 4...

(c) The journals remain a problem for many (e.g. Corcoran) and I will point out that George Guirbino, et al, admitted at one of our meetings last year, that the journals were 'lacking re:substantive rehab, value' -qualifying this with- "but that's all that's available." Look, we all know the journals have zero relevance to rehabilitation of prisoners transitioning between SHU and G.P. (demonstrated by the fact that prisoners placed on Step 5 by DRB's case-by-case reviews of longterm SHU prisoners don't have to do a single journal!!) You should make the journals a voluntary self-help program available to all CDCR prisoners... The way you're using them as required part of SDP- Steps1-4, makes you all look bad- for many reasons!!

(d)The case by case reviews at PBSP are too slow-100's still wait on theirs.

Miscellaneous Issues Remaining To Be Resolved Include But Are Not Limited To:

1. Mattresses (As you know, PIA mattresses are a big problem!??)
2. Restriction on privileges should only be based on being guilty of abusing the specific privilege (eg., photographs, art materials)
3. Allowable art materials expanded, per, principle of individual accountability (eg, woodless colored pencils, and all type of art paper)
4. Photograph program for SHU/Ad-Seg visiting- as done in Vacaville in the 80's (visitor and prisoner in photo, taken on visitor's side of glass)

Your attention and anticipated positive responsive resolution(s) to the above subjects is appreciated.

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