

3/11/16 "We are now in the eighth month of these loud and frequent checks which cause radically disrupted and shortened sleep for hundreds of prisoners. It is truly a public health crisis." ¹

Letter Excerpts From Prisoners About 30 Minute Checks

9/1/15

I know enough to know that I have enough evidence to show a vicious cycle of things that they are doing, to the point where anybody who sees it will say WOW! UNBELIEVABLE!! It's so bad! Major lawsuit! Major! I mean, the worst retaliation ever! They even come and hit our cells everyday! They know we are on the edge from not sleeping at all in weeks, and I personally myself have records of my cell being searched 8 times in one week. There's time that they pull me out twice a day to search my cell. They intentionally do this to try and provoke us to become hostile or violent.

Plus, as you may know, our cells do not have air vents; we have no air circulation, so usually they leave the yard door opened so that we have air. So now they also tell us that they can't open the yard door for air. I've been writing all of this up and having them sign all these forms for records/proof.

And here's the worst one of all – they've been opening our doors trying to CREATE the Gladiator Wars like they used to do at Corcoran Prison. We ARE NOT falling for any of their tricks. For example, I'm a Southerner, and I wrote up a complaint form on one of the cops for not giving us yard. So he opens my door and calls me to the front of the pod to discuss it with me. So I start to walk toward the front cause he called me to the front, and the cop let out TWO NORTHERNERS. So he tried to set me up to get assaulted. However, we are ALL FRIENDS! So that didn't work. There is so much more going on. You would not believe it.

9/2/15

I wanted to let you know of the current cruel and unusual [punishment th]at CDCR is now doing to us with the implementation of the “security/welfare [checks” in] SHU at Pelican Bay. ...[H]ere's a description of the security/welfare checks that I was telling you about so you can have a clearer picture and be able to complain about what's going on. ...

To understand the negative effects of the so-called “security/welfare checks” on inmates you must know what it entails. First off the design of the [Pelican Bay] SHU has wide open cells with the whole front wall/door made of perforated metal (a screen of holes) and the pods are narrow and short which ensures that the sound made in the pod/block is amplified more than it normally would be and everything sounds like it is happening in or right n front of our cells.

Now with that in mind the following happens every 30 minutes. The pod door will slam open, the pod door makes a loud mechanical sound when opening/closing as it's opened by the block tower remotely, then a correctional officer (C/O) will walk in and press a metal wand to a button next to each of the 8 cells in the pod to make contact . A “wand” is a device that records the C/O making contact with the button next to an inmates cell. In the day (6:00am to 10:00pm) the wand makes a high-pitch beep when making contact and at night (10:00pm to 6:00am) it doesn't beep. The wand when hitting the metal

¹ Carol Strickman, Staff Attorney Legal Services for Prisoners With Children, Co-counsel for Plaintiffs in Ashker v Brown: [“Third Report on Cell Checks at Pelican Bay SHU,” March 11, 2016.](#)

button makes a loud bang sound of metal hitting metal which is often made louder by the C/O's intentionally or just lazily hitting it harder to make it worse for us. The C/O's have to walk up and down the stairs in the pod to get to the top tier and back down. The C/O's usually stomp up and down the stairs with no regard for the sound that it causes. C/O's also carry a large amount of keys that loudly jingle when walking in the pod. When leaving the pod, the pod door is slammed shut which makes an even louder sound than when opening. The pod doors have a large lock and chain attached that must be removed and replaced when it is going to be opened and when closed and is loud. At a minimum all the above will occur 48 times a day.

This all started on 8.2.15 at 10:00pm. Prior to all this the pod door would open/close only around 13-14 times per day and only 4 times of that at night.

Also, on top of that we can clearly hear all the other pods' doors (6 pods per block) opening/closing and the beeping from the wand pushing their buttons. At night the pod doors are especially loud. This happens 24/7.

The result of all this is that we can't sleep longer than 30 minutes at any time as any of the noise mentioned is going to wake me up and at times I'm jolted awake with my heart racing from the pod door or a hard hit to the button next to my cell by the C/O's wand. It's constant and excessive noise which causes me to be tired all the time and not be my normal self either mentally or physically. Plus the environment has turned negative as the inmates and the C/O's are angry over the security/welfare checks as the inmates hate the excessive noise and lack of sleep and the C/O's hate wasting their time in doing them and blame us. ...

So I'm hoping all the complaints they are hearing from the outside make them change their mind about the 30 minute checks.

[I filed] an administrative appeal on the above issue and was denied at the 2nd level... [I will appeal it] to the 3rd and final level this week and should get a response within 2 months.

9/24/15

Back to the Security/Welfare Checks: this policy is one of the most senseless and retarded policies I have ever encountered. And it serves no purpose at all! And I and my fellow men here with me do not approve of it and want it either eliminated and/or modified. It's counterproductive to its so-called intended purpose and does more harm than good. I and countless of other prisoners are suffering severe pain and distress due to being unable to sleep. These security checks keep us up all night long!

It's crazy. And it's just not the extreme intrusiveness of the checks. All 6 Pod section doors open and slam shut, the guards come in stomping with their boots, bang the pipe against the cell wall and then flash the flashlight in our face until we wake up. They say they are required to do this per the policy because the policy requires the staff to make a personal observation of a "living, breathing inmate." So

at night time, the only way to do this is to shine the light on you and see you move! It's straight torture!

9/25/15

I visited my son in the Pelican Bay SHU on 12 September and he is going crazy from not being able to sleep. I've never seen him like this. He couldn't think and he fell asleep while I was talking with him from across the glass partition. ²

9/29/15

By the way, we'd appreciate if you could spread the word of the ongoing retaliation that we're going through. See, on August 3, 2015, the Warden implemented the Guard-One/Welfare Checks and coincidentally on the time that the settlement was done on the Ashker case.

The welfare checks now consist of the C/O's doing them every half hour, 24/7. They are still ongoing as we speak and they are purposely depriving us from sleep, which is a form of torture.

At night you can hear them coming into the building where the door can be heard opening for them and it be slammed shut pretty hard. They then remove all the pad locks they have secured in front of each of the sections and you can hear the heavy clanking of the lock hitting the door. The section door is opened and the staff can be heard walking into the section very loud as he/she stomp their boots, flash their flashlights on your face to make sure you are alive, and then they tap their pipe against the sensor positioned right in front of each of our cells. Most of the time they have to tap the sensor two or three times. Staff then head upstairs and can be overheard stomping their boots and do the same shit on their way down, all the while jingling their damn keys as if it's the damn thing to do. Staff leave the section and the section door can be heard slamming shut very loud. You can then hear staff repeat the whole process in the remaining section within the building/unit. And as if that isn't enough, staff can be overheard talking and laughing, all night long very loudly.

After doing the welfare checks in the sections, locks can be overheard being placed back on the front of the section doors. And then the whole process is repeated again every half hour. Like I said, this goes on 24/7 and we are now going on two months. The Warden says it's out of his hands because his superiors back in Sacramento order him to see it through. The Doctors and Psychs are unable to do anything for us besides give us aspirins and a pair of earplugs that are useless when staff wake you up with their flashlights and damn racket. No one is budging and in the meanwhile we are suffering the repercussions. Lawyers are now telling them here to stop this ongoing practice because they're not suppose to be doing this to us. They still aren't budging though.

You have some old prisoners that have heart problems, diabetes, and hypertension that are here and can't afford to be going through this crap.

Overall this is a detriment to us all and staff are mad because they're being forced to do these welfare

² <http://www.theguardian.com/us-news/2015/sep/25/california-prison-suicide-checks-inhumane-treatment>

checks. And because of it, they're retaliating against us by depriving us from our program. Whether it's yard, showers, canteen, supplies, hair clippers/nail clippers, and serving us our meals, they blame it on the welfare checks. I'm telling you, it's getting ugly around here. There's now serious talk about filing a class-action suit against them because they're violating our rights with the excessive noise and deprivation of sleep. So if you can we're appreciate if you spread the word about what we are going through right now. We need all the support that we can get. Reach out to other organizations and let them know of our situation.

We can't go on like this for much longer. This shit isn't no joke and from someone that went through the hunger strikes from start to end a couple of years ago – this shit is much worse than that. We're all walking around like zombies from lack of proper sleep. And don't let me forget to mention how we have perforated doors that prevent us from not having to hear this damn racket and that the section doors and stairs are right in front of our cell but only a few yards away. You can't hide from it.

10/8/15

- (1) How the checks are being conducted: 30 minute checks are being done all night and all day it never stops. The C.O.'s start in the morning until night time, and at night they start again. It's real loud all day and all night, banging on the side of the doors and beeping sounds from the bottom on the wall in the day time, all day from 6:00am until 9:00pm. At night the C.O.'s bang the bottom with a metal stick which makes lots of noise all night long!
- (2) How it impacts me personally: I can't sleep at night every since August 3, 2015. I haven't slept for a whole night from the 30-minute checks. It has me real sick big time.
- (3) How it impacts the whole pod: it messes up our program from no more sleep and no more studying, no more good programming from the 30 minute checks. No sleep!

Sleep Deprivation from 30 minute checks all night! Sleep deprivation 30 minute checks. The 30 minute checks all night make lots of noise from banging the side doors, the middle of the doors between two cells some metal checker button makes real loud noises! How it impacts me, I can't sleep any more all night from the 30 minute checks. All day distress from not sleeping. The sleep disturbance causes clinically significant distress or impairment in social, occupational, or other important areas of functioning to live! How it impacts others in the pod, our program is all messed up in the morning from no sleep. The yard program messed up and the studying program messed up and the whole unit program is messed up from no sleep at night!

10/12/15

While time call to “End Hostilities” originated by the fellas in the short-corridor and I'm far away in [another unit] I can sense where their call comes from as it's something I experience here with my fellow neighbors call from different areas of California each day. The prisoners collective spirit is alive! And I believe this is something that the administration feels, and fears! And I think is the reason they have implemented the security/welfare checks!!

One would think that if these “welfare checks” were actually intended for our welfare, they would be conducted in a manner that wouldn't affect our sleep as they are. Sleep is one of the main things we all

need to keep an active and healthy mind and body.

How can anybody get a good night's rest when every 30-minutes is succeeded with loud noises coming from (1) the mechanical pod door that opens and closes loudly every time C/O's come in. Not to forget to mention the ruckus they make when they take off the lock and secure it back on on every pod door. (2) The beeping made by the wand used every time it is pressed against the metal device in front of each cell. This is not done gently and C/O's bang the wand until they get the beeping sound. This is done to all 8 cells. Even when the beeper is turned off at night (8:30pm – 6am) we can hear all the other noise, as our cell door and front walls are perforated every sound thunders at night. (3) Furthermore loud noise is produced by the C/O's footsteps going up and down the metal stairs, as well as the excessive noise they create when talking and doing the late and early shift changes. And as they fix the lunches in the morning, an hour, hour and a half before they actually pass them out and give us breakfast. So all this noise occurs during every “check.” Every day, all day and night that interrupts our sleep.

Since Aug. 3rd it's been difficult to get an adequate amount of sleep and maintain a consistent sleep pattern which contrary to our welfare affect our physical and psychological health! My function and productivity level hasn't been the same, as I can no longer go about my day and do my daily activities with the same mental focus and energy. Usually I wake up early before breakfast, but due to the checks I find myself struggling to be up at my regular time. Even if I try to catch up on some sleep after breakfast I am not able to as yard and other movement occur during the day that make it difficult to actually fall asleep. So whatever sleep I manage to get during the night (4-5 hours) is all I get. I function best with 8 hours and it's been over two months that I have been able to get any adequate sleep. So most of the day I am left feeling sluggish and sometimes feeling in a trance-like state. As I try to read a book I find it hard to concentrate and have begun to re-read over what I finish reading to keep my focus, which now I only read out of boredom, and only in segments.

This is not only affecting me but others as well. And in talking to others I've discovered that some are being affected more than others, as some have trouble falling back asleep after they are woken up by the “check” noise. Taking minutes to hours to regain their sleep. Some are becoming stressed including myself at the fact that we can enjoy a good night sleep and you can see it in people's eyes and faces and the manner they walk (face down).

They are attacking our minds! The one thing that keeps us going is our mind, so most people back here try to keep productive and active (mentally and physically) but it's just a matter of time till we are conditioned to a mummy-like state. This sleep-wake-sleep-wake-lie in bed-sleep-wake-all around awake some more-sleep-no, wait get up for breakfast – is not a healthy sleep pattern we can keep up!

Due to the already deplorable conditions, these checks are causing us further hardship. The effects of sleep deprivation are well documented so I hope this testimony can help to provide an eyewitness-living account of how CDCr & PBSP administrations are psychologically torturing us. If inmates do suffer from psychiatric problems then they should be housed in an appropriate unit under supervision. 180 designed units were strictly designed for the purpose of looking straight into the cells. We however do not have such psychiatric concerns. If however this action is intended to prevent inmates from physical and self harm, it should not create an environment or make policies and procedures that lead to such.

So the question should be posed: Is the state attempting to curtail such problems, or is it attempting to create them?

Why this question? With the class-action lawsuit agreement, "SHUs" in the near future may no longer be filled to their full capacity, so staff will be cut no more overtime or even work for some C/Os. So is this an attempt to create mentally ill patients of the state?

10/14/15

As of Aug 3rd, 2015, a policy was implemented in re: to welfare checks every 30 minutes. Since then officers come stomping through with loud keys, boots, then they bang the Guard One against the metal button in which a beep sounds off...Since this date I've yet to get a full night's sleep. When the officers come in they unlock a lock and let it fall to bang on metal, then the door opens and closes to make more noise of metal banging. They chose to give out ear plugs but it doesn't solve the noise problem.

Each time they (C/Os) walk in I get mad real quick in which I want to lash out at them for banging and making noise. I've been real agitated due to this noise making. As it as I'm in this environment, now noise is involved it's some kind of torture tactic that was added. I try to read, write, study, and I lose my thoughts quickly as I hear banging in other sections before coming into my section. As I write this, here they come BEEP, BEEP, BEEP...

I've 602'd this action and it's pending in Sacramento at the moment as I've already went through 2nd level. They say it's due to suicidal prevention but what does noise making have to do with suicidal prevention. I'm sure there are other ways, but they choose to retaliate due to the recent settlement. Now not only are we isolated in a dungeon, we're now being hit with more torturous acts and made to suffer more.

I'm tired and can barely gather more thoughts as to how I'm being affected by these welfare checks, but there is banging and beeps all day all night...

10/14/15

... They chose to give out ear plugs but it doesn't solve the noise problem. ... I've been real agitated due to this noise making. As it is I'm in this environment, now noise is involved it's some kind of torture tactic that was added. ... They say it's due to suicidal prevention but what does noise making have to do with suicidal prevention. I'm sure there are other ways, but they choose to retaliate due to the recent settlement. Now not only are we isolated in a dungeon, we're now being hit with more torturous acts and made to suffer more.

10/15/15

First and foremost, thank you very much for all your support to end the pro-longed solitary confinement. I really believe that without your support we would have never got this far and won such a victory with the recent Ashker settlement. Inmates here going up for transfer every week and many of the old timers who have been here since this place opened are being transferred to the general population. I should be up for transfer myself in a month or two. But as you know, they're killing us with these Guard One/Welfare Checks. They refuse to budge. I've lost weight and my vitals have shot up and all I got was some aspirin, and [told] that it was out of their hands. I don't know what to do? We really are suffering right now and I can assure you that this is worse than the hunger strikes.

10/27/15

In my last letter I mentioned the staff are doing weekly raids. Turns out that staff are doing "pod raids." Every day after dinner all staff will go to a building and search one of the six pods. This is a ploy staff have been using in response to the Ashker settlement and to get out of having to do security checks. Staff are coming up with any excuses they can to get out of doing security checks. Though staff are cutting corners during the day, we still suffer during first watch (10:00 pm – 6:00 am) as there's no program/movement during these hours so staff have to do security checks. ... this Eighth Amendment violation.

10/27/15

I wanted you to know that [my] 602 for security checks was denied and granted and part because of the following.

The granted in part was that they would try to be more quiet, something that is not true because they aren't quiet at all. The part that was denied was the stopping of the security checks supersede the opinion of the prisoners. They seem to not understand that they are really messing us up mentally by not letting us sleep. I just wanted to let you know that the group 602 was granted in part and denied in part. They pretty much don't care what we are having to go through.

10/28/15

I submitted my 602 regarding the noise that's being created from the security checks. [Three days later], I received my 602 back. The appeal coordinator canceled my 602 citing CCR T.3.15 section 3084.6(c)(4): "Time limits for submitting the appeal are exceeded." Since the security checks started Aug. 3rd, I had 30 days to file an appeal, according to the appeal coordinator. However, ... I resubmitted my 602 citing the same regulation 3084.6(c)(4): "If the issue is ongoing...the inmate may appeal any time during the duration of the event." I also mentioned that I was not appealing the security check policy, but on living condition which is the noise staff is creating. I am waiting to hear back. I bring this up because I am the third person who's 602 was canceled for the same reason.

Also, ... as staff was passing out dinner and conducting security checks at the same time, a fellow inmate asked the C/O "to please not bang the baton/wand" (security check device) as it hurts his ears. [The C/O] responded by banging the baton/wand harder to create a louder [noise] and started laughing saying, "602 it." Yes, staff are still disregarding our request not to bang the baton/wand.

In my last letter I mentioned the staff are doing weekly raids. Turns out that staff are doing "pod raids." Every day after dinner all staff will go to a building and search one of the six pods. This is a ploy staff have been using in response to the Ashker settlement and to get out of having to do security checks. Staff are coming up with any excuses they can to get out of doing security checks. Though staff are cutting corners during the day, we still suffer during first watch (10:00pm – 6:00am) as there's no program/movement during these hours so staff have to do security checks.

Before I end this I believe this is worth mentioning. It is said that Tehachapi SHU and Corcoran SHU eliminated the security checks during first watch. This was their way of correcting this Eighth Amendment violation. I hope this information helps your legal team and you.

11/12/15

I would like to point out that the rumor I told you about in my last letter about the 30-minute security checks being modified has not happened! What has occurred is that with certain C/O's (one or two) that work first watch (night shift) is that they walk sometimes at the hour and not every 30 minutes. That's what some of us have noticed here in our pod, but as said with C/O's on some nights!! At least for those I myself and some on the tier have felt the difference in our sleep but not by much.

11/30/15

...not long ago human rights activists and families were protesting outside of the prison here because of a new "security check system" that started in the SHU, where the staff come around every 30 minutes to check on us, they're saying it's for our own safety and to make sure we're not hurting ourselves. It actually started a little after the last hunger strike in other prisons but was just implemented here a few months ago. ...

[T]his new "system" is ... really more of another form of torture and adding sleep deprivation to our already torturous conditions by constantly banging on our cell doors, shining of flashlights in our face, and loud beeping noises that can be heard going off on each door all day and night, and waking us up each time. So we really haven't had a good night's sleep since it started and are all walking around like zombies from lack of sleep.

12/16/15

I'm still suffering the effects of the torture checks. It will be with me until I die.

March 2016

In D4, where Todd Ashker had been housed, the officers became intentionally louder (with their keys, the door, banging the pipe) after he was transferred out. It was thought that these officers felt emboldened to harass the prisoners even more, now that Ashker was gone, since he would report problems to the lawyers on the solitary confinement case. ³

March 2016

... It is like a construction site all night. It is horrible. It really is torture. I try to block it out mentally since it bothers me to think about it.” ...for decades, military and police forces have used ‘extreme isolation, sleep deprivation and constant banging/noise, to cause mental/physical torment and try to break a person’s mind or human will to resist questioning. These are so-called clean torture methods. So CDCR/PBSP cannot possibly claim, ‘We did not know the cause or effect of this new program’s use of extreme isolation, sleep deprivation, and constant noise/banging.’”

³ *Op. cit.*, Strickman.