

FOLSOM HUNGER STRIKERS' DEMANDS AND GRIEVANCES

Constitutional Violations And Significant Hardships We Are Forced To Endure In Folsom State Prison, Administrative Segregation Unit (ASU), Building 4

Within ASU Building 4 at Old Folsom State Prison (FSP), the majority of prisoners being housed here are CSP-Sacramento, High Desert and SATF prisoners. These same prisoners are all awaiting court proceedings and/or district attorney referrals; therefore, all 115 disciplinary reports against them cannot and have not been heard to receive findings of "guilty" to receive a disciplinary action.

This is important to note, because ICC (Institutional Classification Committee) still imposes a "Projected MERD" (Minimum Eligible Release Date) based on the initial 115 report, as if found guilty for the offense, violating due process of hearing and evidence. With the projected MERD imposed, prisoners still cannot be deemed "SHU" term or be transferred to "SHU housing" because the 115 report is pending district attorney rejection or conclusion of court proceedings.

This forces prisoners to remain housed in ASU for long term confinement of anywhere from a year to 14 months depending on the offense. This leads to prisoners sitting idle, in forced single cell. The following demands are in line with fair and dignified treatment of a human being:

1. PROVIDE ADEQUATE ACCESS TO COURTS AND LEGAL ASSISTANCE

Denial of adequate access to courts and legal assistance: The "law cage" is inadequate for prisoners who are illiterate, non-English speaking and/or undereducated. Many of the men here are facing serious charges that carry life sentences and even the most educated could not mount a proper defense or do legal research on their own. Access to properly trained legal assistance that a law library provides is in line with *Lewis v. Casey et al* (1996) No. 94-1511. Currently, there is no access to legal forms, copies or printing. It has been long established the "paging" system is in violation.

2. PROVIDE MEANINGFUL EDUCATION, SELF-HELP COURSES AND REHABILITATIVE PROGRAMS

Denial and/or lack of meaningful education, self-help courses and rehabilitative programs: *Wright v. Rushen*, 642 F2d 1129 (9th Cir. 1981), held FSP shall provide its ASU prisoners with education and rehabilitative programs. ASU prisoners are not afforded GED programs, and the high school diploma program is split between the entire facility and ranch plus ASU. Therefore, we are placed in a hard spot; ASU prisoners are neither first nor second priority, leaving no educational opportunities.

The college program is nonexistent at best. To add to the problem, those previously enrolled are forced to drop classes due to no TVs for video assignments, preventing them from acquiring degrees. FSP provides absolutely no self-help courses or counseling in anger management, behavior management etc. FSP provides absolutely no substance abuse counseling or programs, such as N.A. or A.A.

3. ALLOW POSSESSION OF TELEVISIONS

Denial of TVs: FSP has flat out lied on the ability to provide the necessary electrical outlets to allow the possession of a TV. Instead of fixing this issue years ago, FSP continues to cover up the fact the funds allocated (Inmate Welfare Funds) are spent leisurely on non-inmate stuff. Per Title 15, §3190(3), ASU prisoners are allowed the choice of a TV or radio.

Prisoners are forced to choose a radio due to FSP's unwillingness to provide outlets. With no programs, education or meaningful time out of cell, the sensory deprivation, sitting idle, causes prisoners to lose their minds, forcing prisoners to harm themselves in order to get mental health care, which provides TVs per *Farmer v. Brennan*, 511 U.S. ____ (1994) "[O]ne does not have to await the consummation of threatened injury to obtain preventive relief."

FSP's attitude of "make us," "we're exempt," is in violation and promotes prisoners to harm themselves to get a TV. Examine FSP record of prisoners needing mental health care while housed in ASU.

4. PROVIDE EXERCISE EQUIPMENT, INCLUDING PULL-UP BARS, FOR MEANINGFUL EXERCISE IN YARD

Denial of exercise equipment, including pull-up bars: CDCR began installing pull-up bars in all SHUs and ASUs throughout CDC prisons. FSP is one of the last if not the last ASU to install pull-up bars.

This was done so men can receive meaningful exercise in the small dog kennel type cages used as yards. With no ability to run around and exercise our legs, prisoners are left to sit idle for hours. CDCR agreed the pull-up bars were meaningful equipment. The permanent injunction in *Toussaint v. McCarthy*, 597 F. Supp. 1388 9N.D. Cal 1984) covers FSP, saying ASU prisoners shall be provided meaningful exercise. FSP has the necessary vocational jobs and classes to install the bars and build the equipment at minimum to no cost.

5. END CRUELTY, NOISE AND SLEEP DEPRIVATION OF WELFARE CHECKS

Sleep deprivation from welfare checks: Correctional officers (COs) on first watch create excessive noise with keys while walking every half hour; mixed with uncourteous loud metal on metal contact, it creates unnecessary cruelty and punishment. A CO's equipment and keys can be properly secured on their person to prevent the excessive noise, yet when asked for courtesy, the noise is made extreme as a retaliation, thus waking prisoners every half hour the entire night.

6. KEEP ORIGINAL PROPER PACKAGING FOR COMMISSARY AND CANTEEN

Commissary and canteen: All items are repackaged into TRASH BAGS! This is forcing prisoners to use toothpaste out of trash bags. Deodorant that is gel is repackaged to trash bags, which causes the deodorant to evaporate and lose its purpose to keep the funk away. Coffee jars are repackaged to trash bags which causes coffee to go stale and harden. This is an irrational practice with no real security or safety reason, as proven by the fact that all packaging in canteen and quarterly packages is allowed within the SHU.

7. GIVE NON-DISCIPLINARY STATUS TO QUALIFYING PRISONERS

Denial of NDS (Non Disciplinary Status) to qualifying prisoners: Title 15 Article 7 Segregation Housing §3335 (A)(1) outlines and stipulates criteria for NDS. FSP's warden is denying this status based on an underground memo of criteria not approved by the APA. FSP's warden is attempting to extort information out of prisoners in order to receive NDS after being placed in ASU for "non-disciplinary" reasons.

FSP's warden is attempting to force prisoners to cooperate with institutional investigations, violating a prisoner's right to invoke the Fifth Amendment.

8. PROVIDE ADEQUATE AND APPROPRIATE CLOTHING AND SHOES

Denial of personal clothing and shoes: Prisoners are forced to walk around in their boxer underwear and state-issued T-shirt, which are normally extremely used and too large or too small. Prisoners are moved around the prison like this and remain all day like this.

Prisoners are provided one jumpsuit that is always over-sized, with no ability to wash or exchange it. In the cold winter months, prisoners are denied warm clothing or beanies to prevent sickness while out on yard.

During the summer, the warmer months, prisoners are denied appropriate clothing to cover up and still maintain coolness. It is a decency factor of allowing prisoners clothing and properly fitted shoes to remain dignified and in touch with the civilized world. There is no reasonable security issue or factors to deny a person decency.

9. PROVIDE FOOD BOWL AND CUP

Denial of a food bowl or cup: FSP is forcing its ASU prisoners to eat out of recycled ("washed") trash bags, old zip lock bags and milk cartons and to drink from a 3 ounce "rubbery" reused cup. See *Estelle v. Gamble*, 424 U.S. 97 (1976). This treatment is unnecessary cruelty and punishment and violates prisoners' Eighth Amendment rights. The amendment embodies "broad and idealistic concepts of dignity, civilized standards, humanity and decency."