

Mr. Montgomery

I am in receipt of your postcard on

in a few words: He promised the whole five core demands.

I thank you for taking the time out to write to me and it will be my pleasure to answer all your questions, because what we need out there more than anything is the truth.

Meeting I: on 7-14-2011 we had our first negotiation with CDCR secretary Scott Kernan, it was me and three other negotiators. I personally represented the Mexican (Northern District - optional). Mr. Scott Kernan was very demanding and disrespectful towards us therefore, the negotiators went "no where" we explained to our mediation team what occurred and what to do as a result of this meeting.

Meeting II: on 7-18-2011, C/O Ellery approached one of the negotiators saying that he was sent down to ask the three negotiators if they would meet with Associate Warden K.L. McGuyer, Captain Wood, due to the New Afrikan negotiation being transferred early that morning on 7-18-2011 at 5:30 AM. We insisted that we would not go out to meet with them unless there was a New Afrikan representative. The C/O Ellery made several trips explaining our position. Then the associate warden K.L. McGuyer came down himself along with Captain Wood.

They asked one of the negotiators would they agree to meet with undersecretary Scott Kernan, tomorrow on 7-19-2011, the negotiators said only if a substitute New Afrikan could take the place of the one you all transferred abruptly. He said yes!!

Meeting III: Did not take place on 7-19-2011, because undersecretary Scott Kernan did not show up, but he did show up on 7-20-2011.

Meeting III: on 7-20-2011 in the board of prison term - room all four principal

negotiators met face to face with undersecretary scott kernan along with the following officials: Director George Giurbino, Warden G.D. Lewis, Associate Warden K.L. McGuyer, and eight C.O.'s correctional officers.

The first thing Mr. Kernan, asked us to do is end the hunger strike and we said, we can not do that without our five core demands being met, Mr. Kernan said its impossible for me to meet all your five core demands with all that's going on with the hunger strike, we said that we are making our sacrifice due to the 25 years of torturing and suffering we have endured, Mr. Kernan then said I agree with all your five core demands, "everything you all asked for you should of received/had a long time ago," but I cannot give you all five core demands over night.

Mr. Kernan, was very agitated/anxious, he then said I will give you all your five core demands, we said when, he said in two to three weeks I'll come back up ~~and~~ from 7-20-2011) and we will progressively attack this but all five will be given. we said what can you give us right now? before you come back up to implement 1 thru 5 he said you can have all of five. Many of us haven't talked to ur families in over 20 years and some in 10 to 40 yrs. Then he lied and propagated something else (i.e. calendar, proctor, and watch cap) this pissed everyone off but we remain united and ready. He did this to try and demoralize ur support. But if he dont keep his word all he did is played on CDCR Administration. Because we're only waiting to see if he will keep his word. If not we will reinact our hunger strike indefinitely and there is nothing they can say to any of us period.

CDCR cate / Kernan, also put a fake five core demands see enclosed memo he signed 7-20-2011.

Also see our real five core demands that we "Pelican Bay human rights

movement". stand by demands.

It should be clear that we negotiators had a 3 1/2 hour meeting with Scott Bernan and his cronies.

In respects to changing (SHU) policy he said that they were already in the process of changing policy as to long term solitary confinement he's a joke. He even went so far to tell us "Let's keep our business between us we do not need no class action lawsuit we can rectify this ourselves". Most prisoners and officials they're attempting to exclude our mediation-team. They CDCR said they're moving from information base placement in solitary confinement to behavior/conduct placement into solitary confinement. But he said our five core demands will be implemented bottomline.

Note: I been in (SHU) on an indeterminate shu since beginning of 1992. For conspiracy to commit harm to others safety. This info was given by informant(s). Every six yrs. I could appear before a committee to see if imelligible for the six yrs. non-active so that I can be sent to a mainline but before this six yr period an institutional gang investigator (IGI) with search property in cell and for some reason will always use something a picture, drawing, pattern, address plus some so called valid info to use to extend the six yr non-active period all over again. Its a cycle we all go through. If I choose to debrief: snitch-rat I would be let out to a mainline but that is not my belief. I would never have a person put in shu. So like I said only option to get out of SHU is either snitch, die or parole.

The conditions/policies are so abused I was put on mail restriction meaning I have to appear before a special committee every 6 months.

with a list of names/addresses so they can consider having them put on my approved correspondence list. I was put on this mail restriction back in 5-18-2011. I was not given a write up for any so called CDCR mail violations. This is another tactic IGI uses to ~~cut~~ cut off our communications with family, relatives, and friends. us prisoners and our families, relatives, and friends are accused/penalized for so called conducting illegal/gang activities. children to Grandparents have been accused of such?"

with respect  
George Franco

Note: Please send copies of our original (5) core demands also a copy of Kernan's non-sense (5) core demands. 'Thank you'. ~~more~~ one more item of evidence to present to you this CDC 128-B chrono is what is given to us and a similar one to whos ever mail got stopped by CDCR. Shot caller Press pertains to having inmates compete for a financial prize on best poems, stories, literature its harmless. You see on the left hand side all the little squares that IGI can use/abuse to cut off our communications. This tactic also scares off people to communicate with us further. This tactic is abused it penalizes, violates peoples 1<sup>st</sup> amend men right. This form stated being used when the short corridor was established. All these different options can be fabricated for violations in order to have our mail stopped/confiscated.

You can check with this shot caller Press in Portland OR. to get a better insight of what they print. "This is it".

CDC#: [REDACTED]

HOUSING: [REDACTED]

CDC 128-B

Correspondence was stopped for the above-named inmate. The mailing is described as follows:

OUTGOING CORRESPONDENCE/ ADDRESSED TO:  INCOMING CORRESPONDENCE / FROM:

Shot Caller Press  
3316 N. Lombard #334  
Portland, OR 97203

was disapproved in accordance with Section 3136(a) as it pertains to 3006(c):

- relations or local procedures
- es gang activities [Title 15, 3023 (a)]
- orized business dealings [Title 15, 3024 (a)]
- orized inmate to inmate correspondence [Title 15, 3139]
- orized inmate to parolee / probationer correspondence [Title 15, 3140]
- arty correspondence [OP 205, Attachment 8, #32]
- fictitious name or address [U.S.C.S. Title 18, Section 1342, OP 205]
- describe): OP 205, Attachment 8, # 36


PELICAN BAY STATE PRISON  
SECURITY HOUSING UNIT  
UNIT D-1

- ical harm to a person or group of persons.
- ption of the order in a facility, such as riot, escape, strike, etc.
- led messages.
- scene or sexually explicit material, or portrays nudity.
- o be a threat to legitimate penalogical interests.
- terial or literature which would pose a threat to institutional security or the safety of other persons if allowed to be
- ates.

ormation:

f the letter is as follows:  
investigative Services Unit for investigation / potential disciplinary or court proceedings.  
nder in accordance with Section 3147 (a) (5) (B) or 3147 (a) (6).  
tral File in accordance with Title 15, Section 3147 (a) (7).

ycce: Correspondence Disapproval Authorized By (Captain level or above):

  
\_\_\_\_\_

  
\_\_\_\_\_

cer  
; Investigations

K. BRANDON  
Correctional Captain  
Investigative Services Unit

re personally responsible for the content of each item of mail they send into or out of a correctional facility, Any governing mail will be referred to postal authorities and to appropriate criminal authorities. Violations of law, the ations or of approved facility mail procedures may result in the temporary suspension or denial of correspondence ns involved. [Section 3132 (a)]. Inmates may appeal the stopped mail utilizing the departmental appeal process.

le  
utive Services Unit

incoming correspondence only)

5/2008 STOPPED MAIL NOTIFICATION GENERAL CHRONO


date: 8/20/08

- CDCR agreed to the Mediation Team's suggestion to send the Ombudsman to conduct unannounced food spot-checks when visiting Pelican Bay and other prisons during the Ombudsman's regular visits.

Issue #5: Programming and Privileges as incentives for disciplinary free behavior.

1. CDCR will allow correspondence course paid for by prisoners with proctored exams
2. CDCR will allow picture wall calendars via special purchase from approved vendors
3. CDCR will allow watch caps state-issued & via approved package vendors
4. CDCR is considering one photo a year for prisoners as an earnable privilege
5. CDCR is considering offering prisoner phone calls as an earnable privilege
6. CDCR is considering TV/radio combinations, if vendors will manufacture them
7. CDCR is considering some craft items as an earnable privilege
8. CDCR is considering pull-up and dip bars, as well as exercise wheels, balls and other items on the yard. Misuse will be disciplined e.g.: C.T.Q.
9. CDCR is considering currently prohibited canteen packaging and adding items like COR & CCI
10. CDCR will not expand visiting time due to budget constraints. However, CDCR is going to ensure that prisons allow more than two hours of visiting per prisoner, if no one else is waiting to for the next visiting slot work for PBSP-SHU to have extra
11. CDCR will not consider changing the thirty-pound package rule because it would create a disparity between the general population and the SHU. CDCR will evaluate additional packages as an earnable privilege.
12. CDCR will not add more TV channels. Pelican Bay already has more TV channels than most prisons. Consider adding (2) local radio stations to TV – see #6 above
13. CDCR will review sweats and allow PBSP-SHU inmates to have them if they meet security needs. See "Union Supply Catalog" for sweats without rubber-band waist

The term "earnable privilege" is understood to mean "earnable" by remaining disciplinary free. Any abuse/misuse of any of the program/privileges by individuals – will be subject to individualized disciplinary action.

  
SCOTT KERNAN  
Undersecretary, Operations  
CDCR

7-20-11

*Note: This is what Mr. Kernan layed out / implemented as the five core demands.*

lockdowns and believes that there are too many and they  
are handled at the discretion of the warden during the  
CDCR headquarters conducts a review. CDCR  
HQ oversight much earlier in the process to ensure  
inmates to normal program as soon as safely possible to do

evaluating national best practices regarding lockdowns to  
reception of group punishment. Such changes to policy may  
in the regulatory process.

### Gang Criteria

level strategic goal of reviewing its debriefing and gang  
the 2011/12 fiscal year and is open to new ideas from a  
stakeholders about managing gang validations.  
staff for debriefing purposes so that people who want to

### 16 Commission Recommendations.

in compliance with the recommendations.  
to a conduct-based and privilege-based system of moving  
of isolation.

ate

Departmental Food Manager and asked that they  
are a report. The report noted that prisoner food service is by  
force with regulations, including quantity and quality concerns.

**Number: B-64104      Name: ALTAMIRANO****Housing: D1-218L**

The California Code of Regulations, Title 15, identifies that leading and/or participation in a strike, disturbance or work stoppage is a violation of the Director's Rules. On or about July 1, 2011 you were identified as having participated in a state wide hunger strike event along with in excess of 6000 other CDCR inmates in support of perceived overly harsh SHU Housing issues originating from within the Security Housing Unit at Pelican Bay State Prison. This activity created a non-violent significant disruption to institutional Health Care Services and Department of Corrections programming and operations throughout the State, which included Pelican Bay State Prison, where you were assigned during your participation in this event. Your behavior and actions were out of compliance with the Director's Rules, and this documentation is intended to record your actions; and advise that progressive discipline will be taken in the future for any reoccurrence of this type of behavior.

  
CORRECTIONAL OFFICERORIG: C-FILE  
cc: AWC  
INMATE  
PROGRAM  
CCI  
UNIT (2)**DATE: 08/02/11****INFORMATIONAL CHRONO**

Inst: PBSP



*These are our original  
(5) core demands.*

## **FINAL NOTICE: PBSP SHU D-CORRIDOR HUNGER STRIKE**

**A**ttention: beginning July 1, 2011, several inmates housed indefinitely in PBSP-SHU D-Facility, Corridor Isolation, will begin an indefinite hunger strike in order to draw attention to, and to peacefully protest, 25 years of torture via CDCR's arbitrary, illegal, and progressively more punitive policies and practices, as summarized in the accompanying "Formal Complaint."

PBSP-SHU, D-Facility Corridor inmates' hunger strike protest is to continue indefinitely until the following changes are made:

### **OUR FIVE CORE DEMANDS:**

1. **Individual Accountability** - This is in response to PBSP's application of "group punishment" as a means to address individual inmates rule violations. This includes the administration's abusive, pretextual use of "safety and concern" to justify what are unnecessary punitive acts. This policy has been applied in the context of justifying indefinite SHU status, and progressively restricting our programming and privileges.

2. **Abolish the Debriefing Policy, and Modify Active/Inactive Gang Status Criteria** - the debriefing policy is illegal and redundant, as pointed out in the Formal Complaint [IV-A, p. 7]. The Active/Inactive gang status criteria must be modified in order to comply with state law and applicable CDC rules and regulations [eg, see Formal Complaint, p. 7, IV-B] as follows:

A) cease the use of innocuous association to deny an active status,

B) cease the use of informant/debriefer allegations of illegal gang activity to deny inactive status, unless such allegations are also supported by factual corroborating evidence, in which case CDCR-PBSP staff shall and must follow the regulations by issuing a rule violation report and affording the inmate his due process required by law.

3. **Comply with U.S. Commission 2006 Recommendations Regarding an End to Long-Term Solitary Confinement** - CDCR shall implement the findings and recommendations of the US commission on safety and abuse in America's prisons final 2006 report regarding CDCR SHU facilities as follows:

17) END CONDITIONS OF ISOLATION (p. 17) Ensure that prisoners in SHU and Ad-Seg (Administrative Segregation) have regular meaningful contact and freedom from extreme physical deprivations that are known to cause lasting harm. (pp. 52-57)

B) Make Segregation a Last Resort (p. 14). Create a more productive form of confinement in the areas of allowing inmates in SHU and Ad-Seg [Administrative Segregation] the opportunity to engage in meaningful self-help treatment, work, education, religious, and other productive activities relating to having a sense of being a part of the community.

C) End Long-Term Solitary Confinement. Release inmates to general prison population who have been warehoused indefinitely in SHU for the last 10 to 40 years (and counting).

D) Provide SHU Inmates Immediate Meaningful Access to:

- i) adequate natural sunlight
- ii) quality health care and treatment, including the mandate of transferring all PBSP-SHU inmates with chronic health care problems to the New Folsom Medical SHU facility.

4. **Provide Adequate Food** - cease the practice of denying adequate food, and provide wholesome and nutritional meals including special diet meals, and allow inmates to purchase additional vitamin supplements.

A) PBSP staff must cease their use of food as a tool to punish SHU inmates.

B) Provide a sergeant/lieutenant to independently observe the serving of each meal, and ensure each tray has the complete issue of food on it.

C) Feed the inmates whose job it is to serve SHU meals with meals that are separate from the pans of food sent from kitchen for SHU meals.

5. **Expand and Provide Constructive Programming and Privileges for Indefinite SHU Status Inmates**. Examples include:

A) Expand visiting regarding amount of time and adding one day per week.

B) Allow one photo per year.

C) Allow a weekly phone call.

D) Allow Two (2) annual packages per year. A 30 lb. package based on "item" weight and not packaging and box weight.

E) Expand canteen and package items allowed. Allow us to have the items in their original packaging [the cost

for cosmetics, stationery, envelopes, should not count towards the max draw limit]

F) More TV channels.

G) Allow TV/Radio combinations, or, TV and small battery operated radio

H) Allow Hobby Craft Items - art paper, colored pens, small pieces of colored pencils, watercolors, chalk, etc.

I) Allow sweat suits and watch caps.

J) Allow wall calendars.

K) Install pull-up/dip bars on SHU yards.

L) Allow correspondence courses that require proctored exams.

**NOTE:** The above examples of programs/privileges are all similar to what is allowed in other Supermax prisons (e.g., Federal/Florence, Colorado, and Ohio), which supports our position that CDCR-PBSP staff claims that such are a threat to safety and security are exaggerations. ●

*D. Troxell; T. Ashker; S.N. Jamaa--Dewberry;*

*A. Castellanos; G. Franco*