

Pelican Bay Human Rights movement COUNTER PROPOSAL

1. Pre Face

2. P.B.H.R.m - ~~CON~~ PROPOSAL

- Pre Face -

The PBSP-SHU short corridor Prisoner Representatives have read, carefully considered, & hereby oppose CDCR march 1, 2012, Security Threat Group Prevention, Identification & management strategy - Proposal (hereafter - The Proposal). Based on the following reasons - - - And we additionally do hereby present our counter proposal (attached hereto)

I. Summary of Issues

Beginning in May of 2011, the PBSP-SHU short corridor Prisoner collective presented CDCR with 'Formal notice' of intent to go on a peaceful protest hunger strike beginning July 1, 2011, in order to expose and force policy changes regarding our subjection to (25) years of torturous human rights abuse in California SHU & Ad/seg. units. The Formal notice included a list of "Five core demands," & a "Formal complaint," summarizing the facts & circumstances leading up to, & supporting the basis for, putting our lives on the line to stop the torture - upon our families, & ourselves. Top CDCR administrators admitted several times that, the five core demands were reasonable; & during the negotiations conducted in late July, August, & Oct. 2011 between CDCR administrators & PBSP-SHU Prisoners Reps. & our outside mediation Team, ... the CDCR made repeat assurances that, the "Five core demands" would all be addressed via meaningful substantive changes, responsive to the specific demands as soon as possible. The "Five core demands" are summarized here for the purpose of clarity.

1) Eliminate Group Punishment when an individual prisoner breaks a rule, the prison staff often punishes a whole group of prisoners of the same race. This practice has been applied to keep prisoners in the SHU indefinitely, and as a pretextual basis for justifying the imposition of harsher conditions in SHU & ad/seg. units.

2) Abolish the Debriefing Policy & modify active/inactive Gang Status Criteria. Prisoners are accused of being participants in illegal gang activity - based on innocent associational activity, & unsupported fabricated "evidence" provided by confidential prisoner informants - resulting in indefinite (SHU) isolation torture. And, to obtain release from this torturous condition, they must successfully "debrief," this means - provide staff with information about gang activity. Debriefing produces false information, that CDCR - uses to justify the indefinite torture of thousands of California prisoners via (SHU) isolative-sensory deprivation - for coercive purposes; as well as, endangering the lives of debriefing prisoners, & their families.

3) Comply with the Recommendations of the U.S. Commission on Safety & Abuse in Prisons, (2006) Report, calling for an end to the use & abuse of long term isolation; as well as; Recommendations for the use of segregation as "a last resort - for as short a time period as possible." And; when segregation is necessary, there needs to be access to meaningful programming, human contact, sunlight, etc.

4) Provide Adequate Food - Food that is Nutritional & served in adult size portions, on clean sanitary trays. And ability to purchase Nutritional Supplements.

5) Expand on & provide constructive programs & privileges for Indefinite (SHU) prisoners - with a list of examples of things provided at similar Supermax prisons across the nation.

with respect to core demands #1, 2, 3 & 5 ... RE: policy & practice of basis for indefinite situ isolation - avenue(s) available for gaining one's release therefrom - and, the progressively punitive nature of SHU/Ad. Seg. Conditions - it's important to remember, many (SHU) prisoners have been held indefinitely, & Subject & sensory deprivation, & every other abuse imaginable, that occurs in such hidden hell holes - for between (10-40 years & counting), solely based on what CCR-ocs refers to as their "intelligence" system - (i.e. debriefer allegations & innocent associational activity without ever actually being charged, & found guilty of committing a Criminal gang-related act...

Thus, the parties understood CCR's "intelligence" system for indefinite (SHU) placement, was one of the major issues of concern to the class of (SHU) prisoners, & their families, SUB, Jected to such long term isolation, & abuse, without being charged, & found guilty of committing a criminal act (based on use of "credible evidence"; & after the due process such formal charges would require). The parties all understood that a major-fundamental change away from the above referenced "intelligence based system... to a "Behavioral" based system defined as a system wherein - prisoners who engage in, 'Criminal Gang-activity' that is supported by "credible evidence" will be subject to sanctions (per CCR, Title 15, sections 3312-3315, et seq, i.e., rule violation reports, referral for

prosecution, determinate (5th) term, & corresponding loss of privileges - after receiving due process & being found guilty of the criminal act alleged). On March 9, 2012, CDCR issued a press statement, & presented their proposed Gang Mgt. Policy changes' (The Proposal), in response to our peaceful protest activity, & related ^{to} ^{core} demands & negotiation process referenced above.

II. CDCR's Proposal IS NOT Acceptable

The PBSP-SHU effort-corridor Prisoner Reps. have read & carefully considered CDCR's March 2012 proposal, & we hereby summarize our opposition to the proposal, based on - CDCR's Failure to act in good faith - demonstration by the mockery made of our agreements (referenced in above section I), including, Secretary CATE's delegation of the policy change process to the Office of Correctional Safety (OCS), who resorted to the same (25+R. Plus) Fear Tactics of California prison gangs being, "Worst of the worst", in order to propagate, manipulate, & promote, their own underlying agenda which is to increase the power, staffing & money of the (OCS) office within (CDCR) (see e.g., Proposal, p#5, at last paragraph, RE: "The Continuing evolution of our existing intelligence network...")

NOTE: The (OCS) is the gang intelligence - goon squad in charge of SSU / IGT units within CDCR. This propagandist-manipulative abuse of state power includes, the ongoing use of long term isolation, sensory deprivation, designed to coerce prisoners to become state informants - while also making a ton of money from such SHU / Ad-seg. torture units.

The Proposal seeks to manipulate the Lawmakers & the Taxpayers

into allowing (CDCR-OCS) to significantly expand on the use of these SHU/Ad. seg. units, via creation of new criteria & classes of what they term security threat Groups (STG), involved in "criminal gang behavior" (see Proposal in general).

The CDCR-OCS, is asking the law makers & ~~Tax~~ payers to allow them to continue to violate thousands of prisoners human rights, including the use of torture - with impunity - based on false propaganda scare tactics. exemplified below.

The proposal (& related CDCR-STAG press statement) begins with propaganda - claiming... California prison gangs are "the most sophisticated & violent in the nation - connected to major criminal activity in the community, & having influences on nearly every prison system within the United States" (Proposal pgs 2, 3, 5, & Press statement of March 9, 2012) They also claim their current torture practices - utilized for (25) years have, been successful in reducing the impact sophisticated gang members have in CDCR facilities - by removing them from the general prison population (Proposal, p#2 at Paragraph 2-3). These are the same manipulative tactics used by (OCS) for (25) years and, they've gotten away with it, at a cost of 100's of millions of tax payers dollars, & the destruction/severe physical-psychological damage long term subjection to torture units has caused to thousands of prisoners, & their loved ones outside prison. And, the facts & evidence prove (CDCR/OCS) propaganda-manipulative statements are false, because in spite of being subject to (25-40) years of extreme security surveillance by alleged gang expert special agents... the majority of the prisoners classified as prison gang members' have

never been charged & found guilty for any - criminal gang-related act!
And, a statistical study of the (CDCR), covering the (25) year time
period, prior to imposition of the current policy of placing all
prison gang affiliates in (SHU) - and comparing this data with the
Current (25) year SHU policy - will prove that (CDCR) gen-
eral population prisons have been significantly more violent
& out of control, since the 'Current policy' has been in place.
And (CDCR-ocs) are directly at fault for this (25) years of
madness on the general population prisons by way of, staff
manipulating prisoners against each other, to further staff agenda
(a lot of riots - violent is useful support for increasing prison
construction, staffing, extra hazard pay - overtime, etc etc etc)
CDCR-ocs gang management policy of the past (25) years is a
100% Failure, and their March 2012 Proposed changes are not
acceptable, because they seek to increase the use of Torture
units and do not change the manner of dealing with those
classified as prison gang members at all - which is a blatant
violation of the parties agreement(s) during the negotiation
process last year - as shown by reference to the following
examples: A) the Proposal wants to change the classification of
"Prison Gang member" into "security threat Group I" - member (STG
- I member), while continuing the current policy & practice of
keeping these alleged gang-members in (SHU) indefinitely, using
the same alleged "evidence" that's been used for past (25) years.
The proposal specifies that, --- "(STG I) members, will remain
in (SHU) indefinitely, until they successfully complete the
'deBriefing' process, --- or, the 'step down Program' consisting

of a minimum of (4) years - to complete (4) steps." Notably, it states, ... (STGI) members, will remain in (STU), and will not be able to gain release to the general prison population via step down program - based on IGI's confirmation of participation in criminal gang-behavior; confirmation requires "either (1) a guilty finding in a serious rule violation reports and/or (2) any document that clearly describes the gang behavior & is referred to the institution IGI. For confirmation" number (2) is in reference to "documentation" consisting of... statements from confidential inmate informants/debriefers, staff's alleged observations, & other forms of innocent associational type behavior (see proposal, at pgs # 7, 17-25, 3). This is the exact same process (CDCR-ocs) has used & Abused for (25) years. This changes nothing for the prisoners classified as prison gang members - which is a majority of those in PBSP - Short Corridor - most of whom have been in (STU) for between (10-40) years already - without ever being formally charged & found guilty of a - Criminal gang act".

B) The proposal fails to make meaningful - substantive changes responsive to core demands #1, 2, & 3 (and does so unsatisfactorily RE: core demand #5 e.g. mockery of our request for weekly phone-calls, no contact visits for step 3 & 4. etc, etc) And, we see no point in having (4) steps - each requiring a minimum of (1) yr. to complete.

And, the vague wording re: rest of proposal, leaves too much room for abuse and manipulation - which CDCR-ocs staff have a long

history of doing. All of which makes CDCR-OCS proposal unacceptable.

III. PBSP-SHU short corridor Prisoner REPS.

Counter Proposal

Based on CDCR's lack of good faith in the process of changing their illegal policies & practices regarding use & abuse of long term isolation torture - for reasons briefly summarized above, together with our belief that (CDCR-OCS) proposal is so blatantly out of step with what was agreed to during negotiations between July - OCT. 2011 - as to constitute an intentional stall tactic designed to prolong our subjection to those Torturous conditions...

Therefore, we hereby respectfully present our attached Counter proposal - to be implemented without further delay

Dated: _____

Respectfully Submitted By: (NEGOTIATORS)
names at the end of ***(PBHAM)**

Pelican Bay Human Rights movement (PROPOSAL)

PBSP "B" Facility

Modern-management control unit (m-mcu)

This Proposal starts by looking at concrete Programs that have been implemented by CDCR and functioned effectively, and by examining how they can be adopted immediately to the Present-Day PBSP and all 180 Prison structure.

In the 1970's and 1980's, the max-B management control unit Programs, such as: CHINO, DVI and San Quentin max-B, afforded as much Programming as the (General Population) prisoners had, and held individual (prisoners) accountable, who failed to Program within the mcu setting.

Today (2012) there are still some small max-B-Type Programs functioning in a few CDCR facilities under different names, but segregated, with the same objectives.

The new 180-design Prison complexes are perfectly structured for the necessary control setting, and meeting all the security requirements, to make this modern (max-B mcu) type of unit(s) more durable and cost-effective to operate for the California Tax Payers.

PBSP "B" Facility control Program

PBSP "B" Facility, control/Behavior Program (Facility), For the General Population (G. P.) Prototype, can be implemented as a Pilot Program, and used at other 180-design prison complexes. PBSP "B" Facility can serve a dual Purpose of allowing for a (Short Period) of Decompression time for validated (SHU/Ad. seg.) Prisoners who have served decades in super max (SHU's); this applies to prisoners who have received any serious CDCR-RVR 115's for any individual behavioral misconduct, demonstrating factual, Reliable evidence of the prisoner currently engaging in criminal Gang activity that shall and can be prosecuted as a criminal offense within California State or Federal courts.

The second Purpose of this (m-mcu) program shall allow validated Prisoners to successfully complete the 90 day step Program; this is a three(3) Phase Program for re-entry back into the General Population (GP) of a Prison setting, within the (new) modern structural environment of the 180 design Prisons like the (old) mcu Program (similar to what existed in the mid-1970's and 1980's at Chino, DVI, San Quentin max-B units, and at (old) Folsom State Prison (i.e. Restricted Housing units).

PBSP "B" Facility is an ideal institution for the (max-B, mcv) Program for release to the (G.P.), because it is in a level **IV** maximum Security Prison, with an existing Policy Requiring that inactive affiliates be housed on close B status within a level **IV**-prison setting, for a Period of observation that shall be no longer than 12 months.

upon completion of that observation Period, the Prisoner shall be transferred to another control/behavior unit (CBU) Facility to G.P. In the absence of real safety needs (i.e. a specific conduct/behavior act), the Prisoner may be housed in a Facility consistent with his classification score.

PBSP "B" Facility is comprised of eight (8) housing units with one main exercise yard, that is divided into three (3) smaller separate yards, and approximately twenty Cells Per section (i.e. A, B, & C) For building one (1) and building two (2) is a repeat of Building one. Each Housing unit has three separate housing sections, with an approximate capacity of forty prisoners in each section. Thus, each housing unit has room for approximately 120 prisoners, and a Facility Capacity of 900 prisoners. Additionally, each housing unit has a separate concrete wall enclosed yard, with a capacity of twenty (20) to forty (40) prisoners, during their (prisoners) exercise Periods. There are Generally two (2) or three (3), exercising periods each day.

Prisoners can effectively be Segregated to fit security and safety standards, like what existed under the Past management Control units. All Segregated Programming can be operated by a schedule of Group A, Group B and Group C.

modern management control Facility (mmcf/GP) Has Three Phases:

Phase I: Initial Placement into (mmcf) From the (SITU) shall be for a minimum of 30 days, with no Group programming, no designated work Group Participation allowed non-contact visits.

Phase II: Programming with in a prisoners particular classification assigned to Group A, B or C. Eating in Dining Hall. Phase II Placement shall be for a minimum of 60 days, with contact visits.

Phase III: The successful completion of 90 days (mmcf/GP) Programming, meaning a prisoner has Full access to one of the main exercise yards with his assigned Group.

In Phase I, the classification committee will designate the assigned work Group; Phase II work Group A1, A2, B Privilege Group B; Phase III work Group A1, A2, B Privileged.

work Group.

1. classification should be every 90 days
2. Telephone access: one call per month
3. contact visits
4. Educational Programs
5. Canteen items not to exceed one month's draw of assigned Privilege Group
6. conjugal visits
7. Feeding in unit's dining Halls
8. Transfer C.A.T. Programs
9. Prisoners should be able to another institution with a (mnce) to G.P after one year, in order to be closer to family.

Additional Requirements & Support for our Proposal

- A. $\pm$ G.I. ocs should discontinue the arbitrary, unfair Practice of relying on allegations from confidential informant/debriefers to keep prisoners in SHU and/or from advancing out of SHU, unless such allegations are supported by Credible evidence, & thereby result in issuance of a CDCR-115 rule violation report, and required due process there after. whom himself been denied inactive status.
- B. Discontinue relying on innocent associational activity, such as: Roster list, Group Petitions, address BOOKS, Poems, drawings, Portraits literatures, Published BOOKS, manuscripts, signing of Birthday Cards, signing of Condolence cards, legal work, chronos For talking, envelopes with a validated prisoner's name on it,

etc.; unless IGI can disclose undisputed evidence during inactive Review, that the prisoner under review has written to another on a Roster list who is promoting current Gang activity; written to another validated prisoner's address, who is promoting current Gang activity. The same proof of evidence shall apply to poems, Drawings, cards literature, etc; showing the Prisoner how his written material has promoted "current Gang activity," Gang violence, etc.!

It is known that there are IGI and ISU and OCS officials, that are deliberately (during the inactive reviews), misinterpreting what constitutes current Gang activity; as well as, relying on flimsy information that contains no credible evidence or documentation about the prisoner who is under review, showing him to be planning, organizing, threatening, soliciting or committing any criminal Gang acts. (If there was credible evidence supporting this a CDCR 115 RVR is Required).

The reason for this erroneous practice is because there is an attitude to use the inactive review as a means to continue denying specific validated members a release from SHU to the mainstream General Population (G.P.).

documented evidence clearly demonstrates the opposition (e.g. OCS) is not in favor of giving better programming opportunities to SHU prisoners, like those afforded to the General Population prisoners.

Prisoners have loudly and clearly called for the end to group punish, and for a focus on individual behavior instead. They have voiced their willingness to accept individual accountability for individual conduct. They (prisoners) will get that under this plan, and individual who fails to remain in compliance with the PBSP "B" Facility (MMCF) structural setting will return to the (SHU/Ad. Seg.).

The current long term (SHU) prisoners have already fulfilled a Step-Down Program during the decades spent in super max/SHU's. They should not have to do more to earn their release into a PBSP "B" Facility (MMCF) program setting (like what existed in the mid-1970's and 1980's in what was called management control units within the (SHU-structure)). The security level today in the 180 Level IV prison is much more controlled and therefore suitable, for a (MMCF) to be easily implemented, and effectively operated.

This document is in direct relation to the (P.B.H.R.M) to address the illegal warehousing of prisoners held in California Torture Chambers (i.e. solitary confinement, SHU, and indefinite isolation), which is stated in The "Five (5) core demands", that Mr. Cate CDCC secretary, under-secretary S. Kernan (former) and undersecretary Terri-mc donald (current) have all agreed that we (the prisoners held within indefinite isolation (i.e. SHU)) should have had coming, and we shall be afforded all of

the Prisoners' Five (5) core demands; which is supported by the California Governor E. Brown. These demands are all reasonable.

Prisoners Currently held under the indeterminate (SHU) term, shall be relocated into this (PBSP "B" Facility - mmcf); and shall be Authorized to receive the Same Personal Property items for prisoners assigned to the BMU sec Title 15, CCR 3334 (c) (g).

Evidence proves, CDPR (SHU/Ad. seg.) sensory deprivation from solitary confinement (conditioning causes) Harm to prisoners ... This illegal Torture must end.

The science of sensory deprivation was theoretically structured in the Federal prison in Marion, Illinois in the 1970s. It was the first known behavior modification program in the United States. There were no pre-conditional snitching (debriefing) requirements connected to being released from said program. In California, at Pelican Bay state Prison security Housing unit - SHU), under the region of the Prison intelligence units (PIU) - SSU, ISU, LEIU, IGI and OCS (which is a qualitative fact of a high intensity (enhanced) sensory deprivation program that was implemented in December 1989, against a targeted class of Prisoner between the years of 1990 and 2011) Hundreds of targeted prisoners in the principal ethnicity groups

OF New Afrikans (Black), Northern Mexican, White and Southern Mexican, Hereafter (N.A./N.M./W. & S.M.) were Tortured into Debriefing. The Facts of sensory deprivation being a form of Torture, is linked its application and the results. For the same of argument, the American Medical Association Encyclopedia, Page 1103, defines "Sensory Deprivation" as a form of torture. The experimenting with sensory deprivation in California has far succeeded the Federal Behavioral Modification Program. Long Term Solitary Confinement by itself is an irrational, and unjustifiable instrument of Corrections; and when the state of California allowed the prison-Industrial Complex (PIC) to implement such sensory deprivation for over five (5) years, They (CDCR) have recklessly modified the Genetic Features of what are Human beings social characteristics, and by suppressing a Humans natural social behavior, it changes the thought process of the targeted prisoners by removing objective reality. once deprivation sets-in, the second signal system (subjective Reality) of the targeted prisoners thoughts will supersede the first signal system, which then produces: irrationalism, Cannibalism, Racism, Chauvinism, Terrorism, Conformism and obscurantism. The process of Deprivation Passes through three (3) phases 1) Judgement, 2) awareness, and 3) Fatigue. once the three (3) phases are Tapped

into the physiological basis for the Targeted prisoners, association and Loyalties becomes short-circuited. The Targeted prisoners of Deprivation believes they're no longer accountable for their behavior and actions.

Sensory deprivation has a Secondary Phenomena, which are social deprivation, cultural deprivation, ethical deprivation and emotional deprivation. No sane Targeted prisoners can escape this type of deprivation that comes from long term internment in a supermax control unit. The science of deprivation has been perfected by the Handlers to operate with devastating force.

The Techniques of Torture by deprivation are used by United States military intelligence and the Political Police interrogators, to break down the will power of the Targeted prisoners. They (CDER) have conducted a war of attrition against the mind and body of thousands of prisoners over a prolonged period of time. There's a misconception that "mental" torture not being as brutal and barbaric as physical torture. military intelligence experts will attest to the fact that mental torture is more effective than physical torture especially inside the prison theater. #1) Physical torture produces short range returns #2) mental torture produces long range returns.

Admittedly, From the overview of sensory deprivation, there is no separation Between physical torture and mental Torture. Torture is Two a (2) -edged sword and can be an effective way towards (1) exacting Punishment, or (2) revenge; and of course, the objective being to obtain a Confession, or Information from the Subject; we know that (PBSP-SHU) was Architecturally designed & intended to have produce maximum sensory deprivation impact. It's Features ARE:

- 1) The cage Pods have no windows the Targeted Prisoners will go decades without ever seeing The natural physical scenery (i.e. Trees, mountain, Grass, Dirt, plants, Birds or wild life) of the objective world.
- 2) The cage Pods have several strategic secret type of capabilities that are used for Disposal of Human Beings, Incineration, Ice Refrigeration and or gas chamber), The degree of Hotness (Heat of combustion) and coldness (Freezing Point) or Gaseous asphyxiant.
- 3) ventilation shaft designed to circulate, stale and noxious Air from cage to cage, Poor AIR quality
- 4) High intensity impulse noise trapped in a Vacuum.

The Prison Intelligence unit (PIU) has an established Profile of every targeted Prisoners socio-psychological characteristics (Dictatorial attitude, Level of self-discipline, Personality, Group orientation, dominance, submissiveness, Paranoid, sociability ~~ity~~ non-compatibilities). The (PIU)

establish the racial-ethnic social ecology make up of every eight (8) cell-Pod. It is essential to the intensities of deprivations that the social polarity atmosphere influence the phenomena effects. It does play a significant role in the bringing about the deterioration of the targeted prisoners. no targeted prisoners can escape the transformation of objective reality into subjective reality of SELF-preservation. The external world must become immaterial in the targeted prisoner minds if they are to survive the war of attrition.

During the last six (6) months of 2011, the California prisoners was compelled to get involved with two (2) Peaceful non-violent hunger strikers, to let this country President Obama and Governor Brown of California, and CDPR secretary M. CATE know, that this country (U.S.A) and the state of California do in fact torture state prisoners, and later drive some to the state of sensory deprivation through the Personnel of Prison intelligence units / military intelligence agents and Political Police Tormentors... Now, over the Past Nine (9) months, July 2011 to March 2012, we (Prisoners) have lost three (3) fellow prisoners, whom we shall Honor them for their courageous struggle for our (PBHRM) call for Justice and Humanity.

in memory OF:

1. Johnny Owen VICK - PBSP Ad.SEG.
2. HozeL ALANZO Blanchard CAL. Ad.SEG.
3. CHristian GOMEZ - CSP-COR - (Ad: SEG.)

These are Just recent men (Human Beings) who were subjected to the inhumane treatment in solitary confinement. who dedicated their lives to our struggle to be liberated from these Torture Chambers. we dedicate to them our commitment to continue our Struggle.

Respectfully SUBMITTED BY:

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DATED: 3.19.2012