

Scare Tactics

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Dear Readers,

I am writing to inform you of the scare tactics that California Department of Corrections and Rehabilitation (CDCR) here at Pelican Bay State Prison - Security Housing Unit (PBSP-SHU) uses in order to intimidate our Families, friends and associates away from corresponding with those of us who are held in these solitary confinement units (AdSegs, SHUs). Attached to this letter is a "CDC-128-B Stopped Mail Notification general chrono." As you can see, the prison institutional gang investigators (IGI) and investigative service unit (ISU) marked inside a box the letter X, indicating a violation of the prison rule. In this particular Stopped-Mail Notice it was Incoming Mail from a friend of mine who runs a zines publishing company in Chicago, that distributes political writings, manuscripts, essays, pamphlets, etc. of mostly prisoners writings and activists in and out of prisons.

The prison gang officials/officers have a serious problem with this literature that is anti-prison industrial complex (PIC). So the prison officials/officers use the cdc-128-B chrono to label this material as "promoting gang activities," or a "threat to penological interests."

"X = Retained by investigative services unit (ISU) for investigation/potential disciplinary or court proceedings."

For the last ten years the prison intelligence (??) officers have used these scare tactics to achieve two (2) objectives: 1) Confiscate any correspondence outgoing or incoming that prison guards do not favor or that they consider to be anti-prison industrial complex. 2) Destroy/intimidate prisoners' families, friends and associates from having any relationships with the prisoner, by using the threat of prosecution for alleged "gang activities" which is a scare tactic to run off families, friends and associates, to isolate the prisoners further.

The cdcr understands that the targeted people are poor people who have little or no education or they have no adequate understanding of their legal rights to correspond with prisoners, which is protected by the First Amendment of the United States Constitution, and the CDCR's California Code of Regulations (CCR) Title 15, Section 3130, General Mail Policy.

So why would CDCR-PBSP's IGI/ISU develop a document (CDCD-128-B-Stopped Mail Notification) that deprives prisoners of their First Amendment rights to Freedom of Speech, in addition with the two objectives the CDCR/PBSP officials/officers use as a physical/psychological approach toward breaking down men by way of torture and the tormenting of their families, friends and associates? If I was to tell you in a word, "Racism" has an inherited belief that all people of color and poor whites are criminals....

Out of the 10 years they have used this CDC-128-B form there has not been one (1) investigation that led to a criminal conviction. Nor has there ever been a threat to the penological interest. The only thing that has occurred is that our families, friends and associates have been attacked and gotten the living hell scared out of them based on these false accusations. They are able to destroy family ties, break up friendships and compromise relationships that could have been.

The prison gang officials/officers, use their physical and psychological attacks against the prisoner to try and get one to debrief (i.e., turn prison-snitch) in order to get out of solitary confinement units. The prisoner's family, friends and associates become 'pawns' in this attack in

which prison officials/officers consider our families, friends and associates to be collateral damage.

Unfortunately, these attacks have led to many prisoners succumbing to this torture. But those of us who remain steadfast and principled men will die in solitary confinement rather than become a prison snitch. To subject any human being to these torture chambers indefinitely is inhumane. And the state government who is responsible for protecting its citizens, good or bad, has sanctioned our torture, giving CDCR *carte blanche* to do what they please against us, which means that we (prisoners) are made to suffer each day of our lives in solitary confinement until we debrief, parole or die and most of us, if not all of us, are lifers. It's already been too long, where many of us have done anywhere from 10 to 40 years in these torture chambers, some in PBSP-SHU since its inception December 1989.

Therefore, this "Mail-Stopped Notification" is nothing but a way to implement covert censorship under the 'State of California, California Code of Regulations, Title 15, Crime Prevention and Corrections, Division 3, Adult Institutions, Programs and Parole Department of Correction and Rehabilitation."

Updated through January 1, 2013

CCR, Title 15, Section 3391: Employee Conduct. (a), (b), (c), (d) Citizen Complaint, pursuant to Penal Code Section 832.5.

This regulation protects you, the Citizen, against prison officials/officers who attempt to intimidate or disrupt your correspondence. File your Citizen Complaints against any false allegations made against you.

CCR Title 13, Section 3391. Employee Conduct.

(a) Employees shall be alert, courteous, and professional in their dealings with inmates, parolees, fellow employees, visitors and members of the public. Inmates and parolees shall be addressed by their proper names, and never by derogatory or slang reference. Prison numbers shall be used only with names to summon inmates via public address systems. Employees shall not use indecent, abusive, profane, or otherwise improper language while on duty. Irresponsible or unethical conduct or conduct reflecting discredit on themselves or the department, either on or off duty, shall be avoided by all employees.

(b) An allegation by a non-inmate of misconduct by a departmental peace officer as defined in section 3291(b) is a citizen's complaint pursuant to Penal Code section 832.5. Citizen's complaints alleging misconduct of a departmental peace officer shall be filed within twelve months of the alleged misconduct.

(c) Persons other than an inmate, parolee or staff who allege misconduct of a departmental peace officer shall submit a written complaint to the institution head or parole administrator of the area in which the peace officer is employed.

(d) Citizens filing complaints alleging misconduct of a departmental peace officer employed by this department are required to read and sign the following statement:

YOU HAVE THE RIGHT TO MAKE A COMPLAINT AGAINST A POLICE OFFICER [this includes a departmental peace officer] FOR ANY IMPROPER POLICE [or peace] OFFICER CONDUCT. CALIFORNIA LAW REQUIRES THIS AGENCY TO HAVE A PROCEDURE TO INVESTIGATE CITIZENS' [or inmates'/parolees'] COMPLAINTS. YOU HAVE A RIGHT TO A

WRITTEN DESCRIPTION OF THIS PROCEDURE. THIS AGENCY MAY FIND AFTER INVESTIGATION THAT THERE IS NOT ENOUGH EVIDENCE TO WARRANT ACTION ON YOUR COMPLAINT; EVEN IF THAT IS THE CASE, YOU HAVE THE RIGHT TO MAKE THE COMPLAINT

AND HAVE IT INVESTIGATED IF YOU BELIEVE AN OFFICER BEHAVED IMPROPERLY. CITIZEN [or inmate/parolee] COMPLAINTS AND ANY REPORTS OR FINDINGS RELATING TO COMPLAINTS MUST BE RETAINED BY THIS AGENCY FOR AT LEAST FIVE YEARS.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 148.6, 832.5, 5054 and 6250–6253, Penal Code, *Chaker v. Crogan* (9th Cir 2005) 428 F. 3d 1215.

HISTORY:

1. Amendment filed 2-8-88; operative 3-9-88 (Register 88, No.7).
2. Editorial correction of History 1 (Register 96, No. 52).
3. Amendment of section heading, amendment adding new subsection (a) designator, renumbering and amendment of old subsections 3084.7(h)(2) and (h)(3) to new subsection 3391(b) and (c), new subsection (d), and amendment of Note filed 12-23-96 as an emergency; Operative 12-23-96 (Register 96, No. 52). Pursuant to Penal Code section 5058(e), a Certificate of Compliance must be transmitted to OAL by 6-2-97, or emergency language will be repealed by operation of law on the following day.
4. Amendment of section heading, amendment adding new subsection (a) designator, renumbering and amendment of old subsections 3084.7(h)(2) and (h)(3) to new subsections 3391(b) and (c), new subsection (d), and amendment of Note refilled 5-29-97 as an emergency; operative 6-2-97 (Register 97, No. 22). A Certificate of Compliance must be transmitted to OAL by 9-30-97 or emergency language will be repealed by operation of law on the following day.
5. Editorial correction of History 4 (Register 97, No. 24).
6. Certificate of Compliance as to 5-29-97 order, including amendment of subsections (b) and (d), transmitted to OAL 9-25-97 and filed 11-7-97 (Register 97, No. 45).
7. Amendment of subsection (d) and amendment of Note filed 11-3-2006 as an emergency; operative 11-3-2006 (Register 2006, No. 44). Pursuant to Penal Code section 5058.3, a Certificate of Compliance must be transmitted to OAL by 4-12-2007 or emergency language will be repealed by operation of law on the following day.
8. Certificate of Compliance as to 11-3-2006 order transmitted to OAL 3-12-2007 and filed 4-19-2007 (Register 2007, No. 16).