

Questionnaire Response

1. Yes
 - a. Yes
 - b. Yes, see following.

Bio (A bit long, shorten as needed)

Todd Ashker has more than 31 years of experience in the California prison system as a time serving prisoner, prisoner rights litigator and reform activist. He has been in SHU – Solitary Confinement for 28 years; during this time period he has assisted many prisoners on criminal/civil legal matters and has been named plaintiff and provided assistance on fifteen civil cases resulting in positive rulings for prisoners. He is a lead plaintiff in the Ashker v. Brown civil suit seeking to abolish long-term solitary confinement, and was a principle prisoner representative involved in the ongoing peaceful activism efforts to educate prisoners and the public about the decades of State-sanctioned torture thousands of prisoners are subject to via long-term solitary confinement, and helped expose this to the world via three hunger strikes between 2011-2013.

2. a) I believe the skills necessary for people seeking to support, advocate on behalf of prisoners depends on the goal and roles of the people involved – examples follow:

Basic - General Support requires people to be familiar with prisoner related issues and rights, prisoner related issues in general, are “conditions of confinement” which include basic rights – food, shelter, clothing, medical and mental health care, personal safety...and other important issues relating to maintaining relationships with outside loved ones, prison programs and privileges.

In order to do this effectively, people need to be familiar with at least the basics regarding prisoner rights and the prison system’s rules and regulations, prisoner rights law, and CDCR rules and regulations are changing often and can be fairly complex, if only due to the many categories of subjects. Therefore, I believe the best way to start people out is to provide information about where the information can be located via internet and how to access it and find the relevant legal precedent(s), rules, regulations, etc, responsive to specific issues. There’s also a good book which is fairly current and covers nearly every category regarding the conditions of confinement and possible remedies, with supporting case cites, Prisoners’ Self-Help Litigation Manual (Fourth Edition) 2010 by Boston and Manville which is an invaluable tool!!

Also, CDCR’s rules and regulations are available on their website, and are codified per California Code of Regulations, Title 15; *also important* is the Department Operations Manual (DOM), also on CDCR’s website. Each of these (the Title 15 and DOM) have a table of contents, which lists rules and regulations per category!

People need to learn early on that prisoners are technically entitled to certain legal rights and protections. The reality is, they have very little and it’s an ongoing battle to embrace these, and/or obtain relief, when such are violated. In California, prisoners’ rights are per California Penal Code 2600-2601 et. seq., and the US Constitution (in general per 1st, 5th, 8th, and 14th amendments)

The Congress, US Supreme Court, and CA Supreme Court have made it difficult to obtain relief, but it’s critical to continually challenge serious violations because this is one of the few ways to keep the *prisoncrats* abuse in check! At least a little bit...

People in the general – basic – support/advocate category need to additionally learn about corresponding with prisoners including familiarization with relevant rules as well as contacting

other pillars of support; writing letters to officials on behalf of the prisoner and/or family members...

These supporters/advocates need to be <supervised/paired up?> with people who have experience and can assist or guide them as needed!!

11) Those intent on a greater level of commitment to the cause for prison reform – including those teaching newcomers – need to learn the related/necessary skills so they can be more effective in their role(s).

Based on my personal experience, during the past four years of combining legal challenges with political, peaceful activism efforts, there are many improvements that can be made so that we can continue to combine these processes effectively for the benefit of the maximum number of prisoners, outside loved ones, people of conscience, the affected communities, and public safety in general.

In order to do this, we need qualified people inside and out (to be able to communicate in a timely manner) for the purpose of obtaining and accessing accurate information related to the cause <i.e. major prison system reforms, ending long-term solitary confinement, promoting augment to end hostilities, ending lockdown, providing meaningful rehabilitation programs, etc.> and strategizing on the most practical, peaceful means for achieving these goals!!

It can be done via the combined, coordinated, collective efforts of people inside and outside these walls Statewide, and it doesn't need to take 10-20 years. The first step needs to be the establishment of timely lines of communication, preferably via confidential mail/legal visits – initially covering all SHU prisons statewide [PBSP, COR, SQ, A/C, NEW FOL, TEHACHAPS, CIW], eventually expanding to include all level 4 General Population Prisons (not including sensitive needs facilities); the way to do this legally in such communities center on legal-political subjects regarding cause and no individualized personal 3rd party communications!!

There are many books and other teaching aides available which can be used as a blueprint for this; some examples regarding organizing, communicating, generating mainstream public exposure, support, etc, are in books I've read, e.g. Nothing But An Unfinished Song by Denis O'Hearn about Bobby Sands, and On Strategic Nonviolent Conflict: Thinking About The Fundamentals by Robert L. Helvey (I'm reading this now).

The fact is, this prison system is not operable without prisoners' cooperation, and I believe we're at the point of being able to evolve the consciousness of prisoners, and the public perception thereof. Such entails changes in individual consciousness and leading by example, beginning with a collective effort to end divisive mental states (e.g., focusing on individual groups race issues) and instead focus on what prisoners, as a class, have in common. Thereby creating a sense of unified struggle for the benefit of all! This can have a positive impact for the working class/poor outside these prison walls (the "prison class" being a microcosm of the working class/poor) and it's critical for our outside supporters/advocates to understand, be on the board, and help promote this change in consciousness, via their example(s). You can't make people change their consciousness – it happens to people on their own, with the help of the change in your own consciousness.

2. b) Re: basic rights – I've touched on this in the above response pages 1-2

2. c) Re: forms – one of the main forms people need to be familiar with is the CDCR 22 Req. for interview and CDCR 602 Appeal <green for prison conditions and pink for medical – should be available on CDCR website>

2. d) As summarized above (pgs 1-2) it's important people be available to access and review CDCR's policies which cover many of these subjects. Also, regarding regular correspondence, they need to be schooled about 3rd party communications that they should assume such mail will be scanned onto the prison system computer.

Re: confidential correspondence/legal visits: they should assume that such is being monitored/recorded by prison intelligence staff (Investigative Services Unit, ISU) thus, anything that's truly sensitive/confidential needs to be written on paper and held to the visit booth glass, in general population the legal rooms are known for being monitored via microphone in electric outlets (this came to light in the 80s at New Folsom!)

Also, it'd be good for people to familiarize themselves with the reentry programs available for relevant communities.

2. e) I can't point to "common" mistakes because it's an ongoing learning experience/process for all involved – with many dynamics – this is why it's critical to have those with experience guide newcomers each step of the way! The potential problem areas I see are: people making promises without following through, a lack of timely exchange/dissemination of information, failure to corroborate information (presenting rumor as fact is potentially harmful, except perhaps in context of doing so intentionally for propaganda purposes), lack of coordination between people and groups.

This is where a book like On Strategic Nonviolent Conflict, referred to above, can be helpful regarding creating a structured plan, etc.

2. f) Volunteers are critical to the prison reform movement. Prior to our peaceful hunger strike action(s), beginning with the planning stage in early 2011, the prisoner rights, outside support/reform groups were quickly fading nationwide and especially here in California, possibly with the exception of Legal Services for Prisoners with Children (LSPC). Most prisoners in the mix on these issues don't view the Prison Law Office as supporters of the cause! The leadership is compromised, e.g. Donald Specter signing off on August 2013 force feeding stipulation with CDCR and Medical Receiver!!

Our peaceful activism helped breath new life into the movement and it's now bigger and better than ever before. Many of the core people involved are dedicated volunteers, who are older, and we need more people to be involved in order to grow and become a real force for positive change.

People should take an interest and be involved because of the societal-human factors which have a big impact on everyone. These prisoners are, in large part, state institutions and operated on billions of tax payer dollars – the lawmakers and their appointed *prisoncrat* administrators answer to the public!

California Prison System policies and practices are a worldwide scandal, and the people are not getting their money's worth [more than 10 billion annually], while other critical social services are continually subject to cuts!! People need to take an active role and do their part to help expose and force meaningful change, all people are responsible for the broken system, and we can fix it via collective, coordinated efforts.