

Sheriff Laurie Smith
Office Of The Sheriff
55 West Younger Avenue
San Jose ,California 95110

Sheriff Smith,

On October 22, 2016 the hunger strike and peaceful protest to end the torturous practice of Solitary Confinement and oppressive classification reviews of Santa Clara County prisoners, most of whom are unconvicted pretrial detainees; was suspended to show a good faith effort and allow time to correct inhumane conditions.

Although some changes have been made within Santa Clara County Jails since the suspension of the hunger strike, we the prisoners continue to be subjected to arbitrary policies and practices imposed by the officers and their supervisors which deny the spirit of intent behind giving prisoners out of cell programming. At all levels, we have exhausted all attempts to address and resolve the below listed requests / demands, informally and formally through direct conversation with staff, request forms, calling #37 Jail Observer Program, filing grievances etc.; yet our concerns and grievances have fell on deaf ears within Santa Clara County Jails. We, PRISONERS UNITED will lift the suspension of the hunger strike beginning October 22, 2017, exactly one year after our peaceful protest was suspended in good faith.

We will continue our peaceful protest to end torturous practices of Solitary Confinement and oppressive classification reviews until there is tangible and meaningful change for all prisoners.

WE PRISONERS UNITED OF SILICON VALLEY, Respectfully request / demand the following core issues be granted:

1. End: Meaningless Classification Reviews.

- a. Prohibit the use of custody inputs/non rule violations and all other arbitrary practices which deny prisoners the ability to have meaningful classification reviews with regard to all due process protections.
- b. Prohibit classification practices which bar Double Red (Level 4) prisoners from a path to downclass based solely on gang allegations, affiliation, validation, etc.
- c. Prohibit classification practices which downclass Double Red prisoners while still being classified as Red Tops (Level 4).

Solution:

- a. When ordering an prisoner's placement in Administrative Segregation, provide the prisoner with a written copy of said order at time of placement clearly detailing the reasoning for placement in Administrative Segregation. Include sufficient information to allow the prisoner to prepare a defense against the reasoning for the conditions of segregation. Ensure that the Administrative Segregation order is not authorized below the staff level of Lieutenant and that the segregating authority is listed on the prisoner's copy of order.
- b. Within 72 hours of being placed in Administrative Segregation afford the prisoner an administrative review with staff at the level of Captain or higher to determine if the reasons for such placement are appropriate and weather continued segregation is warranted. Ensure the staff member conducting the review is not the same staff member

who authorized the initial segregation. Supply the prisoner with sufficient notice of the review and the ability to call witnesses to support their defense.

- c. Within 10 days of being placed in Administrative Segregation afford the prisoner a classification hearing, unless already released from Administrative Segregation as a result of the administrative review, to determine whether continued segregation is warranted. Provide sufficient notice to this hearing to the prisoner and at least 24 hours prior of the hearing to ensure the prisoner receives copies of all documentation concerning the reasons for placement in Administrative Segregation. This includes confidential information being disclosed to the prisoner detailing as much information as possible without revealing the source. Ensure that the prisoner has the ability to call witnesses.
 - d. For prisoners remaining in Administrative Segregation after the initial hearing, afford them subsequent classification hearings every 60 days to determine their downclass eligibility and whether the segregation is still warranted.
 - e. Provide prisoners in Administrative Segregation and solitary with proper documentation of all decisions made by the administration and/or classification which concern their housing in Administrative Segregation clearly detail the reasoning for each decision and the information/evidence relied upon for each decision throughout the duration of segregation.
 - f. For prisoners found guilty of serious in-custody misconduct which endangers the safety of others and/or the security of the institution, designate determinate terms of segregation and said misconduct based on a reasonable assessment system. This is to end the oppressive practice of indefinite placement in Solitary Confinement/Administrative Segregation. In the interest of promoting an effective and impartial system of assessment, we recommend this facility to adopt the "SHU Term Assessment Chart" and the procedures revolving around it's use as detailed in the California Code of Regulations 3341.9, Title 15, Division Chapter 1, Subchapter 4, Article 7.
 - g. When determining a prisoner's eligibility to downclass to general population from Administrative Segregation, sincerely consider the prisoner's conduct in confinement and their participation in the High Security Integration group program. Also sincerely consider their participation in Roadmaps to Recovery and offer prisoners additional programs aimed towards rehabilitation.
- 2. End: Placement In Solitary Confinement When There Exists No Serious Rule Violation To Merit Such Placement.**
- a. Prohibit the use of long-term/indefinite solitary confinement.
 - b. Prohibit the use of solitary confinement based solely on gang allegations, affiliation, validation, etc.
 - c. Prohibit the reconstruction of solitary confinement modules.
- Solution:**
- a. Follow the classification and housing practices of other jurisdictions (i.e. CDCR, San Bernardino County etc.)
 - b. Allow all prisoners a genuine opportunity to be downclassified and properly integrated into the general population.
 - c. Determine classification/housing of all prisoners based on individual behavior.
- 3. End: Group Punishment.**
- a. Prohibit group punishment and the loss of program of an entire housing unit based solely on the personal conduct/behavior of 1 or 2 individuals.

Solution:

- a. Continue programming as usual after the 1 or 2 individuals responsible for misconduct have been properly rehoused.

4. End: Arbitrary Practices/Unwritten Rules and Policies Of Cruel And Unusual Punishment During Unstructured Programming.

- a. Prohibit the restriction of no more than (2) prisoners to exercise sundeck.
- b. Prohibit the restriction of commissary shoes worn in the dayroom.
- c. Prohibit the restriction of prosocial game activities in dayroom.
- d. Prohibit the restriction of verbal communication in the dayroom.
- e. Prohibit the practice of muted T.V.'s in the dayroom.

Solution:

- a. Employ the true intent of out of cell programming for prisoners to maintain their mental and physical health through equal access of regular exercise, proper footwear, and prosocial activities.

5. End: Rigid Visitation Policies.

- a. Prohibit rigid tardy policies that restrict families and friends from visiting prisoners.
- b. Prohibit visiting time restrictions to medium and minimum level security prisoners in Elmwood D.O.C.

Solution:

- a. Employ a grace time for visitors who may be tardy due to traffic, public transportation, out of county visitors etc.
- b. Extend visiting incentives for medium and minimum level security prisoners in Elmwood D.O.C. from 1 hour to 2 hours of visiting per week.

Truly,
PRISONERS UNITED OF SILICON VALLEY