

ATTN: Sheriff Laurie Smith  
Santa Clara County Sheriff's Office  
150 West Younger  
San Jose, CA 95110

March 26, 2018

Sheriff Smith,

This letter is to inform you that we, the S.C.C.J. prisoners housed in solitary confinement, still continue to endure injustice, lengthy and indefinite periods of solitary confinement, and negligent abuse of the grievance system. We are deprived of our due process rights, our grievances/appeals are habitually delayed and our chief concerns are often misrepresented by staff or ignored completely. There exists a serious lack of information disclosure/documentation of classification decisions relevant to our housing and, in units such as 4b/4c, staff often abuses what little privileges we have and neglects to accord us with the basic requirements such as the opportunity/ materials to clean daily.

The use of solitary confinement is applied overzealously and indefinitely with no clear end in sight and no plan in place to reintegrate us into less restrictive settings. Furthermore, the jails Administration seems unable to agree on a definition which constitutes "solitary confinement". So, for the purposes of this letter we will use the definition given by the U.S. Department of Justice: terms "isolation" or "solitary confinement" mean "the state of being confined to ones' cell for approximately 22 hours per day or more, alone or with other prisoners, which limits contact with others".

To clarify, "out alone" prisoners in the S.C.C.J. who receive 90 minutes of out of cell time every other day are – on average – confined to their cells more than 23 hours a day. Select prisoners in "High Security Integration" (HSI) group programs receive 3 hours of out of cell time every other day and are confined to their cells, - on average – more than 22 hours a day. Therefore, according to the U.S Department of Justice, both "out alones" and High Security Integration prisoners are housed in solitary confinement.

HSI is not an effective nor a reasonable step down plan, as no timeline exists for reintegration, and Jail Intel Staff blatantly inform us that no opportunity for us to down class exists. Once again we find ourselves in a situation where our voices are not heard, and despite our grievances, appeals and letters to Captains, our concerns go unaddressed.

Thus, in order for our concerns to be acknowledged we will begin a peaceful protest in the form of a hunger strike on April 15, 2018, and we will continue to protest until these issues are addressed appropriately.

With that covered, we respectfully request/demand the following core issues be granted:

**1. End: Meaningless Classification Reviews**

**Solution:**

- a. During every 60 day review, advise each prisoner of their point total under the James Austin method and disclose at what rate the points decrease.
- b. When over-riding a prisoner's security level designation advise the prisoner of whether it's a mandatory over-ride or discretionary over-ride and the reason for such.
- c. Whenever confidential information is submitted which concerns the prisoner, disclose such to the prisoner detailing as much information as possible without revealing the source.
- d. Provide prisoners with proper documents of all decisions made by the administration and/or classification which concern their housing or security level. Clearly detail the reasoning for

each decision and the information/evidence relied upon for each decision.

**2. End: Arbitrary solitary confinement practices:**

**Solution:**

**a.** Implement due process procedural safeguards for those up-classed to solitary confinement from less restrictive settings.

Safeguards include:

**a.a** Advance written notice detailing the reasoning for placement in solitary confinement before initial placement, except in the case of a genuine emergency. In the event of a genuine emergency this is to be accomplished within 72 hours of placement. This is to include sufficient information to allow the prisoner to prepare a defense.

**a.b** A hearing with a classification supervisor where the prisoner is allowed to present witnesses and documentary evidence on their behalf. Sufficient notice of this hearing is to be given to the prisoner at least 24 hours in advance.

**b.** Implement a step down plan for prisoners in solitary confinement which rewards them with meaningful opportunities to down class for good behavior and participation in rehabilitative programs.

**c.** Offer prisoners in solitary confinement with more opportunities to participate in meaningful constructive programs.

**3. End: Grievance system negligence and abuse.**

**Solution:**

**a.** Apply safeguards to ensure all grievances/appeals are properly addressed and responded to within 30 days.

**b.** When computing/entering our grievances and complaints into the ACES system, record them verbatim.

**c.** When listing our grievance complaints on Grievance Dispositions, do so verbatim.

**d.** On the Appeal Disposition, list our appeal complaint and do so verbatim.

**4. End: Loss of out of cell time due to interrupted lockdowns, and insufficient cleaning supplies and time necessary to maintain sanitary conditions.**

**Solution:**

**a.** Hand down administrative memo for all HSI groups out of cell time to be timed and for staff to pause the countdown of our time for interruptions which require the groups to temporarily lockdown. i.e. Pill call, prisoner movement, routine maintenance etc.

**b.** Hand down administrative memo to allot time each day for pod trustees to sweep/mop dayroom and clean showers. Also provide the necessary cleaning supplies to accomplish this daily.

Respectfully,

PRISONERS UNITED OF SILICON VALLEY