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Feb-9th-2012

Blog Readers,

enclosed  
4 pages of → of RVR # A12-11-090

Racial profiling happens in & out of prison. Except in here the guards, mostly white males, abuse their authority to "write you up" issue (115) Rules Violation, which you only can challenge in their kangaroo court.

CASE in point: See the enclosed RVR (rules violation report) a "Hispanic" guy was locked inside a "holding" cage, where you can only stand up.

\* It doesn't say WHY the INMATE (you) was placed in the cage (because he was simply standing in an area, waiting to enter the Education building).

The guard wouldn't as he is supposed to offer, on a HOURLY basis a restroom and/or water break - but simply kept you in cage while the guards poked fun & laughed at him.

The write-up was dismissed based on CRUEL & UNUSUAL punishment.

Problem: guards use Race as reason to harass.

Solution: get education on the law & bring it to PUBLIC ATTENTION!

w/ Respect,  
Michael  
Singh

\* This WRITE-UP is a classic of:  
"Abuse of Discretion under  
The Color of Authority"



RULES VIOLATION REPORT - PART C

CDC NUMBER <i>XXXXXXXXXX</i>	INMATE'S NAME <i>XXXXXXXXXX</i>	LOG NUMBER <i>115-11-010</i>	INSTITUTION <i>XXXXXX</i>	TODAY'S DATE <i>1-01-11</i>
<input type="checkbox"/> SUPPLEMENTAL	<input type="checkbox"/> CONTINUATION OF:	<input type="checkbox"/> 115 CIRCUMSTANCES	<input type="checkbox"/> HEARING	<input type="checkbox"/> IE REPORT
<input type="checkbox"/> OTHER _____				

MENTAL SERVICES / STAFF ASSISTANT

*XXXXXXXXXX* HAS NO EFFECTIVE COMMUNICATION ACCOMMODATION NEEDS

ASSISTANCE PROVIDED TO ENSURE EFFECTIVE COMMUNICATION:

- Use of Text Magnifier
- Sign Language Interpreter
- Read Documents to *XXXXXXXXXX*
- Written Notes (See attached notes)
- Lip Reading
- Simple English Spoken Slowly and Clearly
- Foreign Language Interpreter
- XXXXXXXXXX* was wearing his hearing aid (s)
- XXXXXXXXXX* stated he did not need any assistance for Effective Communication
- Other \_\_\_\_\_

METHOD USED TO DETERMINE COMMUNICATION WAS EFFECTIVE:

- XXXXXXXXXX* relayed in his own words what was explained
- XXXXXXXXXX* provided appropriate, substantive responses to questions asked
- XXXXXXXXXX* asked appropriate questions regarding the information provided
- XXXXXXXXXX* did not appear to understand communication, even though primary method was used
- Other \_\_\_\_\_

HEARING PREPARATION:

The Disability and Effective Communication System (DECS) database WAS reviewed to verify *XXXXXXXXXX* Disability Placement Program (DPP) status, Developmental Disability Program (DDP) status, Mental Health Services Delivery System status, and TABE score:

*XXXXXXXXXX* IS NOT identified as a Disability Placement Program (DPP) inmate.

*XXXXXXXXXX* stated that he WAS in good health and that he DOES NOT have a disability (vision/hearing) which requires staff assistance, i.e. written, hearing or sign language interpreter and was ready to proceed with the hearing. *XXXXXXXXXX* did not require reasonable accommodations for this hearing.

*XXXXXXXXXX* IS NOT identified as a participant in the Developmental Disability Program (DDP).

*XXXXXXXXXX* DOES NOT demonstrate impairment in his ability to comprehend the nature of the charges/disciplinary process.

*XXXXXXXXXX* IS a participant in the Mental Health Services Delivery System at the CCCMS level of care.

*XXXXXXXXXX*'s actions WERE NOT considered "blatant, unusual, or uncharacteristic" behavior

*XXXXXXXXXX* appeared before the Senior Hearing Officer at 1-11-11, at approximately 1000 hours.

All written reports considered as evidence HAVE been noted by the subject charged in this matter.

The reports WERE noted at least 24 hours in advance of this hearing.

Reports noted had received number 0000-115

All other circumstances HAVE been met.

SIGNATURE OF WRITER <i>XXXXXXXXXX</i>	DATE SIGNED 1/11/11
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GIVEN BY: (Staff's Signature) _____	DATE SIGNED _____	TIME SIGNED _____
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COPY OF CDC 115-C GIVEN TO INMATE

RULES VIOLATION REPORT - PART C

CDC NUMBER <del>XXXXXXXXXX</del>	INMATE'S NAME <del>XXXXXXXXXX</del>	LOG NUMBER 115-11-988	INSTITUTION MADRP	TODAY'S DATE 1/11/11
<input type="checkbox"/> SUPPLEMENTAL	<input type="checkbox"/> CONTINUATION OF:	<input type="checkbox"/> 115 CIRCUMSTANCES	<input type="checkbox"/> HEARING	<input type="checkbox"/> IE REPORT
<input type="checkbox"/> OTHER _____				

DISTRICT ATTORNEY REFERRAL

This matter WAS NOT referred to the District Attorney.

ASSIGNMENT OF STAFF ASSISTANT/INVESTIGATIVE EMPLOYEE (CDCR 115-A)

~~XXXXXXXXXX~~ DOES NOT MEET the criteria per COR 43015(d)(2) for assignment of a Staff Assistant (SA).

~~XXXXXXXXXX~~ DOES NOT have a TAGE score below 4.0.

ASSISTANCE PROVIDED TO ENSURE EFFECTIVE COMMUNICATION:

- Use of Tact Magnifier
- Read Documents to ~~XXXXXX~~
- Lip Reading
- Foreign Language Interpreter
- ~~XXXXXX~~ stated he did not need any assistance for Effective Communication
- Other \_\_\_\_\_
- Sign Language Interpreter
- Written Notes (See attached notes)
- Simple English Spoken Slowly and Clearly
- ~~XXXXXX~~ was wearing his hearing aid (s)

METHOD USED TO DETERMINE COMMUNICATION WAS EFFECTIVE:

- ~~XXXXXX~~ reiterated in his own words what was explained and wrote a statement
- ~~XXXXXX~~ provided appropriate, substantive responses to questions asked
- ~~XXXXXX~~ asked appropriate questions regarding the information provided
- ~~XXXXXX~~ did not appear to understand communication, even though primary method was used
- Other \_\_\_\_\_

INMATE'S STATEMENT:

The charges were read to inmate ~~XXXXXXXXXX~~ and he acknowledged understanding the charge filed against him.

~~XXXXXXXXXX~~ pled **NOT GUILTY** to the charge. \* DEFENSE used to get NOT GUILTY \*

~~XXXXXXXXXX~~ provided the following hand-written statement which states: "On December 23, 2011, I was taken and placed into the cage in the program. It was 2:00pm. At that time I immediately informed C/O that I had to use the restroom and he said 'I'll get you later'. At approximately 4:15pm (1 hour and 45 minutes later) I saw C/O and again told him I had to go and I've been asking since 2:30 pm. He said 'I'll get you when count clears (my level of urgency was very high); also especially after waiting from 2:30pm to 4:00 pm I just couldn't hold it any longer, so I just went. There is no clock in the area or even an information page to state when we can't use restroom, and after approximately two hours of waiting when the C/O made me wait, cruel and unusual punishment. Then also the C/O's in the program were loudly laughing at me when I expressed my level of urgency; therefore, I should not be penalized or not being able to hold it after two hours further. The C/O's use the cage against as punitive and excessive punishment, this is a violation of Penal Code 2651, punishment or greater no punishment or parole as authorized by statute, shall be inflicted only then under direction of Governor which is exactly what happened here. The prison board wanted to punishment additionally because I had to use the restroom, further under 3017-all inmates CCMS into which became unusual or uncharacteristic behavior at the time of the rules violation shall be referred for a mental health

SIGNATURE OF WRITER <del>XXXXXXXXXX</del>	DATE SIGNED 1/11/11
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<input type="checkbox"/> COPY OF CDC 115-C GIVEN TO INMATE	GIVEN BY: (Staff's Signature)	DATE SIGNED	TIME SIGNED
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4 of 4

CDC NUMBER <i>115-115-000</i>	INMATE'S NAME <i>[Signature]</i>	LOG NUMBER <i>115-115-000</i>	INSTITUTION <i>[Signature]</i>	TODAY'S DATE <i>1-11-13</i>
<input type="checkbox"/> SUPPLEMENTAL	<input type="checkbox"/> CONTINUATION OF:	<input type="checkbox"/> 115 CIRCUMSTANCES	<input type="checkbox"/> HEARING	<input type="checkbox"/> IE REPORT
<input type="checkbox"/> OTHER _____				

*[Handwritten notes in yellow highlight]*

**FINDINGS:**

The Hearing Officer finds *[Signature]* **NOT GUILTY** of the charge CDCR 3005(a) URINATING IN THE TEMPORARY HOLDING CELL

**DISPOSITION:**

Inmate *[Signature]* is **DISMISSED** of the Administrative charges in the interest of justice.

After review has been completed by the CDO a copy of this disciplinary report will be sent to the Registrar of Institution Violations, the original copy of this disciplinary will be given to the inmate and all other copies of this disciplinary will be destroyed. Notice will be sent to Records staff to remove the CDCR-304 from the Central File.

Subject will receive a completed copy of the RVR upon the final audit by the Chief Disciplinary Officer. This is your notification of the appeal rights and restoration policy. If you are dissatisfied with the process, the finding or the disposition, you may submit an appeal, CDCR form 802, within fifteen (15) days following receipt of the finalized copy of the CDCR-115 and CDCR 115a.

**FINAL COPY:**

**ASSISTANCE PROVIDED TO ENSURE EFFECTIVE COMMUNICATION:**

- Use of Text Magnifier
- Read Documents to *[Signature]*
- Sign Language Interpreter
- Written Notes (See attached sheet)
- Simple English Spoken Slowly and Clearly
- [Signature]* was wearing his hearing aid(s)
- [Signature]* stated he did not need any assistance by Effective Communication
- Other

**METHODS USED TO DETERMINE COMMUNICATION WAS EFFECTIVE:**

- [Signature]* indicated it was understood what was explained
- [Signature]* repeated appropriate substantive responses to questions asked
- [Signature]* asked appropriate questions regarding the restoration process
- [Signature]* did not appear to understand communication, staff began primary question and used
- Other

SIGNATURE OF WRITER <i>[Signature]</i>	DATE SIGNED <i>[Date]</i>
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GIVEN BY: (Staff's Signature) _____	DATE SIGNED _____	TIME SIGNED _____
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COPY OF CDC 115-C GIVEN TO INMATE