

DIVISION OF ADULT INSTITUTIONS

PELICAN BAY STATE PRISON

5905 Lake Earl Drive

P.O. Box 7000

Crescent City, CA 95532



April 5, 2011

Kersplebedeb Publishing

Dear Kersplebedeb Publishing:

DEFYING THE TOMB

This is in response to your publication titled, "*Defying the Tomb*," authored by Kevin (Rashid) Johnson, and published on December 15, 2010, which contains material throughout the entire book that is considered to be vital to the safety and security of this institution. This letter is to advise you that your publication titled, "*Defying the Tomb*," will not be delivered to inmates housed at Pelican Bay State Prison. Letting inmates retain material advocating gang activity and recounting gang activities and history is a serious threat to the safety and security of this institution. This position is based on and supported by the California Code of Regulations (CCR), Title 15, Section 3023, Gang Activity, which reads,

3023. Gang Activity.

- (a) Inmates and parolees shall not knowingly promote, further or assist any gang as defined in section 3000.*
- (b) Gangs, as defined in section 3000, present a serious threat to the safety and security of California prisons.*
- (c) For the purpose of specific gang participant identification, the department categorizes gangs into prison gangs and disruptive groups as defined in section 3000.*

The CCR, Title 15, Section 3000, Definitions, defines a gang as,

Gang means any ongoing formal or informal organization, association or group of three or more persons which has a common name or identifying sign or symbol whose members and/or associates, individually or collectively, engage or have engaged, on behalf of that organization, association or group, in two or more acts which include, planning, organizing threatening, financing, soliciting, or committing unlawful acts or acts of misconduct classified as serious pursuant to section 3315.

Because of this, the material in this book is considered contraband under the CCR, Title 15, Section 3006, Contraband, which reads in part,

Inmates may possess only the personal property, materials, supplies, items, commodities and substances, up to the maximum amount, received or obtained from authorized sources, as permitted in these regulations. Possession of contraband as defined in section 3006 may result in disciplinary action and confiscation of the contraband...

(c) Except as authorized by the institution head, inmates shall not possess or have under their control any matter which contains or concerns any of the following...

(5) Plans to disrupt the order, or breach the security, of any facility.

(6) Plans for activities which violate the law, these regulations, or local procedures...

(16) Material that is reasonably deemed to be a threat to legitimate penological interests.

(d) Anything in possession of an inmate which is not contraband but will, if retained in the possession of the inmate, present a serious threat to facility security or the safety of inmates and staff.

Please be advised that you have the right per the CCR, Title 15, Section 3137, Appeals Relating to Mail and Correspondences, to appeal this issue. The CCR, Title 15, Section 3137, states in part,

(c) Persons other than inmates should address any appeal relating to department policy and regulations to the Director of the Division of Adult Institutions (DAI). Appeals relating to a specific facility procedure or practice should be addressed in writing to the Warden, or Associate Director of the facility where the appeal issue arises. A written response shall be provided within 15 working days. Appeals that are not satisfactorily resolved at this level may be forwarded in writing to the Director of the DAI who shall provide a written response within 20 working days.

Should you have any questions or concerns, please contact K. L. McGuyer, Associate Warden, Security Housing Unit, at (707) 465-9008.



K. L. MCGUYER
Associate Warden
Security Housing Unit

Enclosures

cc: Director, Division of Adult Institutions, George Giurbino
Warden
Central File
Inmate