

STATE OF CALIFORNIA
DEPARTMENT OF CORRECTIONS AND REHABILITATION
INMATE APPEALS BRANCH
P. O. BOX 942883
SACRAMENTO, CA 94283-0001

DIRECTOR'S LEVEL APPEAL DECISION

Date: JUN 03 2008

In re: California Correctional Institution
P.O. Box 1031
Tehachapi, CA 93581

IAB Case No.: 0725368 Local Log No.: CCI-08-00003

This matter was reviewed on behalf of the Director of the California Department of Corrections and Rehabilitation (CDCR) by Appeals Examiner S. Wright, Facility Captain. All submitted documentation and supporting arguments of the parties have been considered.

I APPELLANT'S ARGUMENT: It is the appellant's position that he has not received his publications of "Maoist International Movement" (MIM). The appellant requests an explanation as to why he was not given a rejection notice and to quit breaking the law.

II SECOND LEVEL'S DECISION: The reviewer found that the MIM publication was banned from all correctional institutions based upon a Memorandum dated December 13, 2006, authored by S. Kernan, Director (A), Division of Adult Institutions. These publications were deemed unacceptable by the CDCR due to the violent themes of civil disobedience, permeating words, symbols, and violent overthrow of authority. The CDC Form 1819, Notification of Disapproval-Mail/Packages/Publications was issued to the inmates to notify them of the disapproval. In addition, the publisher of the magazine has also been advised that the California Correctional Institution (CCI) will not deliver their mail and a copy of the memorandum disallowing their magazine has been mailed to them. The appellant was given a copy of the memorandum at the First Level review, and was advised of this during the interview. The appellant's appeal was denied at the Second Level of Review.

III DIRECTOR'S LEVEL DECISION: Appeal is denied.

A. FINDINGS: The institution has acted within their authority to deny the appellant access to publications of MIM publications. Such publication, advocates that inmates come together as a revolutionary group for the purpose of imposing their idea of prison reform. The MIM literature also advocates seizing public power through armed struggle and overturning prison administrations by stripping them of control. The presence of this type of publication within a correctional facility clearly creates safety and security risks and an atmosphere that is not conducive to the rehabilitative mission of the CDCR. The CDCR Office of Legal Affairs (OLA) has reviewed publications from MIM and assessed the validity of a ban of those publications. The determination from the OLA is that the ban of this material is consistent with the California Code of Regulations, Title 15, Section (CCR) and current case law. As noted in CCR 3270, "The requirement of custodial security and of staff, inmate and public safety must take precedence over all other considerations in the operation of all the programs and activities of the institutions of the Department." In view of the above, no further relief is deemed appropriate at the Director's Level of Review.

B. BASIS FOR THE DECISION:
CCR: 3001, 3006, 3132, 3136, 3138, 3147, 3270, 3380

C. ORDER: No changes or modifications are required by the Institution.

CASE NO. 0725368

PAGE 2

This decision exhausts the administrative remedy available to the appellant within CDCR.

A handwritten signature in black ink, appearing to read "N. Grannis".

N. GRANNIS, Chief
Inmate Appeals Branch

cc: Warden, CCI
Appeals Coordinator, CCI