

PELICAN BAY STATE PRISON  
SECURITY HOUSING UNIT

PELICAN BAY STATE PRISON  
SECOND LEVEL REVIEW

DATE: OCT 17 2007

Inmate  
Pelican Bay State Prison  
Security Housing Unit  
Facility D4-112

PELICAN BAY STATE PRISON  
SECURITY HOUSING UNIT  
UNIT D-4

RE: WARDEN'S LEVEL DECISION  
APPEAL LOG NO. PBSP-D-07-02045

APPEAL: PARTIALLY GRANTED  
ISSUE: PROPERTY

This matter was reviewed by Robert A. Horel, Warden at Pelican Bay State Prison (PBSP). Correctional Lieutenant R. Rice conducted the Appeal interview at the Second Level of Appeal Review on October 5, 2007.

All submitted documentation and supporting arguments have been considered, including the interview conducted at the Second Level of Review. Additionally, a thorough investigation has been conducted into the claim presented by the inmate and the documentation evaluated in accordance with Office of Correctional Safety (OCS), PBSP's institutional procedures and the California Department of Corrections and Rehabilitations (CDCR) policies.

#### ISSUES

claims in Section A of his appeal that members of the Institutional Gang Investigations Unit (IGI), PBSP, searched his cell and removed personal property items in the form of documents and personal manuscripts.

requests in Section B of his appeal: (1) to have an itemized list of all confiscated items and return all his property with the exception of the Black Guerrilla Family (BGF) Constitution and the OD (Operational Document).

's appeal was bypassed at the Informal and Formal Level.

Lieutenant Rice interviewed at the Second Level of Review. stated a similar argument listed in Section A of this appeal. Lieutenant Rice discussed each issue with to allow to define the rules and regulations surrounding each issue.

#### FINDINGS

I

On January 30, 2007, members of Office of Correctional Safety and PBSP IGI conducted a cell search of the cell occupied by inmate . During the course of the search, the following material was confiscated from 's personal property:

- (1) Black August Material: Black August is a concept/ideology which was created and developed by members of the BGF to commemorate the deaths of BGF members and/or associates who died during the month of August. Black August documents are commonly used as a training and recruitment tool by the BGF.
- (2) Booklet entitled "The Vortex of Political Disorder" written by Louis Powell the booklet contains the doctrine/ideologies and terminology used by BGF members.

Appeal No. PBSP-D-07-02045

PELICAN BAY STATE PRISON  
 PELICAN BAY STATE PRISON  
 SECURITY HOUSING UNIT  
 SECURITY HOUSING UNIT

- (3) Booklet entitled "Handbook of Revolutionary Warfare," which contains pictures of the following BGF martyrs: "W.L. NOLEN," "George JACKSON," and "Commander In Chief Akida Joka Khatari" (Jeffery GAULDEN). All three of these individuals were at one time leaders of what is now known as the BGF and are memorialize by the BGF as part of Black August.
- (4) Publications entitled "N-GOMA" and "Right On! #4 "Newsletter." N-GOMA is a sixteen-page publication dated "Summer 2003 (Black August)." The cover of the document contains pictures of George JACKSON and James "Doc" HOLIDAY. George JACKSON is one of the founding members of the BGF and is a martyr by other BGF members and associates. HOLIDAY is a validated member of the BGF who is currently housed in custody of the Federal Bureau of Prisons. The "Right On" Newsletter is a typed document that contains pictures of George JACKSON and articles entitled "George Jackson University." Additionally, the document is a newsletter published by the Black Panther Party.
- (5) Several pages of typed and handwritten documents that outline the operations and/or ideologies of the BGF. Based on the magnitude of the documentation, the time restraints related to this appeal and the ongoing investigation, it is problematic at this time to provide with itemized list of these documents. However, as the investigation is ongoing, there will be documents generated related to the confiscated material found in 's property and an itemized list of the confiscated documentation will be given to per his request.
- (6) Documentation concerning the "George Jackson University" and "The New Afrikan Institute for Criminology 101." The documents vary from handwritten or typed and from a single-page to several organized booklets that outline the philosophy of the George Jackson University.
- (7) Documentation entitled NARN Collective Think Tank or New African Revolutionary Nationalism. NARN an acronym that is synonymous with the BGF. NARN was created by BGF members to promote their ideologies to other BGF members and associates. NARN is also used as a recruitment tool by the BGF membership. This material has been discovered in cells of BGF members and associates.
- (8) Swahili language, which has been used as a code by BGF members and associates. Some of the pages are a translation from Swahili to English (Dictionary). This material is considered to be contraband by CDCR.
- (9) Black Liberation Army (BLA) study guide and 30 typed pages outlining the ideology of the BLA.
- (10) Documents entitled "Debriefing." This document outlines the BGF's views concerning the debriefing process. The document is handwritten and uses characters to illustrate the BGF's concept of debriefing process. Furthermore, the last page outlines the "First Printing 1999 © NCTT. (New African Think Tank-term used by BGF membership). The last page also lists validated BGF members who have assisted in the creation of the document.

#### DETERMINATION OF ISSUE

The Second Level Reviewer has examined all pertinent documents including all information received during the Second Level interview.

The decision to disallow the return of 's property that was identified as gang related material was correct, in that it promotes gang activity.

Appeal No. PBSP-D-07-02045

Per the California Code of Regulations (CCR), Title 15, Section, 3000 and 3023 (a) and (b), states: inmates and paroles shall not knowingly promote, further or assist any gang defined in section 3000. Gangs as defined in 3000, present a serious threat to the safety and security of California prisons.

The CCR, Title 15, Section 3000, states: gang means any ongoing formal or informal organization, association or group of three or more persons which has a common name or identifying signs or symbols 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 act or acts of misconduct classified as serious pursuant to section 3315.

As such, the written material and pictures are part of an ongoing investigation and will be retained by the OCS and IGI for the purpose of these investigations. The material is considered contraband per CCR, Title 15, Section 3006 (a).

Furthermore, the written material is disallowed. CCR, Title 15, Section 3006 (d), defines contraband as anything in the possession of an inmate which is not contraband but will, if retained in possession of the inmate, present a serious threat to the facility security or safety of inmates and staff, shall be controlled by staff to the degree necessary to eliminate the threat.

's request in Section B of this appeal to have an itemized list of the property confiscated is **GRANTED**. In response to this appeal under the heading **FINDINGS**, was giving itemized list of the property confiscated.

's request in Section B of this appeal to have all of his property back with the exception of the BGF constitution and OD's is **DENIED**. The property has been determined to be contraband and presents a serious threat to the safety and security of another person or the institution.

Based upon the above review and findings cited by the Second Level Reviewer, the appeal is **PARTIALLY GRANTED**.

MODIFICATION ORDER

No modification of this decision or action is required.

  
ROBERT A. HOREL  
Warden

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