

THE ART OF DECEPTION AND RETALIATION TACTICS BY ACSO INSIDE SANTA RITA JAIL

by Aswad Syed
Santa Rita Jail Freedom Collective

“Given the ethnic and racial hierarchies of American life, there are those who dish it out and those who have to take it... some find themselves in the position of always having to take it. Such a position is physiologically and emotionally speaking, almost unbearable. Rage and despair accumulate with no place to go.”

~ Elizabeth Stone

For over a year my imprisoned brother in struggle “Renegade” and myself have been subjected to numerous acts of RETALIATION by employees of the Alameda County Sheriff's Office (“ACSO”). We do not talk much about it, mainly because we are both “ole’ school convicts” who know how to advocate for ourselves.

Nevertheless, even when we get frustrated and angry, when we are confronted by surreptitious and well-coordinated attempts by the police meant to dissuade or discourage us from exercising our United States Constitution's First Amendment rights. I could write a bestselling novel about what I've witnessed and experienced in the past year here at Santa Rita Jail (“SRJ”).

Today is Sunday, April 16, 2023. Tuesday, March 21, 2023 was one year to the date after I arrived here in Dublin. Rather than tell my story, I prefer to tell you about a group of young black and brown would-be freedom fighters here inside SRJ who have dubbed themselves “the A-POD Family.”

A couple of weeks ago these young men were housed in restrictive housing here at SRJ; specifically, they resided in Housing Unit 2, A Pod. Some of these prisoners were classified as Step 1 Inmates that had to recreate outside of their cells alone, while some were classified as Step 2 Inmates and could recreate in a group when outside of their cells.

The problem arose when a couple of these young men discovered that there was something called "the Babu Consent Decree." Those prisoners classified as "Step 1" were not getting their prescribed allotted time outside of their cells and that became an issue of contention. Per the Babu Consent Decree ("Consent Decree"), Step 1 Inmates shall be offered at least 2 two-hour recreation times out of their cells, seven days per week, for a total of 14 hours of out of cell time.

However, this Order from the US District Court was not being followed by the ACSO deputies working at SRJ. This created a feeling of resentment and frustration among the prisoners on A-Pod who weren't getting their hours. A group of these young freedom fighters woke up one morning on A-Pod, 2 Building, and decided enough was enough.

You must understand that the source of their frustration originated when they realized that Step 2 Inmates who recreated in a group were getting three hours of out of cell time per day. This was in accordance with the Consent Decree. Nevertheless, day after day Step 1 Inmates were only offered one hour per day outside of their cells for a total of seven hours per week, and this was absolutely not in line with the language contained inside the Consent Decree.

The prisoners had a solid argument and by all intents and purposes, they should have received the relief they desired. However, at the top of their grievance they put "The A Pod Family". The police hate solidarity among the oppressed. Something sinister began growing among the "powers that be."

While this situation was taking place on 2 Building, A Pod, my brother in struggle "Renegade" and I were experiencing our own problems on 1 Building, E-Pod. Little did we know our paths were about to meet with those young men from A-Pod.

On the morning of Friday March 17, 2023, I received a warning from an ally who told me that the oppressors were planning to move "Renegade" and I to 2 Building. I immediately thought that this was going to be a setup in order to foment violence against Renegade and I. It is absolutely imperative that the public in the Bay Area know this. When you have a loved one housed at SRJ and they filed a

grievance or a civil lawsuit regarding their conditions of confinement, they become a target for retaliation!

There is collusion between the security staff, grievance department, and the all-powerful classification department at SRJ. The retaliation manifests itself in many ways. For example, your loved one may be moved to a cell where a violent predator lives. This may result in an outright assault of your loved one. Another tactic is moving you to what the deputies called "a shit pod." This is a unit that smells horrible. Fecal matter, urine, and body odor permeate the air of your new environment. I'm telling you what I know, not what I've heard.

"Gassing" or throwing urine mixed with fecal matter on another prisoner is still a common practice at this jail. The oppressors know exactly how to get your attention and how to break the spirit of the most disciplined prisoner.

Your incoming and outgoing mail may "disappear" or your commissary -- all of a sudden -- is lost. Those who've been inside SRJ know I am speaking FACTS!

On the morning of Saturday, March 18, 2023, I noticed a lot of movement on the building. Remember, I was housed on E-Pod Building 1. At the time, there were only four people housed on E-Pod. Myself, Renegade, and a brother named "Stone," and Mr. Howard. I began to see numerous young Hispanic and Black men moving into our pod. It didn't take long before I discovered that these young men had been housed on A Pod, 2 Building.

Soon I began to hear phrases vocalized from the newcomers "They tricked us!," "I told you we shouldn't have filed that grievance!," and "Where is Rollo?"

Then one of the former residents of A-Pod explained it all. He explained how he and his fellow prisoners had come together in order to file a grievance about their lack of adequate time outside of their cells. It soon became apparent that the classification department definitely colluded with security staff to split the A-Pod Family up.

That morning, we saw some being re-housed in both C-Pod and D-Pod on 1 Building. E-Pod, 1 Building has been newly renovated. I explained this to the newly-arrived freedom fighters. I also explained to them that C-Pod and D-Pod, 1 Building are the proverbial “shit pods” and where violent, severely mentally ill prisoners reside. Soon it became crystal clear that the “A Pod Family” was being subjected to some good ole’ boy retaliation the Santa Rita way.

As I began to provide advice on how to respond to this retaliation by the oppressors, a deputy came to my cell door and told me to pack my belongings. I was moving to B Pod, Housing Unit 2. Although the Consent Decree had been in effect and in its implementation phase for approximately one year, there are many prisoners and staff at the jail who don't have a clue what has been ordered.

Mistreatment and abuse of prisoners at SRJ is common. With that in mind, Renegade and I decided to include in this essay some advice for family members and their loved ones trapped inside this notorious jail.

KNOWLEDGE IS POWER

The law firm that represents the prisoners at SRJ is Rosen, Bien, Galvan, and Grunfeld LLP (“RBGG”). These are the lawyers who are supposed to protect all prisoners housed at SRJ. If you have been assaulted by deputies or being refused out of cell time, call Megan Rich. Megan is the main paralegal working the Babu case for RBGG. The phone number is (415) 433-6830. This is a free call for those inside. The receptionist will transfer you to Megan. If she is not available, please leave her a detailed voicemail and keep calling; don't give up. Your next legal resource is attorney Yolanda Huang. Yolanda is a no-nonsense civil rights attorney who has been fighting for the rights of those housed inside SRJ for many years.

If you have been retaliated against, assaulted, or if you feel your loved one was a victim of a wrongful death, call Yolanda. She may be able to help. Her phone number is (510) 329 2140. If her answering service receives the call, then leave a detailed message.

We asked that the free world folks amplify this message and support our struggle.

WE ARE THE SANTA RITA JAIL FREEDOM COLLECTIVE

To support the claims and argument above, please visit us at www.destination-freedom.org/SRJ-freedom-collective

The documents are:

The 2021 SRJ Pod Time Graphs, a March 2023 Pod Time Graph, Grievances, and Docket #368 from the Babu case.

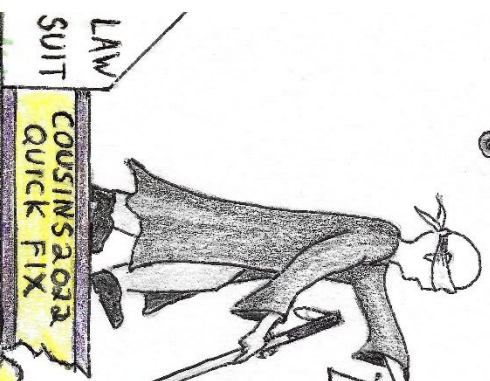
Artwork (below) was drawn by Renegade at SRJ:

The name of this artwork is “The Art of Deception.” Only those with intimate knowledge regarding the Babu Consent Decree/Settlement would understand the symbolism. We’ve been betrayed on many fronts. We were betrayed by Jeffrey Borstein and ACSO. SRJ Freedom Collective and Destination Freedom stand in strong solidarity with the Care First Community Coalition, as they seek to lobby for the divesting of funds from ACSO and into community-based programs that will keep us out of jail.



Santa Rita Jail **PROTEST** April 1st 2023

Care First Jails Last

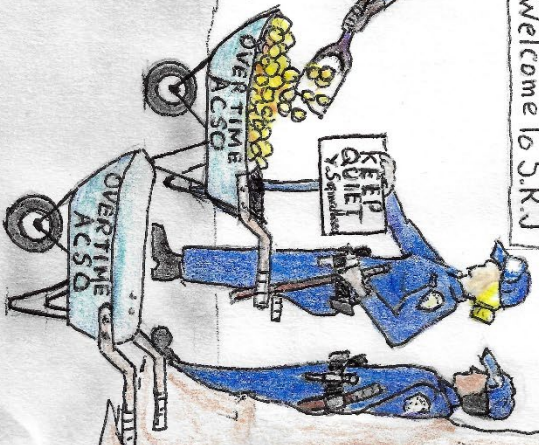


24 Million
BARU CONSENT



DECREE COUSINS 2023 REALITY CHECK

A.C.S.O. **NEW HIRES**
Welcome To S.R.J.



S.F. R.C.

The following is the March 16, 2023 advocacy letter from Kara Janssen of RBGG sent to Babu Defendants' Counsel regarding the grievances filed by Mr. Washington. The two grievances outlined in the letter, Grievance #s 230757762 and 233439392, are included in the documents provided in support of our claims and argument.

It is imperative that we inform you that this advocacy letter was in response to a year-long campaign of retaliation and harassment directed toward Mr. Washington and Renegade, his partner in struggle.

RAISING THE BAR ON ADVOCACY IS MUCH NEEDED ON THE PART OF RBGG IF THEY ARE TO MEET THE LEVEL OF RETALIATION LEVIED AGAINST CLASS MEMBERS HOUSED AT SRJ.



ROSEN BIEN
GALVAN & GRUNFELD LLP

P.O. Box 390
San Francisco, California 94104-0390
T: (415) 433-6830 • F: (415) 433-7104
www.rbgg.com

Kara J. Janssen
Email: kjanssen@rbgg.com

March 16, 2023

VIA ELECTRONIC MAIL ONLY

Gregory B. Thomas
Temitayo O. Peters
Burke, Williams & Sorenson LLP
1901 Harrison Street, Suite 900
Oakland, CA 94612-3501
gthomas@bwslaw.com
tpeters@bwslaw.com

Paul B. Mello
Samantha D. Wolff
Hanson Bridgett LLP
425 Market Street, 26th Floor
San Francisco, CA 94105
pmello@hansonbridgett.com
swolff@hansonbridgett.com

Re: **Individual Advocacy re: Keith Washington (UME239)**
Babu et al. v. County of Alameda et al.,
N.D. Cal. No. 5:18-cv-07677-NC
Our File No. 1378-03

Dear Counsel:

We write regarding class member Keith Washington (UME239).

Mr. Washington recently contacted us and said that on January 26, 2023, at 11:49am, Deputy Clinton (Badge #2608) retaliated against Mr. Washington by informing him that he would be moved to a “shit pod” if he continued to file grievances and communicate with our firm. On February 1, 2023, at approximately 3pm, Mr. Washington was moved to C-Pod in Housing Unit 1, which he reports smelled of fecal matter and urine. When Mr. Washington spoke to Sergeant Martinez about this move, he reported that staff members have typically placed incarcerated people with a history of violent assaults in C-Pod, as a form of punishment for their actions. Mr. Washington filed a grievance (Grievance #230757762) regarding this staff misconduct, and Mr. Washington reports that this grievance led Deputy Clinton to admit that he intentionally placed him in this housing unit as a form of retaliation. Sergeant Martinez attempted to resolve this issue by moving Mr. Washington to E-Pod in Housing Unit 1, which Mr. Washington reports to be much cleaner than C-Pod. This resolution, however, did not address Deputy Clinton’s misconduct and ongoing retaliation against Mr. Washington. As you know, the Consent Decree requires that the Jail considers “the efficacy of disciplinary measures versus alternative measures that are designed to effectuate change

March 16, 2023

Page 2

in behavior through clinical intervention, and the impact of disciplinary measures on the health and well-being of [incarcerated people] with disabilities.” See Section at III. E. 3 at page 27. **Class Counsel requests that Defendants investigate the reported retaliatory actions by Deputy Clinton.**

Moreover, Mr. Washington reports that on February 24, 2023, between 11am and 12pm, Deputy Clinton told Mr. Washington that he would only give Mr. Washington two hours of pod time per day and that the amount of pod time Mr. Washington can receive is up to his discretion. Mr. Washington filed a grievance (Grievance #233439392) regarding this issue, and the Jail cited Detention and Corrections Policy and Procedure 9.10 to justify the amount of pod time given to Mr. Washington. This policy, however, is outdated, and goes against the Consent Decree. As of June 7, 2022, the Consent Decree requires that individuals in General Population housed in celled settings “shall be offered at least **twenty-eight (28)** hours per week of out-of-cell time.” *Id.* at 19:25-20:1. Individuals placed in Restrictive Housing, Recreate Alone Status (“Step 1”) must be offered at least **ten (10)** hours per week of out-of-cell time, and individuals placed in Restrictive Housing, Recreate Together Status (“Step 2”) shall be offered at least **seventeen (17)** hours per week of out of cell time. *See* Section at III. D. 1 at page 20. **Please ensure that the Jail abides by the out-of-cell time requirements listed in the Consent Decree and ensures staff members are aware of, and held accountable to, these requirements.**

Relatedly, the Consent Decree states that incarcerated people may be placed in Restrictive Housing only if they meet one of the following criteria, “(1) recent assaultive behavior resulting in serious injury; (2) recent assaultive behavior involving use of a weapon; (3) repeated patterns of assaultive behavior (such as gassing); (4) where they pose a high escape risk; or (5) repeatedly threatening to assault other incarcerated persons or Staff.” *See* Section III.C.vi. Our understanding is that Mr. Washington does not fall into any of these criteria. Instead, Mr. Washington requires Restrictive Housing because the Jail is unable to house him safely in any other location. Please advise as to **Mr. Washington’s classification status and whether he is placed in the Restrictive Housing program or being held in these units for other reasons, in which Mr. Washington should be offered at least twenty-eight (28) hours per week of out-of-cell time.**

Thank you for your attention to this important matter.

March 16, 2023
Page 3

Sincerely,

ROSEN BIEN
GALVAN & GRUNFELD LLP

/s/ Kara J. Janssen

By: Kara J. Janssen
Senior Counsel

KJJ:mr