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13
14 UNITED STATES DISTRICT COURT
15 EASTERN DISTRICT OF CALIFORNIA
16

17 ROBERT MITCHELL, *et al.*,
18 Plaintiffs,
19 v.
20 MATTHEW CATE, *et al.*,
21 Defendants.

No. 08-CV-1196 TLN EFB

**JOSEPH MCGRATH'S EXPERT REPORT
AND DECLARATION IN SUPPORT OF
PLAINTIFFS' MOTION FOR PRELIMINARY
INJUNCTION**

Magistrate Judge: Hon. Edmund F. Brennan
Date: June 12, 2013
Time: 10:00 a.m.
Courtroom: 24
Action Filed: May 30, 2008

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1 I, Joseph McGrath, hereby declare:

2 1. I am a former employee of the California Department of Corrections (CDCR),
3 with a career of more than 30 years in corrections, 10 years of it at Pelican Bay State
4 Prison, including four years as warden of the prison. I have personal knowledge of the
5 matters set forth herein, and if called as a witness I could competently so testify.

6 2. I was retained by the Prison Law Office to review relevant documents in the case
7 of Plaintiff Robert Mitchell, et al., and prepare an expert witness report. Specifically, I was
8 asked to provide my expert opinion regarding Mr. Mitchell's claim that the California
9 Department of Corrections and Rehabilitation (CDCR) imposes lengthy race-based
10 lockdowns.

11 3. My experience and training over the past 30 plus years provide me with the
12 expertise to testify in this matter as an expert witness. I have 30 years of experience with
13 the California Department of Corrections (CDC) and the California Youth Authority
14 encompassing administration, management, supervision, and line-staff duties and
15 responsibilities, as well as in recent years, consulting. Since 1979 I have been assigned to
16 work in four different California prisons and by the end of my career was responsible for
17 administering the operation of all 33 California adult state prisons and parole operations
18 state-wide. My knowledge and experience includes, but is not limited to, policy and
19 procedure for prison programs, prison security, inmate classification and gang
20 management.

21 4. In various administrative, managerial and supervisory capacities I held the
22 responsibility of making decisions involving inmates including rule violations and
23 discipline, appeals, investigations, access to health care services, program/housing
24 placements and classification actions. I was responsible as well for making and managing
25 decisions involving employees including, for example, training, performance,
26 investigations and discipline, labor negotiations and evaluating uses of force. In these

1 capacities I have managed every aspect of inmate programming including prison
2 lockdowns.

3 5. I served 10 years at Pelican Bay State Prison, California's most secure prison,
4 between 1994 and 2004. Pelican Bay State Prison had a population of approximately 3400
5 and housed California's most dangerous, violent and difficult to manage inmates. I held
6 positions as Associate Warden, Chief Deputy Warden and for the final four years as
7 Warden. While at Pelican Bay, in the mid to late 1990's, I coauthored the use of force
8 policy and procedure which was subsequently adopted by the CDC state-wide. In 2004 I
9 also authored the employee investigation and discipline policy and procedure for the CDC
10 including a disciplinary matrix used as a standard for determining employee disciplinary
11 penalties. In 2005 I authored a chapter for a text book entitled, "Managing the Security
12 Housing Unit: Lessons from the California Experience," *Managing Special Populations in*
13 *Jails and Prisons*, New York: Civic Research Institute, written by Joe McGrath and Rick
14 Lovell.

15 6. From June 2006 until June 2009 I worked for the California Prison Health Care
16 Receivership, Inc. I served as the prison "custody expert" to the Federal Receiver in his
17 efforts to develop and implement a health care delivery system in the California adult
18 prisons state-wide. My purpose was to identify and remediate all the impediments to the
19 delivery of health care that inherently exist in prison operations. My knowledge and
20 experience with prison security and correctional operations enabled and provided for the
21 design and development of new clinical space and health care delivery programs consistent
22 with the sound security practices required in the prison setting.

23 7. Currently, I am consulting on corrections matters in both prisons and jails. I am a
24 member of the American Correctional Association and the American Jail Association.
25 Appendix A contains a list of cases in which I have consulted and testified, and identifies
26 my compensation.

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2 **FACTS CONSIDERED IN FORMING MY OPINION**

3 8. The opinions I express below about CDCR’s lockdown practices are based upon
4 my thirty years of experience working in CDCR prisons, including experience managing
5 and ending lockdowns.

6 9. In addition, I reviewed the current lockdown policy, program status reports, data
7 concerning lockdowns implemented over the last three years, and depositions of prison
8 officials charged with managing prison lockdowns. I also visited Salinas Valley State
9 Prison and Kern Valley State Prison, and toured locked down facilities there. During my
10 prison visits, I spoke with inmates and prison staff about the management and impacts of
11 the lockdowns. A full list of documents reviewed is attached hereto as Appendix B.

12 **SUMMARY AND ANALYSIS OF CDCR’S LOCKDOWN PRACTICES**

13 10. The CDCR has a policy and practice of identifying all inmates by racial/ethnic
14 categories. Each inmate is identified as belonging in one of the five following racial/ethnic
15 categories: Black, White, Northern Hispanic, Southern Hispanic or Other. The Other
16 category encompasses all racial/ethnic groups not in one of the first four categories such as,
17 American Indian, Pacific Islander, or Asian. Inmates are assigned based on appearance,
18 self-identification, association and staff review of case factors. The racial designation is
19 used in decisions affecting housing assignments and when lockdown/modified programs
20 are imposed for specific racial groups.

21 11. The policy and procedure for the implementation of lockdowns and modified
22 programs is contained in DOM 55015.1 – 55015.18. This directive allows the Warden the
23 discretion to separate inmates by their race or ethnicity in modified programs for up to 14
24 days, requiring the approval of the Associate Director when the race-based program
25 modification lasts beyond the two week duration. The directive further allows the Warden
26 to make decisions about who should be subject to modified program based on individual
27 behavior or group behavior.

1 12. After reviewing Program Status Reports, touring two level IV prisons, talking
2 with staff and managers, talking with inmates and reviewing several CDCR manager
3 depositions, it is evident that inmates are routinely placed on lockdown/modified program
4 status following incidents of violence based on their racial/ethnic identification regardless
5 of whether they were involved in the violence, whether they have a history of violence,
6 whether they have any history of gang or security threat group association, or in some
7 cases, whether they were even in the prison when the violence occurred. In the last three
8 years there have been hundreds of lockdown/modified programs throughout CDCR prisons
9 that have lasted for more than one month; some lasting for more than a year.

10 13. When incidents of violence occur, the racial identity of the inmates involved is
11 determined. As a result, it is common practice that all the inmates who are identified to be
12 within that same racial designation(s) are placed on modified program status while officials
13 begin to investigate the causes and circumstances of the incident and complete threat
14 assessments on all the inmates placed on modified program status. CDCR's policy is to
15 return inmates to normal programming as soon as it is safe to do so. DOM 55015.8 page
16 55015-7. Yet many inmates arrive at a prison, are assigned a racial identity in a group that
17 happens to be on a modified program, are placed on modified program status and are then
18 restricted to their cell with limited or no outside exercise or other program opportunities for
19 the duration of the modified program, even though they were not even in the prison when
20 the violent incident precipitating the modified program occurred.

21 14. Sometimes modified programs are imposed on a particular racial/ethnic group
22 because an anonymous note is received that indicates inmates of a particular racial group
23 may be planning an incident of violence. Routinely, a modified program is imposed on all
24 inmates of that racial group to begin the investigation of the anonymous note. One manager
25 testified that in his experience over the past several years as many as eight such notes
26 resulted in modified programs for different racial groups even though 100% of the
27 anonymous notes turned out to be false. (Chris Arthur Deposition page 175 and 176).

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1 15. In California prisons inmates in general populations are spending days, weeks
2 and months in their cells without outdoor exercise, without work and educational
3 opportunities and without normal religious program activities because of
4 lockdown/modified programs that are based on racial designations. Many of these inmates
5 are not associated with a gang or security threat group and have not been involved in
6 violence.

7 16. When an incident of violence occurs, the inmates involved in the violence are
8 removed from the general population and placed in administrative segregation housing. In
9 administrative segregation these inmates are given at least five hours a week of outdoor
10 exercise, a monthly draw from the inmate store/canteen and non-contact visits with
11 approved visitors. Conversely, the inmates of the same racial group who were not involved
12 in the violent incident are often placed on a lockdown/modified program in their general
13 population housing unit and given no outdoor exercise, no canteen draws and no visits.
14 And, as stated above, these lockdown/modified programs often last for months.

15 17. All the information reviewed and my personal experience as a Level IV prison
16 manager indicates to me that the impetus behind the practice of locking down inmates
17 based on racial/ethnic designations has its roots in a serious concern by prison managers
18 that the inmate prison gang structure is able to control the behavior of groups of inmates,
19 many of whom are not members/associates of gangs or security threat groups (STG). For
20 example, one manager indicated in deposition that if an inmate housed on a general
21 population yard is Hispanic and from southern California, he must associate with the STG
22 known as the Southern Hispanics. It was his belief that all Hispanic inmates on a general
23 population yard who are from southern California, even those who are not or do not want
24 to be associates of the Southern Hispanic STG, are obligated to follow the directions and
25 orders passed down from STG leadership. And, that not following this direction from the
26 prison gang/STG leadership would result in an individual being assaulted or required to
27 lock up and leave the general population yard. (Kelly Harrington deposition at page 104).

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1 Further, he testified that if inmates of a particular ethnic group are attacked by inmates of a
2 different ethnic group, the inmates of both ethnic groups must defend each other and get
3 involved in the violence. The consequences of not doing so would be to be forced to leave
4 the yard by one's own ethnic group. (Kelly Harrington deposition pages 247 and 248). So,
5 in order to control the violence that is promulgated by the prison gangs, STG's and the
6 ethnic/racial groups, the practice in the CDCR has for many years been to lock down
7 groups of inmates based on race to prevent violence that is imposed upon even those
8 inmates who are not members or associates of prison gangs or STGs.

9 18. I am of the opinion that the prison gangs and STGs have a tremendous influence
10 on the prison culture on some general population yards and can influence the behavior of
11 inmates who are not associates of these groups, but I disagree with the notion that all
12 inmates are obligated to follow the direction of the prison gangs and STGs.¹ I am also of
13 the opinion that there is a sizable population of inmates, who given what they believe is a
14 real opportunity to do their own time and program without violence or prison gang
15 influence, would chose to do so. Conversely, I believe many inmates simply go along to
16 get along by following the direction of the prison gang influence because they do not think
17 the alternative (possibly being the victim of retaliation) is acceptable.

18 19. Having said all this, I do not believe race-based lockdowns and extended
19 modified programs in general population facilities is the answer to managing the problem
20 of the prison gang influence that so negatively affects the prisons in California. The across-
21 the-board application of race-based lockdowns will only add to the culture of separation
22 that breeds violence and resentment among the population. I believe it also contributes to a
23 subtle acceptance of the gang culture and empowers the gangs to continue to influence the
24 general population facilities in a negative way.

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26 _____
27 ¹ In my experience some inmates are not subject to the coercions of the culture of gang politics
28 involving the expectation to carry out violence.

1 **NEGATIVE IMPACTS FROM RACE-BASED LOCKDOWNS**

2 20. The negative impacts of race-based lockdowns and modified programs are
3 many. Probably the first and most important impact is that this approach legitimizes the
4 gang culture and the control it has over the operation of the general population facilities
5 around the state. By taking this approach the prison management is acknowledging the
6 influence and control of the prison gangs and separates the inmates down racial lines. The
7 inmates get the message that the prison management accepts and condones the culture of
8 separation by race and the power the prison gangs have to determine and control that
9 culture. I believe the majority of inmates would choose a positive program without
10 violence if they believed that prison management had a zero tolerance for gang behavior.

11 21. Inmates also resent losing their program and being placed on twenty-four hour
12 house arrest when they individually have not done anything to deserve such treatment.
13 Many view this as unjust punishment. After all, the inmate is involuntarily placed in a
14 prison facility that is heavily influenced and controlled by the prison gang culture,
15 routinely has violent incidents and requires that he either attempt to comply with the
16 authority of the prison gangs or request to be stigmatized by placement in a “sensitive
17 needs” facility.²

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19 _____
20 ² The CDCR developed the concept of Sensitive Needs Yards (SNY) to make designated
21 general population facilities available to house gang dropouts, informants and sex
22 offenders. These inmates are generally stigmatized in general population housing units,
23 and are at risk of attack. The concept is to house inmates with these type safety concerns
24 in common housing facilities which have general population programs. Over time these
25 programs have grown to include inmates who are not informants, gang dropouts or sex
26 offenders; rather, many inmates have opted to be placed in a SNY simply so they can “do
27 their own time” and not have to participate in the prison gang culture of violence on the
28 regular general population facilities. Unfortunately, many chose to remain on the general
population facilities and face the gang violence because they are more afraid of the
stigma that is associated with accepting placement on a SNY. For example, being
associated with and residing with child molesters is not something that is accepted by
most. Inmates should not have to make such a choice to remain safe.

1 22. Inmates are not able to effectively participate in programs to educate and
2 improve themselves when on lock down/modified programs. Inmate activity groups, such
3 as veterans groups, are shut down; self-help groups, such as Alcoholics Anonymous, are
4 shut down; and, education and work training programs are shut down as well for inmates
5 on modified programs.

6 23. It goes without saying that sitting in a cell twenty-four hours a day without
7 outdoor exercise and without opportunities to occupy time in a productive manner is not
8 conducive to pursuing any kind of positive change. And while restricted programs such as
9 the Security Housing Unit programs in the CDCR are absolutely necessary to control
10 individual behavior and protect other inmates from being victimized, many of the inmates
11 on modified programs have demonstrated no individual behavior to warrant the isolation.

12 **ALTERNATIVES TO RACE-BASED LOCKDOWNS**

13 24. So what is the answer? I have acknowledged that the issue of violence in the
14 general population facilities of the CDCR is a difficult one. Having managed a Level IV
15 prison I have first-hand knowledge of just how difficult.

16 25. When I became Warden at Pelican Bay State Prison, the general population
17 yards there had been on and off of race-based lockdowns for many years. Rather than
18 simply continuing the race-based lockdowns, I undertook a process to unlock the general
19 population facilities without regard to race. It began with an individual assessment of each
20 inmate. Any known gang-related behavior was documented and considered in each
21 assessment. Inmates were brought before classification committees and asked point blank
22 if they were willing to participate in a general population program by “doing their own
23 time;” programming without violence; and, without influence from gang leadership. If they
24 were in agreement they were then told that there would be zero tolerance for gang-related
25 behavior; that participation in the gang politics would result in disciplinary documentation
26 and they would be removed from the yard. They were asked to sign a written agreement to
27 program without violence.

1 26. Unlocking the prison after a lengthy lockdown was a slow, deliberate and
2 arduous process. It was a resource intensive undertaking to conduct in-depth individual
3 assessments and to make the effort to actually document individual behaviors that we had
4 not previously taken the time or dedicated the resources to document

5 27. Nonetheless, we were successful in stopping race-based lockdowns at Pelican
6 Bay. Inmates of all races and ethnic groups began to program as we moved forward with
7 this effort of individually assessing the inmates and approving them for release. We began
8 to promote interracial programs and activities that enhance race relations. Multi-cultural
9 videos designed to promote better understanding of cultures other than one's own were
10 purchased by the education department and shown to the population on the closed circuit
11 television channels.

12 28. The inmates started an inmate activity group on each general population yard
13 called "Choices for a Common Ground" that met weekly and promoted positive
14 relationship between the races. The group was well attended and planned interracial events,
15 intermural activities and tournaments in conjunction with the recreation supervisor.

16 29. Prior to taking these steps at Pelican Bay I would not have believed that the
17 inmates there would have participated and responded in the positive way they did. It was
18 not the total solution and some inmates clung to their deeply held racist or gang culture
19 beliefs, but it did make a difference and it let the population know that we expected
20 positive relationships among the races rather than continuing to condone the culture of
21 separation between the races that had been the norm for so long. Moreover, it allowed us to
22 stop imposing race-based lockdowns and to focus on individual behavior instead.

23 30. Unfortunately, sometime after I left Pelican Bay the approach to lockdowns we
24 had established was discontinued and there was a return to race-based lockdowns. And,
25 while I do not believe our approach was perfect it was a good first step in the right
26 direction toward setting clear expectations, treating inmates as individuals and holding
27 them accountable for their own behavior.

1 31. Based on my experience at Pelican Bay, I do not believe the issue can be
2 effectively improved on a long-term basis by one Warden at one prison. In my opinion it
3 will take an entire department to stop doing race-based lockdowns, to rethink the approach
4 to managing the gang culture and to take significant steps to establish a zero tolerance
5 approach to gang-related behavior.

6 32. In my opinion step one is to say, and really mean, as a department that, “we
7 don’t care by what name you call yourself; what your race is; by what label you call
8 yourself; where you are from; what your personal beliefs are; or, who you associate with.
9 What we do care about is your behavior. And, gang-related behavior; behavior that
10 promotes or leads to violence and disrupts the tranquility of the program, will not be
11 tolerated.”

12 33. Step two then is to actually establish a zero tolerance for gang-related behavior.
13 This means that any behavior that is akin to, part of, or in any way supports the gang
14 culture, is not acceptable and will not be tolerated. And, I think this is critically important
15 in ways that may not be readily apparent. For example, prison staff must not continue to
16 tolerate all the gang rules about who is allowed to sit at what table on the yard; or who
17 owns what part of the yard real estate; or the practice of asking a new arrival inmate to
18 show his paperwork to prove where he is from and what he is in prison for.

19 34. Step three is having an alternative to general population placement for those who
20 fail to comply with the no tolerance policy for gang-related behavior. And, having that
21 alternative designed to establish positive patterns of behavior so that return to the general
22 population is possible with conforming behavior. For example, when gang-related behavior
23 is identified, remove the individual from the general population and place him in
24 segregation. While segregated, inmates must be required to demonstrate that they can
25 follow the rules and not participate in gang-related behavior before being allowed to return
26 to the general population.

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1 35. In my opinion worrying less about labels and race identification and more about
2 behavior is the key to being able to have a successfully programming general population.
3 Initially upon adopting such an approach there would be many placed in the step-down
4 programs to begin changing their behavior and working their way back to the general
5 population. However, over time conforming behavior in the general population would
6 increase as the need for step-down program separation would decrease. And, of course,
7 there will always be those who will long-term refuse to conform and will need to be kept
8 out of the general population programs. But, in my opinion these will be the small
9 minority.

10 36. Continuing on the path of separating inmates by race, locking down inmates
11 who have not been involved in the violence and condoning the prison gang culture will
12 not reduce the violence or improve the general population programs. Focusing on
13 individual inmate behavior, rewarding good choices and imposing consequences on
14 unacceptable behavior is, in my opinion, the only way to decrease the violence in the
15 general populations. But it will require a change in thinking, a change in approach and a
16 strong commitment to apply the necessary resources to see it through.

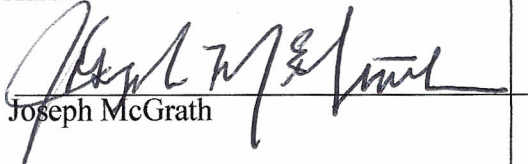
17 I declare under penalty of perjury under the laws of the State of California and the
18 United States of America that the foregoing is true and correct.

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20 Executed this 15th day of May, 2013 at Lodi, California.

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Joseph McGrath

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Appendix A

Cases in which I have consulted or testified since 2005:

- Andres Herrera – California State Personnel Board - Case No. 04-2960 (2005) - Hearing testimony for State as use of force expert – Case related to a California Youth Authority Officer’s use of force (canine) against inmate.
- In Re Disciplinary Appeals by San Joaquin County Correctional Officers Gregory Fuher and Michael Griggs (2006) - Expert testimony for San Joaquin County as use of force and employee discipline expert – Cases related to use of force resulting in inmate death.
- People v Stephen Jones, Los Angeles County Superior Court Criminal Case (2009) - Provided expert consultation to the LA County District Attorney regarding California prison operations in capital case.
- Godoy v Wadsworth USDC ND Case NO. C05-2913 PJH (PR) (2010) - Court testimony regarding the Pelican Bay State Prison Use Of Force Policy & Procedure – Civil Rights case related to a use of force resulting in GBI.
- James Grandy vs. United States of America, Department of Justice USDC CD Case No. CV09-01270 FMC JTLx (2010) - Expert witness report to the Court for Plaintiff and testimony at trial – expert testimony related to maximum security prison operations.
- People v William Austin, Los Angeles County Superior Court Criminal Case No. MA045012 (2010) – Expert witness written report for the Public Defender regarding the impact of mental health treatment delivery systems within the California state prison system for consideration by the Los Angeles County District Attorney in capital case.
- Henderson v Petersen, et al., United States District Court, Northern District of California, Case No. C 07-2838 SBA (2011) – Expert consultation and report to the Court for Defendants regarding the use of force by correctional officers. Deposition given on April 20, 2011. Trial testimony given on July 25, 2011.
- Rojas v Loza, et al., United States District Court, Northern District of California, Case No. C 07-4662 MMC (2011) – Expert consultation for Defendants regarding the use of force by correctional officers. Case settled prior to trial/testimony.
- Coleman v Brown, United States District Court, Eastern District of California, Case No. Civ S 90-0520 LKK-JFM (2011) – Expert consultation, declaration and testimony for Plaintiff’s regarding security at Coalinga State Hospital with recommendations for housing high custody mental health inmate-patients. Deposition given on August 15, 2011.
- In re Jose Morales, Habeas Corpus Case No. A132816, Del Norte County Superior Court, Case No. HCPB 10-5015 (2011) – Expert consultation and declaration for Plaintiff regarding the management of inmate violence and the implementation of lockdowns at Pelican Bay State Prison. Declaration to the Court dated September 7, 2011.
- People v Earl Ellis Green, Riverside Superior Court Case Number RIF 10005956 (2012) – Expert consultation with the Riverside County Capital Defenders Office regarding the prison adjustment of the defendant while

serving prior prison terms in California. Provided testimony at trial related to the defendants in-custody disciplinary history and his mental health treatment program in prison.

- In Re Disciplinary Appeals by Correctional Officer Matthew Ackernecht, et, al, State Personnel Board Nos. 12-0839, 12-0840, 12-0841, 12-0841 & 12-0875 (2012) – Provided expert testimony on behalf of CDCR regarding employee investigations and discipline – Cases related to an excessive use of force against a CDCR inmate and dishonesty in reporting.
- Young v Holmes, et, al, USDC, Northern District of California, Case No. 09-1042 JSW (2012) – Provided expert analysis for the California Attorney General – Case related to the use of force by CDCR correctional officers against an inmate.
- Los Angeles Sheriff’s Department (2012) - Retained by the Los Angeles County Board of Supervisors as an expert to consult with and advise the Sheriff, Los Angeles County, on the development and implementation of the recommendations by the Citizens Commission on Jail Violence and to consult with County Counsel and private counsel on Federal DOJ investigations into alleged Civil Rights violations and potential criminal indictments arising from incidents of force by Los Angeles County Jail deputies.
- People v Carlos Contreras, Riverside County Superior Court Case Number INF061947 (2012) - Expert consultation with the Riverside County Capital Defenders Office regarding the prison adjustment of the defendant while serving prior prison terms in Arizona and California.
- Hall v Mims, USDC, Eastern District of California, Case NO.1;11 –CV-02047-LJO-BAM (2012) – Provided expert consultation to Plaintiff regarding conditions of confinement in the Fresno County Jail.
- Robert Mitchell, et al., v Cate, USDC, Eastern District of California, Case No. 08-CV-1196 JAM EFB (2012) – Providing expert consultation/analysis for the Plaintiff regarding the “lockdown” policy and practices in the CDCR.

Compensation

My fees are as follows: \$150.00 per hour for consultation, review, research and preparation of documents or expert witness reports; \$200.00 per hour for testimony at deposition or trial; \$1,500 per day for on-site inspections; other fees include reimbursement for actual expenses such as travel incurred in the course of the work or testimony.

Appendix B

Documents Reviewed

1. CDCR Department Operations Manual, Section 55015, Oct. 2012, AGO-MITCHELL021205 – 021232
2. Deposition of Kelly Harrington, Vols I and II, and Exhibits
3. Deposition of Chris Arthur, and Exhibits
4. Deposition of Jeffrey Beard
5. Deposition of Darin Bradbury
6. Deposition of Greg Lewis
7. Program status reports and investigatory memoranda reflecting lockdowns in effect during inspections at SVSP and KVSP
8. “Respondent’s Submission of Plans Required by December 10, 2002 Order” *In re Escalera*, Del Norte County Superior Court No. 00-5164 (June 9, 2004).
9. “Respondent’s Second Submission re: Compliance with December 10, 2002 Order” *In re Escalera*, Del Norte County Superior Court No. 00-5164 (Oct 12, 2004).
10. *Escalera v. Terhune*, Cal. Ct. of Appeal Case No. A101614, Feb. 10, 2004) 2004 WL 238763.
11. *In re Morales*, 212 Cal. App. 4th 1410 (2013).
12. Declaration and Supplemental Declaration of Devin McDonnell and accompanying spreadsheets describing prison lockdowns from 2010 through March 2013.