

EXHIBIT 2

IMPORTANT NOTICE

PROPOSED SETTLEMENT OF CLASS ACTION REGARDING GANG MANAGEMENT AND SEGREGATED HOUSING

Ashker, et al. v. Governor, et al., No. 09-5796 (N.D. Cal.)

A proposed settlement has been reached in a federal civil-rights class-action lawsuit regarding the California Department of Corrections and Rehabilitation's (CDCR) policies and practices related to gang management and its use of segregated housing, including the Security Housing Unit (SHU) at Pelican Bay State Prison. *Ashker, et al. v. Governor, et al.* is a class-action lawsuit claiming that CDCR's gang validation policies did not provide sufficient due process, and that confinement in Pelican Bay's SHU for ten or more years violated the United States Constitution.

The Court has preliminarily approved a settlement. This notice explains the proposed settlement, how you can read a copy of it, and how you can object to the settlement if you believe that it is unfair and should not be approved by the Court. You can read the full settlement in a document entitled "Settlement Agreement," which is in the law library. Key settlement terms include:

1. CDCR shall no longer place prisoners into any SHU, Administrative Segregation, or the Step Down Program solely because of gang validation status. Instead, all SHU or Step Down Program placements of validated CDCR prisoners shall be based solely on a conviction of a SHU-eligible offense following a disciplinary due process hearing.
2. CDCR will no longer impose indeterminate SHU sentences, with a limited exception called Administrative SHU, imposed after a prisoner has served a determinate SHU term when the Departmental Review Board decides that overwhelming evidence shows that a prisoner presents an immediate threat and cannot be assigned to less-restrictive housing. CDCR will provide enhanced out-of-cell recreation and programming for these prisoners of 20 hours per week, and its placement decision is subject to review by Magistrate Judge Nandor J. Vadas. CDCR expects that a small number of prisoners will be retained in Administrative SHU.
3. CDCR will not house any inmate involuntarily in Pelican Bay's SHU for more than five continuous years.
4. Within one year of preliminary approval, CDCR will review the cases of all currently validated prisoners serving indeterminate SHU terms under the old validation regulations, or who are currently assigned to Steps 1 through 4 of the Step Down Program, or administratively retained in SHU. If an inmate has not been found guilty of a SHU-eligible rule violation with a proven Security Threat Group (STG) nexus within the last 24 months, he shall be released from the SHU and transferred to a General Population facility consistent with his case factors. Those who have been incarcerated in

a SHU for more than ten years will generally be released from the SHU, even if they have committed a recent SHU-eligible offense and allowed to serve the remainder of the SHU term and their Step Down Program time in the new Restrictive Custody General Population unit.

5. The Step Down Program will be shortened from four to two years, and prisoners will be transferred from SHU after two years in the Step Down Program unless they commit a new SHU-eligible offense.

6. CDCR will create a new unit called the Restrictive Custody General Population unit (RCGP). The RCGP is a Level IV 180-design facility commensurate with similarly designed high security general population facilities. The RCGP will provide prisoners with increased opportunities for programming and social interaction such as contact visits, small group programming, and yard/out-of-cell time commensurate with Level IV general population in small group yards. Prisoners subject to transfer to the RCGP are those who: (i) refuse to complete required Step Down Program components; (ii) are found guilty of repeated STG violations while in the Step Down Program; (iii) face a substantial threat to their personal safety if released to the general population; or (iv) have been housed in a SHU for 10 or more continuous years and have committed a SHU-eligible offense with a proven STG nexus within the preceding 24 months.

7. CDCR will train staff about the Agreement's requirements, including training to ensure that confidential information used against prisoners is accurate.

8. Plaintiffs' representatives and their counsel, with the assistance of Magistrate Judge Vadas, will have an active, ongoing role in overseeing implementation and enforcement of the Settlement Agreement, including the opportunity to raise before Magistrate Judge Vadas alleged violations of the Agreement or the Constitution.

9. The Court will retain jurisdiction over this case for two years. Plaintiffs may extend the Court's jurisdiction by showing that current and ongoing systemic violations of the Eighth Amendment or the Due Process Clause of the Fourteenth Amendment exist; otherwise, the Court's jurisdiction and the parties' Agreement automatically ends.

10. Plaintiffs will file a motion for attorneys' fees following entry of a final order approving the Agreement.

The prisoners are represented by the Center for Constitutional Rights and several other attorneys. If you have any questions about the settlement, you can contact Plaintiffs' counsel: Anne Cappella, Esq., Pelican Bay Class Action Correspondence, Weil, Gotshal & Manges, 201 Redwood Shores Pkwy, Redwood Shores, CA 94065. Prison officials are represented by the California Attorney General's Office, Deputy Attorney General Adriano Hrvatin, 455 Golden Gate Ave., Suite 11000, San Francisco, CA 94102.

The Court will hold a hearing on the settlement's fairness on _____, 2015 at _____ p.m., at the United States Courthouse in Oakland, California, Courtroom 2. Please note

that the Court can only approve or deny the settlement; it cannot change the settlement's terms.

**Comments on Fairness of Settlement:
Requirements and _____, 2015 Deadline**

Prisoners can write to the Court about the settlement's fairness. The Court will consider written comments when deciding whether to approve the settlement. Comments regarding the settlement's fairness **MUST** include at the top of the first page the case name, *Ashker, et al. v. Governor, et al.*, and case number, Case No. 4:09-cv-05796-CW. Comments must be received by _____, 2015, and be sent to the following address:

Clerk of the Court
United States District Court
Northern District of California
1301 Clay Street
Oakland, CA 94612