

Conduct Report

Name: SWAIN, SEAN		Institution: MANCI	MANCI-13-002907
Date/Offense: 09/19/2012	Time/Offense: 04:00 PM	Number: A243205	Lock: 5/SM1/1039/A
Location:			
Rule(s) Violated: 60,15,17,59			
<small>Attempting to commit; aiding another in the commission of; soliciting another to commit; or entering into an agreement with another to commit any of the above acts; Rioting or encouraging others to riot; Engaging in unauthorized group activities as set forth in paragraph (B) of rule 5120-9-37 of the Administrative Code; Any act not otherwise set forth herein, knowingly done which constitutes a threat to the security of the institution, its staff, other inmates, or to the acting inmate</small>			

Supporting Facts (Describe what occurred and how the inmate violated the rule[s]):

Beginning in September 2012 MANCI staff began reporting unauthorized flyers being posted in pods and lying in large piles for inmates to pick up for review. The pamphlets were self-described as resistance manuals and purported to be authored by the Army of the 12 Monkeys. The pamphlet incites other inmates to unite and riot against prison administration by stating a "joyous class war is coming, if you are a prisoner consider this and invitation. If you are a Warden, consider this a threat." The pamphlet instructs inmates in several ways to inflict property damage upon the institutions and encourages the reader to organize gang members and strike/resist the administration. The pamphlet goes on to inform the administration that control of the prison will soon be lost because the administration is outnumbered 20 to 1.

Inmate Swain 243-205 was placed in segregation under investigation for involvement with the Army of the 12 Monkeys and was issued a prior conduct report that has since been dismissed due to its primary reliance on Inmate Swain's beliefs and possession of anarchist publications unrelated to this investigation. In interviews with this writer and others, Inmate Swain denies involvement with the Army of the 12 Monkeys and has pointed out to others in his correspondence that Inmate Dillon (A416-607, self admitted Monkey #9) has written an affidavit exonerating him

(Use Conduct Report Supplement sheet, if needed)

As the Charging Official, do you wish to have input into the disciplinary proceedings? Yes No

Printed Name: hunsingeram	Signature: <i>[Handwritten Signature]</i>
Shift: 8-4	Days Off: s&s
	Date: 04/30/2013

A copy of this conduct report was served upon the above-named inmate on: _____ 20_____, at _____.

Staff Signature: _____

I acknowledge receipt of the conduct report on the above stated date and time:

Inmate Signature: _____	Number: A243205
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from involvement in the group. However, Inmate Dillon has issued stories to the public which describe Monkey #4 as being an individual who was placed with him in segregation, had a Level 5 classification hearing at the same time as him, was interviewed by the OSHP and FBI for a potential link to the internet group Anonymous, and had his own website (identified by Dillon as www.seanswain.org). All of these facts describe Inmate Swain.

Additionally, on March 11, 2013 Inmate Dzelajlija (A530-144, identified by Inmate Dillon as Monkey #12) authored an outgoing letter which provided outside internet links to manuals for the Army of 12 Monkey Resistance Manuals. The letter goes on to attempt to disguise the specific instructions being given on behalf of the 12 Monkeys by telling the reader "NOT" to do the items indicated in the letter and then going on for almost two handwritten pages describing the things that should not be done in great detail. Among the things the letter details is a

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website for the Army of the 12 Monkeys which would include: instructions on posting prison information for purposes of escape or attack; instructions on posting staff information (pictures, social security numbers, home addresses, phone numbers, vehicle make, bank accounts); instructions on posting the Army of the 12 Monkeys resistance manuals with instructions on how to disguise them to get them into the institutions. Inmate Dzelajlija then provides in the letter the internet address links to the Army of the 12 Monkeys manuals. He also provides the recipient of the letter with letterhead of the Cuyahoga County Public Defender with instructions to send an Army of the 12 Monkeys manual to him disguised with the included letterhead. Inmate Dzelajlija's letter also implicates other Army of the 12 Monkeys members in his correspondence by indicating that Inmate Swain (A243-205) is "NOT" down for the creation of the detailed website which contains the disruptive and threatening

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information above. Again, it is clear from the body of the letter that Inmate Dzelajlija's use of the word "NOT" is poor attempt at veiling the intent of the letter.

Similar to Inmate Dzelajlia's correspondence, multiple pieces of correspondence from Inmate Swain provide others on the outside with the internet links to the Army of the 12 Monkeys resistance manuals. He also advocates and conspires with others in the public to create on his website a "Blast Blog" which allegedly will contain personal information of DRC staff members for the purpose of harassing, threatening and intimidating staff members. Furthermore, Swain has written correspondence touting that the Army of the 12 Monkeys resistance manuals are posted on his website (www.seanswain.org) and has additional correspondence where he recommends selling 12 Monkeys T-Shirts. Additionally, Swain was sent coded correspondence from Inmate Marshall (A461-448, self admitted Monkey #10), in which Marshall identifies himself as

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Monkey #10 and indicates "Monkey Down" shortly after Marshall was sent to segregation for suspected involvement. When asked about the letter, Swain indicated that he had no idea why Marshall would have sent him a coded message about the Army of the 12 Monkeys.

Inmate Swain was advised that the prior conduct report against him for this conduct was being overturned due to its heavy focus on Inmate Swain's beliefs and possession of anarchist literature as opposed to his actual conduct. He was advised that, despite his disagreement with the administration, advocating property damage and potential violence is not protected speech. Inmate Swain is convinced (and has told countless individuals) that his involvement in this investigation has to do with his criticism of departmental policies and contracts. Inmate Swain was again advised that he was entitled to his beliefs and writings so long as they did not advocate violence, but unfortunately the Army of the 12 Monkeys calls for resistance

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and riot coupled with his requests for "Blast Blogs" and dissemination of personal staff information for purposes of harassing, threatening or intimidating crossed over permissible free speech lines.

It is clear from the correspondence of Inmates Dillon, Dzelajlija and Swain that Inmate Swain participated in the creation of and dissemination of Army of the 12 Monkeys materials. Inmate Marshall's coded messages to Inmate Swain also infer that Swain was involved in this unauthorized group. Inmate Swain is in violation of 5120-9-37, Unauthorized Group Activities which is set forth as inmate rule of conduct 17. (A) No inmate shall be permitted to become an active member in any group within an institution until that group has been approved pursuant to this rule.

An "unauthorized group" is defined as:

- (1) An association of two or more persons with common characteristics (e.g., sharing a common interest, activity or purpose; acting in concert on an ongoing or recurrent basis; having a

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highly organized or loosely structured internal organization; recognizing themselves as a distinct group) which serves to distinguish that association from other inmates or groups, and;

(2) Has not been approved by the department pursuant to this rule or any departmental directive.

(B) An inmate shall not knowingly or intentionally engage in, whether individually or in concert with others:

(1) Forming, organizing, promoting, encouraging, recruiting for, or participating in, etc., an unauthorized group;

(2) Possessing, creating, reproducing, using or circulating, etc., any material related to an unauthorized group;

(3) Communicating support of, association with, or involvement in any unauthorized group. The form of communication may be verbal (written or spoken) as through codes, jargon, etc., or non-verbal (conduct as through hand signs, symbols, displays, drawings, graffiti, distinctive clothing, hairstyles, colors, ornaments, etc.;

(4) Participating in criminal activities

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, or disruptive activities such as disturbances, riots, fostering racial or religious hatred, or union activities; and,

(5) Violating institutional rules or directives or state or federal laws.

Inmate Swain is also in violation of inmate rule of conduct 60/15 - conspiring with others to riot or encourage others to riot. Inmate Swain is also in violation of inmate rule of conduct 60/59- conspiring with others to create a Army of the 12 Monkeys website and his own personal Blast Blog for the purposes of threatening, harassing and/or intimidating staff. This writer recommends that in the event Swain is found guilty of the above charges that he be profiled as a disruptive member of a security threat group and considered for Level 4 placement as defined in departmental policy. All evidence regarding this investigation is available for review by contacting A. Hunsinger, and/or T. Clark who assisted in the investigation.

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