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Criminal Justice Issues and Prisoners' Rights

<https://solitarywatch.org/2016/04/13/in-californias-death-rows-adjustment-center-condemned-men-wait-in-solitary-confinement/>

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by [Alyssa Stryker](#) | April 13, 2016

When we were sentenced to death, [wrote Carlos M. Argueta](#) from death row in California, we weren't sentenced to be mistreated, humiliated, discriminated against, psychologically tortured and kept in solitary dungeons until the day of our executions. Never once did the judge say that was to be part of our sentence. He was speaking about life in San Quentin State Prisons Adjustment Center, a [prison within a prison](#) with a name worthy of any fictional dystopia.

The Adjustment Center is at the epicenter of California's death row system, which *The Atlantic* [recently called](#) simultaneously the most and least prolific wielder of the death penalty. Although the state continually metes out death sentences there were [749 people](#) awaiting execution [last July](#), nearly twice as many as the next highest state almost no one is executed. California held just six executions since the start of the 21st century, and [none since 2006](#). In March of this year, *The LA Times* reported that death row at San Quentin home to all men on death row in California has literally [run out of room](#).

The Adjustment Center, the harshest of the three death row units at San Quentin, is [severe even compared to](#) other segregation units in the California prison system and death row units in most other states. And California's long death row delays mean these exceptionally harsh conditions can last for decades.

The [average time](#) spent on death row in California was 16.1 years in 2013, and by the end of 2014, [nearly 78](#) percent of the male death row population had been there for ten years or longer. Citing [excessive delays](#), in 2008 the California Commission on the Fair Administration of Justice declared the state's death penalty system dysfunctional.

And in a 2014 decision that found the system unconstitutional (the decision was [overturned](#) on procedural grounds in November), federal judge Cormac J. Carney [declared](#) that in California, the death sentence carefully and deliberately imposed by the jury has been quietly transformed into one no rational jury or legislature could ever impose: life in prison, with the remote possibility of death.

A [class action lawsuit](#) filed in June 2015, *Lopez v Brown*, offers a rare glimpse into the daily lives of the people who live in the Adjustment Center. Its six named plaintiffs Bobby Lopez, Marco Topete, John Myles, Richardo Roldan, John Gonzales, and Ronaldo Medrano Ayala allege their continued detention in the Adjustment Center violates the Eighth Amendment prohibition on cruel and unusual punishment and the due process clause of the Fourteenth Amendment. These men have been in the Adjustment Center for periods of time ranging from three to 26 years. Some received just one disciplinary write-up that affected their classification during that entire period, for participating in a peaceful hunger strike.

These men and their fellow Adjustment Center residents spend between 21 and 24 hours a day often for years on end inside cells roughly six by nine feet, smaller than a standard parking spot. There is no natural light or airflow; temperatures in the cells fluctuate from very hot to very cold. Beds consist of a thin mattress on a steel or concrete slab. There are no chairs or desks in the cells.

[According to the complaint](#), When writing letters to loved ones, Roldan kneels on his shower shoes and uses his bunk as a table. Ayala fashions a seat out of the bankers boxes where he keeps his property. Gonzales and Topete sit on a blanket on the floor of their cells and write on their beds. For Topete, who has chronic back pain, sitting in that position becomes excruciating after 15 minutes. As a result, he can only write and research in brief increments.

Those living in the Adjustment Center are continually [immersed in noise](#). The slamming of security gates and cell doors echo through the unit, exacerbated by high ceilings and enclosed steel cells. Residents are constantly shouting, banging, or screaming, either in desperate attempts to communicate with one another or as a primal response to their unbearable conditions. The racket continues around the clock: chronic sleep deprivation is one of many severe mental and physical health effects of long-term confinement in the Adjustment Center.

Access to healthcare of any kind is extremely limited, and in many circumstances nonexistent. When an Adjustment Center resident requests a medical appointment, it can take so long to materialize that in a letter to Solitary Watch, one resident quipped, By the time you

see a doctor your 24-flu has passed or youre about to pass.

Mental health assessments, when they occur at all, are often conducted through a cell door within earshot of guards and other residents. As sensitive health information can easily be used against them by guards and other prisoners, it is impossible for Adjustment Center residents to be honest about their mental health, and therefore impossible to receive appropriate treatment.

The same man quoted above commented, I dont know the extent of my own mental damage but I do know more people have died on death row at San Quentin from suicide than execution. Indeed, [suicide rates](#) on death row are roughly ten times greater than in society more broadly, and several times greater than in the general prison population.

California is one of the [few states](#) that keep people in segregation for alleged gang affiliation, divorced from any assessment of their actual behavior within prison. As a result, an individual who has never violated a prison rule can end up in the Adjustment Center for suspicion of current or former gang involvement. There is no process for reviewing alleged affiliation, and individuals can be held in the Adjustment Center for years on the flimsiest evidence. Some individuals are assumed to have gang allegiances simply because of their ethnicity or the region where they grew up.

[Technically](#), Adjustment Center residents are entitled to a review of their placement every 90 days, but this rarely results in a transfer to East Block or North Segregation, San Quentins other death row units. With no ability to disprove gang affiliations that were never proven in the first place, continued detention is almost a certainty.

Other residents were placed in the Adjustment Center for disciplinary infractions committed while in one of the other death row units. For these men as well, it is very challenging to get transferred out, even after long periods of violation-free behavior.

Adjustment Center residents are not allowed to engage in any educational, recreational, or vocational programming. They may leave their cells for just [five reasons](#):

Before and after any movement within the unit, men are [routinely strip searched](#), often in front of other Adjustment Center residents and guards, even if they have not come into contact with anyone else during their time out of cell.

While in the yard, residents have access to small open yards or walk-alone cages (roughly twice as big as a cell), along with a few handballs and the occasional pull-up bar. Although yard time is a rare opportunity for Adjustment Center residents to interact with others, prisoners report that any interaction may be perceived by the guards as gang activity and used to justify keeping them in the Adjustment Center so some residents [choose not](#) to interact.

In a letter to Solitary Watch, one Adjustment Center resident lamented the seeming interminability of the status quo: What is happening today and tomorrow in solitary confinement is the same stuff which has taken place ten and fifteen plus years ago.

In fact you will be able to find the same prisoners there in continuous solitary placement, subjected to the same inhumane conditions.

Adjustment Center residents despite extremely restrictive conditions joined prisoners statewide in peaceful hunger strikes in 2011 and 2013. Not only did the California Department of Corrections and Rehabilitation (CDCR) ignore the strikers reasonable [demands](#) access to recreation activities, increased ability to communicate with their families, meaningful review of their detention in the Adjustment Center officials considered participation in the strike a disciplinary offense and used it to justify keeping participants in the Adjustment Center.

In a letter to Solitary Watch, one Adjustment Center resident expressed unwillingness to discuss other forms of non-violent activism for the same reason: peaceful acts of protest, he said, are re-interpreted as a threat to security and written into the local rules to make non-violent acts of resistance [into] a rule violation.

The strikes did, however, succeed in bringing attention to conditions in Californias prison system and exposing some cracks in its system of long-term solitary confinement. Over the past few years, several lawsuits have challenged the states use of solitary confinement on and off death row, including *Lopez v. Brown*.

EmilyRose Johns, working on the *Lopez* case with the law firm Siegel & Yee, told Solitary Watch they are at a very early stage of settlement talks with CDCR. She noted that these talks are taking place in the shadow of *Ashker v. Brown*, a related case that settled with CDCR in September. Although the *Ashker* settlement has no direct effect on Adjustment Center residents, it has significant implications for litigation and policy work to reform conditions on Californias death row.

Ashker was a class action lawsuit filed by the Center for Constitutional Rights (CCR) on behalf of those who have spent a decade or more in solitary confinement in the Security Housing Unit (SHU) at Californias Pelican Bay State Prison. Like *Lopez*, *Ashker* [argued](#) that long term segregation violates the Eighth Amendment prohibition against cruel and unusual punishment, and that the lack of meaningful review of SHU placement violates the right to due process. The Adjustment Center is not technically covered by the lawsuit it is [not specifically classified](#) as a SHU but the conditions challenged in *Ashker* are extremely similar to those of the Adjustment Center, including the non-evidence-based criteria for ascertaining gang affiliation.

The [Ashker settlement](#) will transform the status-based system for placing people in SHUs to a behavior-based system. Individuals will only be put in the SHU if they have committed verified SHU-eligible rule violations, such as violence, weapons possession, or escape attempts not merely for alleged gang affiliation.

The settlement also significantly limits the time individuals may spend in solitary confinement. CCR noted that in [settling Ashker](#), California has implicitly recognized the harm to prisoners from very prolonged solitary confinement. CCR lawyer Alexis Agathocleous, speaking to Solitary Watch, noted that CDCR has acknowledged that other options are possible for managing behavior in prison, besides long-term segregation. Those working on *Lopez* will look to the *Ashker* settlement for an understanding of what CDCR may be willing to put on the table.

EmilyRose Johns noted, however, that there are obstacles to negotiating a settlement for those on death row that *Ashker* didn't have to grapple with, including different regulatory context and an even greater stigma. Settlement discussions could continue for months or even years; if discussions break down and the case goes to trial, it will almost certainly be years before a judgment arrives. Meanwhile, life such as it is will go on for the men who live in the Adjustment Center. With executions apparently stalled indefinitely, the severe living conditions of individuals on death row, ostensibly temporary, are seemingly more and more permanent.

For the named plaintiffs in *Lopez*, however, things will be a bit different. As a result of the lawsuit, Johns noted, they have all been transferred out of the Adjustment Center and into slightly less stringent conditions in East Block. Their executions continue to be nowhere in sight.

Alyssa Stryker has worked with the British Columbia Civil Liberties Association and the Drug Policy Alliance, and now works for the Pew Charitable Trusts Substance Use Prevention and Treatment Initiative.

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by [Juan Moreno Haines](#)

October 25, 2022

by [Solitary Watch Guest Author](#)

October 13, 2022

by [Vaidya Gullapalli](#)

September 29, 2022

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