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Criminal Justice Issues and Prisoners' Rights

<https://solitarywatch.org/2011/02/15/case-closed-on-supermax-abuses/>

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by [Jean Casella and James Ridgeway](#) | February 15, 2011

In relation to solitary confinement, one of the most important recent court rulings came in 1995's [Madrid v. Gomez](#). The decision was the result of a massive class-action suit, brought two years earlier in Federal District Court in California by the nonprofit Prison Law Office on behalf of more than 3,500 prisoners at Pelican Bay supermax. Prison Law Office Director Donald Specter described the situation at Pelican Bay in his [2005 testimony](#) before the Commission on Safety and Abuse in America's Prisons:

The California correctional system in general and Pelican Bay in particular show that abuse flourishes when force is not strictly regulated. In the late 1980s California Department of Corrections officials designed and built Pelican Bay State Prison to house prisoners they called the worst of the worst. Prison officials let the guards know that the standard rules of conduct would not apply at Pelican Bay. What followed were not only individual instances of brutality, but a deliberate practice of using violence and the pain it inflicted as a method to control the behavior of prisoners. Ruling on a constitutional challenge to the excessive use of force at Pelican Bay [*Madrid v. Gomez*], the federal district court catalogued the unnecessary and excessively violent cell-extractions, the hog-tying of prisoners, the caging of naked prisoners outside for long periods of time in cold and rainy weather and the staff beatings of prisoners. It concluded that violence was used by staff not only in good faith efforts to restore and maintain order, but also for the very purpose of inflicting punishment and pain.

Among the horrifying instances described in the case was one in which an African-American prisoner with mental illness, who had smeared himself with feces was forced into a tub of water so hot that it caused third-degree burns. The skin peeled off parts of his body, and a prison nurse overheard a guard say, looks like we're going to have a white boy before this is through. In another instance, an inmate who refused to return his food tray was shot with a gas gun, pistol whipped, beaten, twice knocked unconscious, and dragged out of the cell face down; his head was bleeding, and a piece of his scalp had been detached or peeled back.

In his decision, Federal District Court Judge Thelton Henderson found a pattern of excessive force and systemic deficiencies in the medical and mental health care system. On the subject of conditions in the Secure Housing Unit (SHU), he observed that the 23-hour isolation in windowless cells may press the outer borders of what most humans can psychologically tolerate, while placing mentally ill or psychologically vulnerable people in such conditions is the equivalent of putting an asthmatic in a place with little air to breathe.

Finding widespread violations of the Constitutional ban on cruel and unusual punishment, the judge ordered an overhaul of policing practices and medical care at Pelican Bay, and the removal of inmates suffering from or at risk of mental illness. He appointed a federal monitor to oversee the changes.

Now, 18 years after the case began, it is finally drawing to a close. [California Watch reports](#), In the coming days, federal District Judge Thelton Henderson is expected to terminate litigation in *Madrid v. Gomez*, apparently satisfied that its requirements have been met. California Watch interviewed the Prison Law Office's Donald Specter:

When we were litigating *Madrid*, they were literally killing people on a fairly regular basis with guns, recalled Specter. That has basically stopped. I have no doubt that a lot of lives have been saved as a result of the case.

Specter noted one weakness in the *Madrid* ruling: it didn't outlaw California's use of security housing units' windowless chambers where alleged gang members and other inmates spend nearly all their time locked alone in spartan cells.

The ruling said that certain inmates with mental illness must be moved out of the units, but others could remain, he said.

This despite the judge's caveat that the court could not begin to speculate on the impact that Pelican Bay SHU conditions may have on inmates confined in the SHU for periods of 10 or 20 years or more; because Pelican Bay had just recently been opened when the case began in 1993, the inmates studied in connection with this action had generally been confined to the SHU for three years or less.

Today, Pelican Bay holds prisoners who have indeed been there, in [extreme isolation](#), for 10 or 20 years or more, including numerous inmates [validated as gang members](#), whose term in solitary confinement is indefinite, and essentially permanent. And the number and percentage of prisoners in supermax prisons and SHUs across the country has grown significantly.

James Ridgeway (1936-2021) was the founder and co-director of Solitary Watch. An investigative journalist for over 60 years, he served as Washington Correspondent for the Village Voice and Mother Jones, reporting domestically on subjects ranging from electoral politics to corporate malfeasance to the rise of the racist far-right, and abroad from Central America, Northern Ireland, Eastern Europe, Haiti, and the former Yugoslavia. Earlier, he wrote for The New Republic and Ramparts, and his work appeared in dozens of other publications. He was the co-director of two films and author of 20 books, including a forthcoming posthumous edition of his groundbreaking 1991 work on the far right, Blood in the Face. Jean Casella is the director of Solitary Watch. She has also published work in The Guardian, The Nation, and Mother Jones, and is co-editor of the book Hell Is a Very Small Place: Voices from Solitary Confinement. She has received a Soros Justice Media Fellowship and an Alicia Patterson Fellowship. She tweets @solitarywatch.

Accurate information and authentic storytelling can serve as powerful antidotes to ignorance and injustice. We have helped generate public awareness, mainstream media attention, and informed policymaking on what was once an invisible domestic human rights crisis.

Only with your support can we continue this groundbreaking work, shining light into the darkest corners of the U.S. criminal punishment system.

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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oh my god ok i know this case like the back my head lol i frends with the Dr who was the hard hitter for inmate side of case in fact i met him Grassian one day i hope my work will have such a grate inpackt we wanted a angel and god gave us a saint Dr stuart E Grassian may there be light in the darknes of justice

Here is some info from the following article.

<http://vcresearch.berkeley.edu/news/probing-haphazard-rise-harsh-supermaximum-prisons>

Inmates sometimes say that there are only three ways out of supermax: parole, snitch, or die.

California, has 3,330 prisoners in supermax, 10 times any other state.

Of these California releases 50 to 100 prisoners a month to parole from supermax often without any transitional programming.

For those with documented pre-existing mental vulnerabilities, such as schizophrenia, the federal courts have outlawed supermax confinement as cruel and unusual punishment.

This last line was written before this decision and makes me ask,

Doesnt this decision just reaffirm the preexisting Federal ruling?

However it is gratifying that the number of deaths and physical abuse has subsided for now. But by leaving these men to mentally deteriorate for indeterminate periods of time still sounds cruel and unusual to me.

No clear victory here.

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