

# Solitary Watch

## Criminal Justice Issues and Prisoners' Rights

<https://solitarywatch.org/2012/03/09/5016/>

## Campaign and Advocacy

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by [Sal Rodriguez](#) | March 9, 2012

The [Associated Press](#) has reported that the California Department of Corrections and Rehabilitation (CDCR) is reforming its policies regarding the controversial Security Housing Units (SHUs), where thousands of inmates are held in solitary confinement for an average of 6.8 years. According to the AP:

Gang members would no longer have to renounce their gang membership. Instead, they could earn more privileges and get out of the isolation units in four years instead of six if they stop engaging in gang activities and participate in anger management and drug rehabilitation programs.

Further,

The old system focused on separating and suppressing gangs. The new system tries to change gang members behavior through rewards and punishment, she said.

Under the old policy, gang associates are automatically sent to the Security Housing Units to live alongside gang leaders. Under the proposed policy, many could continue living in the general prison population.

[The reforms](#) include the implementation of step down programs defined as follows:

Step Down Program (SDP), Step 1 and 2 Security Housing Unit (SHU): First two of five steps in the stepdown process with a minimum of 12 months in each step, dependent upon successful completion. SHU housing unit/program specifically designated for housing of criminal gang affiliates determined to pose a threat to the safety of staff/offenders and security of the prison based upon intelligence and/or confirmed behaviors. This housing designation is intended to isolate the most dangerous STG affiliates with a high degree of monitoring placed on all avenues of communications.

Step Down Program (SDP), Step 3 and 4 Security Housing Unit (SHU): Two of five steps in the stepdown process with a minimum of 12 months in each step dependent upon successful completion. SHU housing unit/program specifically designated for housing of criminal affiliates who have completed step 1 and 2 but have been determined based upon intelligence and/or confirmed criminal gang behaviors still to pose a threat to the safety of staff and security of the prisons. This housing designation is intended to begin reintegration of the STG affiliates by offering program and privilege incentives within a controlled setting and monitoring of program progress.

Step Down Program (SDP), Step 5 General Population Housing: Upon successful completion of all four steps, as determined by Institutional Classification Committee (ICC) and based on individual offender behavior, the offender will be referred to the Classification Staff Representative (CSR) for endorsement to a Level IV, 180 design facility (male offenders only) for a 12 month observation period, regardless of the offenders placement score unless otherwise directed by a Department Review Board (DRB) action. After completion of the 12 month observation period with no evidence of continued gang involvement, the offender may be placed in a facility consistent with their placement score and case factors.

There are currently over 3000 inmates in the Security Housing Units, located at Pelican Bay State Prison, California State Prison, Corcoran, and California Correctional Institution in Tehachapi. Most inmates in the SHU are there due to a controversial [gang validation](#) process, during which inmates have been sentenced to six year SHU terms for reasons ranging from explicit gang activity to inferred gang activity based on potentially erroneous grounds like tattoos, stray comments, and possession of certain books.

According to the recently released policy announcement,

This proposal incorporates the current CDCR gang identification and validation procedures per CCR, Title 15, Division 3, Section 3378 and DOM, Article 22, Section 52070.1, Gang Management, which will remain in effect with added language intended to improve application of policy. These additions will include but are not limited to: Introduction of a new STG category and a weighted point system for validation as identified in this proposal. Due process rights in accordance with CCR, Title 15, Division 3, Section 3378, will remain in place.

CDCR currently validates gang affiliates into two categories, Gang Members and Gang Associates. This proposal incorporates the STG

designations as referenced and adds two additional STG affiliation categories. The new category of Suspect will not be officially validated, but tracked for intelligence purposes and decisions that impact the institutions daily program needs. The new category of Monitored represents any offender who has successfully completed Steps 1-4 in the SDP and has been returned to a general population or SNY setting. Additionally, the introduction of these new STG management strategies will serve to reduce CDCRs current reliance upon segregation for managing STG members, associates and suspects.

Pages 17-25 of the document cover the categories and the validation criteria. Implemented is a reformed point system for prison officials to use in determining gang activity status. In order for an inmate to be labeled a gang Associate, at least three source items with a value of at least 10 points must be identified. Examples of source items include hand signs (2 points), being named in a debriefing reports (3 points), and legal documents (7 points). According to the AP, over 2000 SHU inmates are Associates.

Regarding changes of classifications,

A validated STG Associate can have their validation status upgraded to Member with the validation of 1 additional source item, any point value, containing intelligence indicative of a Member. The status of a validated Subject will remain unless updated, changed or deleted with final approval by OCS.

After the initial validation, gang behavior of validated offenders will be addressed based on this proposal. The current INACTIVE category will be revised to incorporate the term MONITORED. A monitored offender is one who has successfully completed Steps 1-4 in the SDP and has been returned to a general population or sensitive needs yard setting. This period of monitoring will include continuous and ongoing cell searches, mail and phone call monitoring, and periodic interviews with investigative unit staff. After the initial validation, a monitored offenders confirmed gang behavior will be addressed through housing placement by the decision of the ICC.

The [desolate conditions](#) of the SHU, coupled with [higher recidivism rates](#) (nearly 70%) among inmates released from them, prompted two large scale [hunger strikes](#) across California in protest of the SHU in the summer and fall of 2011. The strikes prompted the California Assemblys Public Safety Committee to hold a [historic hearing](#) on the Security Housing Units in August 2011. The widespread use of solitary confinement in California, which totals 11,000 when the Administrative Segregation Units are included, currently [costs California taxpayers](#) hundreds of millions of dollars annually. What effect these reforms will actually have remains to be seen. Activists urging reforms appear to be taking a cautious attitude toward the announced changes.

Solitary Watch will provide updates as information becomes available.

Sal Rodriguez was Solitary Watchs first and most prolific intern. Based in Los Angeles, he served as an editorial writer and columnist for the Orange County Register and the Press-Enterprise, and is now the opinion editor for the Southern California News Group.

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

Solitary Watch encourages comments and welcomes a range of ideas, opinions, debates, and respectful disagreement. We do not allow name-calling, bullying, cursing, or personal attacks of any kind. Any embedded links should be to information relevant to the conversation. Comments that violate these guidelines will be removed, and repeat offenders will be blocked. Thank you for your cooperation.

I may have read the screen wrong because I could only find this related article on China. At least on paper they recognize that it is wrong to secretly hold their own people.

[http://www.cbsnews.com/8301-501712\\_162-57396827/china-approves-new-law-to-limit-secret-detentions/?tag=mncol;lst;6](http://www.cbsnews.com/8301-501712_162-57396827/china-approves-new-law-to-limit-secret-detentions/?tag=mncol;lst;6)

China approves new law to limit secret detentions

BEIJING Chinas legislature approved revisions Wednesday to a key criminal law that at least on paper will restrict police powers to secretly detain people, a tactic increasingly used against activists and government critics.

While legal reformers have mostly applauded the revisions, saying they will offer better protection of suspects and reflect increasing awareness in China of the need for stronger detainee rights, legal enforcement in China is another matter.

Police and prosecutors routinely ignore current legal provisions protecting suspects rights and have frequently used charges of endangering national security against dissidents.

they dont do away completely with secret detentions,

[http://www.washingtonpost.com/opinions/is-the-united-states-still-the-land-of-the-free/2012/01/04/gIQAvD1wP\\_story.html](http://www.washingtonpost.com/opinions/is-the-united-states-still-the-land-of-the-free/2012/01/04/gIQAvD1wP_story.html)

January 31th article in the Washington Post:

10 reasons the U.S. is no longer the land of the free

The most recent example of this was the National Defense Authorization Act, signed Dec. 31, which allows for the indefinite detention of citizens. At what point does the reduction of individual rights in our country change how we define ourselves?

I read on the bottom of the TV screen this morning on the CBS channel that China has followed our lead and authorized indefinite detention of its citizens too.

Yes we do export to China.

@Gina this attorney has an informed opinion for you.

Attorney Charles Carbone fears the proposed changes would result in more widespread use of the SHU within Californias prisons.

This can, if its implemented, vastly expand the number of California prisoners that are placed in solitary confinement.

He says the new plan broadens the definition of a gang to include street gangs or any group of more than two inmates deemed a threat to prison security. Carbonne says thats a Catch-22 because the Department routinely labels inmates as street gang members based on their race and where they were committed when they enter prison. Carbone says the proposed changes would stigmatize even more prisoners with erroneous labels.

<http://www.scpr.org/news/2012/03/12/31598/ca-prison-officials-proposed-gang-policy-changes-c/>

As for my own opinion when more than two inmates can be deemed a threat to prison security what are we paying for?

The Catch 22 is that nobody can stand alone in prison, everyone needs someone to watch his back. Although I never joined a gang I did seek out allies to watch my back. In my limited Juvenile experience I never found more than one person at a time that I felt was reliable enough so I guess I wouldnt have met the above criteria. By the way, the guards orchestrate much of the prison violence. This gives them an excuse to lock the inmates down and go watch the game on TV.

The guards pay is the same or better in these units. But the public pays an added costs for these units and then when the inmates are driven mad by this system and released they commit predictable acts of violence upon us. Then the cycle repeats itself.

Back to the drawing board.

When they talk about getting information about an inmate through intelligence, are they talking about snitches? Because that kind of intelligence is often based on the motivation of the snitch to get something in exchange for his information. Which means alot of snitching is probably not even based on reality just on knowing how to work the system.

This article is somewhat fuzzy for the layperson to understand, due to the extremely complicated procedures used to identify in what step or classification someone belongs. Also, it sounds like a long haul (12 months each) just to progress from one step to the next. It makes me wonder whether this is a bonafide attempt at reform or whether, as a previous commenter wrote, it is an attempt to look like reform. I suspect the latter.

Link to above excerpt:

[http://www.tomdispatch.com/post/175513/tomgram%3A\\_ann\\_jones%2C\\_playing\\_the\\_game\\_in\\_afghanistan/](http://www.tomdispatch.com/post/175513/tomgram%3A_ann_jones%2C_playing_the_game_in_afghanistan/)

The system will attempt to do just enough to deflect the most effective critics message but the underlying ideology is too embedded to ever be curbed in such increments. Hell we export the concept of indefinite detention.

Excerpt from Tomgram: Ann Jones, Playing the Game in Afghanistan

How primitive the Afghans are! A New York Times account of faltering negotiations over a possible strategic partnership agreement to leave U.S. troops on bases in that country for years to come highlights just how far the Afghans have to go to become, like their U.S. mentor, a mature democracy. Take the dispute over prisons.

Afghanistan has no law that allows for indefinite detention for national security reasons.

Honestly, what kind of a backward country doesnt have a provision for the indefinite detention, on suspicion alone, of prisoners without charges or hope of trial? As a mature democracy, we now stand proudly for global indefinite detention, not to speak of the democratic right to send robot assassins to take out those suspected of evil deeds anywhere on Earth. As in any mature democracy, the White House has now taken on many of the traits of a legal system filling, that is, the roles of prosecutor, judge, jury, and executioner.

Reblogged this on [The Youth Chaplaincy Coalition](#).

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