

Solitary Watch

Criminal Justice Issues and Prisoners' Rights

<https://solitarywatch.org/2010/08/07/voices-from-solitary-gang-validation-and-permanent-isolation-in-california-prisons/>

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by [Jean Casella and James Ridgeway](#) | August 7, 2010

In prisons throughout the country, perceived gang membership is one of the leading reasons for placement in solitary confinement. In California alone, hundreds of prisoners are in Security Housing Units (SHUs) because they have been validated as gang members. The validation procedure used by the California Department of Corrections and Rehabilitation (CDCR) employs such criteria as tattoos, reading materials, and associations with other prisoners (which can amount to as little as a greeting) to identify gang members.

It is a system clearly open to abuses. California Prison Focus, the prisoners rights organization based in Oakland, often documents these abuses in its newsletter, and even publishes a [Prisoner Self-Help Manual to Challenge Gang Validation](#). Their report on the Corcoran SHU in CPF's [Summer 2010 newsletter](#) included the following:

Many prisoners report that they are validated as gang members with evidence that is clearly false or using procedures that do not follow the Castillo settlement. CPF has received hundreds of requests for its legal manual on how to challenge a prison gang validation, even though we ask for a \$20 donation to cover costs. Prisoners generally report that the SHU cells are overflowing and Administrative Segregation Units are now being filled with prisoners with indeterminate SHU sentences. CDCR officials use the torturous conditions of SHU confinement against the prisoner in order to find out more about prison gangs. CDCR officials pressure prisoners to debrief (that is, implicate others who are involved in gang activities) so that they can get out of SHU and sent to a special needs yard.

Prisoner K reported several pieces of fabricated material used against him (details omitted in order not to identify the prisoner). He suggests that CSP-COR officials are trying to break mainline prisoners by plucking out those with any sort of structure (meaning psychological balance, ability to think for oneself and stand up for one's rights) and trying to break them (psychologically) by keeping them in solitary confinement SHU cells.

Prisoner L reported that he was offered release from the SHU. When he arrived at general population housing, he was asked to sign a prepared statement that implicated another prisoner of being a member of a known prison gang. He refused to sign and was re-validated using over-six-year-old evidence from a prison where he was previously housed.

Prisoners and advocates say that in addition to making what CPF calls false validations, the CDCR keeps some prisoners in solitary indefinitely based on gang validations that are a decade or more old. This despite a federal court decision that was supposed to end such practices. The following essay is by Joseph Aragon, a 52-year-old prisoner who renounced his gang membership 13 years ago, but remains in Corcoran SHU as he describes it, in mindless limbo on indeterminate segregation status.

(Thanks to Lois Ahrens of the Real Cost of Prisons Project for forwarding this essay to us, and for maintaining her powerful [collection of writings by prisoners](#).)

My name is Joseph Aragon a.k.a. Tlaoyotl and I am a California SHU inmate. I am a validated prison gang member and have been since 1994. California leads the nation in legalized and publicly condoned torture and isolation of its prison inmates. It hosts not one, but three segregated housing units: Corcoran State Prison-SHU, Tehachapi Max State-SHU, and Pelican Bay Prison-Supermax SHU. They hold thousands of inmates in mindless limbo on indeterminate segregation status. I've spent many years in administrative segregation units throughout the state including the SHUs of Pelican Bay and Corcoran State Prison where I currently reside.

The madness continues for once a prisoner is branded as a gang member, it's a done deal. Don't misunderstand me I don't claim innocence or pretend that I didn't do things that brought me to the SHU. I was, in fact, a member of a brutal prison gang and prior to my indeterminate SHU. I had a position of authority and status within that infrastructure. I did things that brought about my validation as I was involved in a criminal conspiracy against other inmates and society in general. I deserved to be segregated. However in 1997, I defected from the organization and renounced my gang association and withdrew from all gang activity.

Yet here I sit 13 years later, still in segregation, although CDCR knows that I am a drop-out. I am designated as an inactive member of a prison gang I belonged to by the very bureaucracy that holds me on indeterminate status citing continued association with a criminal conspiracy against other inmates, even though I am ostracized by the very gang the administration claims that I continue to associate with. Because of my decision to defect I have actually become an enemy of the prison gang. Yet this administration claims that I am

involved in an on-going criminal conspiracy, even though they have documents support my defection and that I am on a hit list. From my perspective, I see an endless maze of bureaucracy bent on keeping prisoners within these SHU units. They gotta keep the beds filled so they dont risk having to close the SHU. units.

I have been trying to get out of my validation for many years without success. Its a slow and frustrating process with twists and turns and roadblocks. I am 52 years old and continue to suffer punitive isolation I was first introduced to at 35 within the walls of Californias SHU units. Furthermore, CDCR just passed a new law in January (1-25-10) SBX-18 that takes all good time credit earning ability from validated gang members, but no one else in the SHU. This is total discrimination of an entire class without due process and adds from months to years to the lengths of sentences. Additionally, CDCR has adopted a new policy for giving indeterminate SHU sentences to inmates by deeming them as program failures (usually, 3 successive rules violation reports of the same offense) and then slamming them in the SHU. This is in response to the mass drop-outs from all of Californias prison gangsgotta fill them beds! Otherwise, CDCR cannot justify all the money spent on staffing.

But lets talk about the SHUs where prisoners rights are close to non-existent and services provided to prisoners under the Constitution and CDCRs own regulations are at a bare minimum if at all. Many are the days that we go without a shower or without yard or exercise. 24 hour periods locked in a cell, more often than not for consecutive days. The administration will use any little excuse they can to keep us locked in our cells. We lose showers, yard and medical on a regular basis.

I spent the better part of 2008 and part of 2009 in a cell without any glass in a 2 foot by 4 foot window frame. I had to use the blanket I was issued as a window covering. I slept with all my clothes on a bare mattress so I could have two sheets to cover myself with. I also lived with huge cockroaches and mice and had to secure my food items by hanging them in a t-shirt from the ceiling vent to keep bugs and rodents out. Ive had to drink water with toxic levels of arsenic and selenium well above federal standards. If this is not torture, I dont know what is.

I have seen many fall victim to isolation and sensory deprivation of the SHU. environment. The indifference is mind boggling. The prevailing attitude by cos is that were garbage and so what if you dont get treated humanely, who cares? I actually heard a guard say, We used to be able to beat the crap out of them, but they cried to the courts, so now we get in trouble if we touch them. That attitude is prevalent within the CDCR system of justice. I survive by keeping my mind outside of the madness and focusing on me, through my studies (both Christian and secular), focusing on my outside contacts including family, friends and professional associations and focusing on my health and fitness. I feel I have come through somewhat unscathed. But not completely. I think once I hit the streets some deep-seated issues will eventually come into focus that I will have to deal with. The good thing is that there is light at the end of the tunnel. I have an outdate of 1-9-2012 and a probable SHU release date of 1-30-2011. Although I am not holding my breath on that one, I have had too many false hopes to even go there.

Due to Federal Court litigation, in the Steven Castillo lawsuit, CDCR adopted a policy that requires them to consider an inmate for release from the SHU after 6 years of inactive gang status. At the time of my D.R. B. (Departmental Review Board), I had 12 years as an inactive gang member, and was validated as such. I had 10 points which makes me a low level one custody inmate. I had not had a rule violation report since 1994 (the one that initially put me in the SHU), yet I was denied release based on the fact that the Director felt I still had undue influence with the prison gangs I was formerly part of. In other words, in spite of the Castillo settlement, the hearing was a sham.

However they do release active gang members after 6 years of inactivity. They do so because they know that active gang members will go out to the mainline and resume gang activity, thus supplying more bodies for validation. Its a known fact that almost all active gang members released come back and bring new bodies with them. When I went to D.R.B. there 17 active gang members released and the 3 drop-outs denied. A drop-out by definition is not going to resume gang activity, so there is no reason to release him. Instead, he is left with the choice of staying in the SHU or going to the debriefing program so that they can squeeze out every ounce of information they can. That process is a nightmare in itself.

California prison officials perpetuate torture through on-going and never-ending solitary confinement approach to corrections. We need to stop the madness. Thank you.

In solidarity, Joseph Aragon
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New address, September 2010: Joseph Aragon G08220, Kern Valley State Prison T4U, P.O. Box 5101 D7-211U, Delano, CA 93216



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 [Voices from Solitary](#)

September 30, 2022

by [Voices from Solitary](#)

September 19, 2022

by [Voices from Solitary](#)

September 6, 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.

You also write:

They do release active gang members after 6 years of inactivity. They do so because they know that active gang members will go out to the mainline and resume gang activity, thus supplying more bodies for validation. It's a known fact that almost all active gang members released come back and bring new bodies with them.

As I stated in my guest post prison is indeed a cruel gauntlet, with guards on one side and prisoners on the other. Punishment is meted out by truly evil people on both sides of its dividing line.

But these two adversarial groups consciously or unconsciously collude together to administer society's punishment. This collusion may take the overt form of a trusty as in TX or the more covert form of placing a prisoner in an untenable position near rivals.

Even, as this inmate points out, such covert schemes as releasing a validated gang member back onto the yard so they can follow their trail.

All too often the result is an increase in prisoner on prisoner violence.

And then as I saw on Larry King the other night guards smuggle the weapons in to be used by the inmates. Kind of hard to smuggle a large butcher knife anally. Ouch!

Add to this the daily brutality administered by the guards themselves and the flaws of the current system become clearly evident.

You write; The validation procedure used by the California Department of Corrections and Rehabilitation (CDCR) employs such criteria as tattoos, reading materials, and associations with other prisoners (which can amount to as little as a greeting) to identify gang members.

On the point of reading materials here is excerpts from a positive speech by Glenn Loury a Professor at Brown U. and author.

<http://today.brown.edu/articles/2008/09/loury>

There are times when the call of the tribe just might be a sirens call, and when an excessive focus on identity just might lead one badly astray.

Growing into intellectual maturity has been, for me, largely a process of becoming free of the need to have my choices validated by the brothers. After many years I have come to understand that until I became willing to risk the derision of the crowd, I had no chance to discover the most important truths about myself or about life to know my calling, to perceive my deepest value commitments and to recognize the goals which I think are most worth striving toward.

The most important challenges and opportunities which confront us derive not from our cultural or sexual identities, not from our ethnic or racial conditions, but rather from our human condition. The particular features of one's social condition, the external givens, merely set the stage of one's life. They do not provide a script. That script must be internally generated; it must be a product of a reflective deliberation about the meaning of this existence for which no political or ethnic program could ever substitute.

Or, to shift the metaphor slightly, the socially contingent features of one's situation one's racial heritage, family background, or sexual orientation, for instance and the prevailing views and attitudes about such identity tropes of other people in society these things are the building blocks, the raw materials, out of which an individual must yet construct the edifice of a life. The authentic expression of a person's individuality is to be found in the blueprint that he or she employs to guide that project of self-authorship. And, the problem of devising such a plan for one's life is a universal problem which confronts all people, whatever their race, class, ethnicity, or other identifying category. By facing and solving this problem we grow as human beings, and we give meaning and substance to our lives. In my view, a personal program wholly dependent on the contingency of identity falls tragically short of its potential, because it embraces too parochial a conception of what is possible and of what is desirable.

This is an especially important consideration for those of us who belong to a historically oppressed and stigmatized group. Ironically, to the extent that we blacks see ourselves primarily through a racial lens, we may end up sacrificing possibilities for the kind of personal development that would ultimately further our collective racial interests. We cannot be truly free men and women while laboring under a definition of self derived from the perceptual view of our oppressor and confined to the contingent facts of our oppression.

In *A Portrait of the Artist as a Young Man* James Joyce says this about Irish nationalism:

When the soul of a man is born in this country there are nets flung at it to hold it back from flight. You talk to me of nationality, language, religion. I shall try to fly by these nets. Do you know what Ireland is? Ireland is the old sow that eats her farrow.

Wearing ones racial identity too heavily can work similarly to hold back young souls from flight into the open skies of American society. Of course there is the constraint of racism that also holds us back. But the trick, as Joyce knew, is to turn such nets into wings, and thus to fly by them. One cannot do that if one refuses to see that ultimately it is neither external constraint nor external opportunity, but rather an in-dwelling spirit, which renders such flight possible.

And I love this quote for the revolutionaries which was not in the speech.

Remembering our time of total commitment to a set of dogmas that we now find pathetic, we tend to wear wry smiles. Perhaps it is not too much to say that in these violent times the kindest, wisest wish we have for the young must be: We hope that your period of immersion in group lunacy, group self-righteousness, will not coincide with some period of your countrys history when you can put your murderous and stupid ideas into practice. If you are lucky, you will emerge much enlarged by your experience of what you are capable of in the way of bigotry and intolerance. You will understand absolutely how sane people, in periods of public insanity, can murder, destroy, lie, swear black is white.

Prisons We Choose to Live Inside by Doris Lessing.

But I am also conflicted about the whole free speech issue. Lounsbury also mentions something thought provoking in his essay which is continued below this comment. I realize that these ideas can never truly be fully suppressed but certain materials that can provoke a needed civilized discourse of very valid concerns of public policy on the outside when presented in such a volatile atmosphere as prison is can become too dangerous to not be restricted. Yelling fire in a crowded theater is not permissible either I understand. This is not an easy position for me to take because it sides me with such a flawed system but as an inmate that has seen the intensity of violence increase with the popularity of certain cliches derived from such materials I feel either all inmates need to attend educational programs where counter views could be presented or continue to restrict this divisive literature to an audience that in many instances is too undereducated to put them in balance as Lounsbury so rightly points out in his commencement speech.

In his justly famous essay, On Liberty, John Stuart Mill offers a radical, passionate defense of the norm of unencumbered public discussion. I urge you, if you have not done so already, to acquaint yourselves with Mills argument, which holds that individual persons must be allowed to express themselves freely no matter what consequences for society may ensue. Quoting Mill:

Society can and does execute its own mandates, and if it issues wrong mandates instead of right, or any mandates at all in things with which it ought not to meddle, it practices a social tyranny more formidable than many kinds of political oppression, since, though not usually upheld by such extreme penalties, it leaves fewer means of escape, penetrating more deeply into the details of life, and enslaving the soul itself. Protection, therefore, against the tyranny of the magistrate is not enough. We need protection also against the tyranny of the prevailing opinion and feeling, against the tendency of society to impose, by other means than civil penalties, its own ideas and practices as rules of conduct on those who dissent from them.

If we identify our Wounded Warriors Incarcerated (Military Veterans); provide them with the needed spiritual and business ownership studies; we can change the prison systems federal and state.

TheWarWidows

Chaplain Mary,

I do applaud your efforts, but its going to take so much more than spiritual and business ownership studies to bring about effective and real change to our nations prison/criminal justice system.

CDCr (note the small r, because there is VERY LITTLE, if any rehab in CA prisons) continuously gets away with ignoring all court orders that come their way. WHY?? What makes them exempt? Years and years of court mandates and court orders have long been ignored again I ask WHY??

I spent 4 1/2 years in solitary, but I was guilty of gang activity, getting busted with a shank, homemade hand=cuff keys, etc., but its brutal.

what a powerful powerful testimony and where are the religious leaders living John 14:12 Greater works will you do than I for I go to My Father healing such Hebrews 6:6 We crucify Christ afresh and put Christ to an open shame.

The War Widows

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Oh yes Chaplain Bill Potter and Victoria Hearst in Colorado leaders for all to respect and follow

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Solitary Watch News

