

Solitary Watch

Criminal Justice Issues and Prisoners' Rights

<https://solitarywatch.org/2013/02/26/california-assembly-reviews-solitary-confinement-policies-as-prisoners-threaten-new-hunger-strike/>

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by [Sal Rodriguez](#) | February 26, 2013

On Monday, February 25th, the California Assemblys Public Safety Committee, chaired by Assembly Member Tom Ammiano, held a hearing on the states Security Housing Units (SHUs). The hearing comes 18 months after the committee held a similar [hearing](#) prompted by a three-week long [hunger strike](#) in June 2011 that involved thousands of California prisoners across the state. The 2011 hearing, which was subsequently followed by an additional three-week long hunger strike in [September 2011](#), lead to significant attention on the controversial SHU system. Chief among the demands of the hunger strikers was an end to long term solitary confinement and the controversial gang validation process. Corrections officials have officially stated that reforms first announced in March 2012 were considered and crafted independently of the demands of the hunger strikers.

Mondays hearing focused on the implementation of new CDCR policies and considerations of their appropriateness.

In California, prisoners determined (validated) by prison investigators (Institutional Gang Investigators, or, IGI) to be members or associates of one of seven prison gangs are placed in a SHU at one of three prisons (Pelican Bay State Prison, Corcoran State Prison, and Tehachapi State Prison). Prisoners in the SHU typically spend 22 1/2 hours in solitary confinement, being allowed out for exercise and showering on an infrequent basis. At Pelican Bay State Prison SHU cells have been [described](#) as small, cement prison cell. Everything is gray concrete: the bed, the walls, the unmovable stool. Everything except the combination stainless-steel sink and toilet. You cant move more than eight feet in one direction.

Currently, over 3,000 prisoners in California are held in a SHU. More are held in Administrative Segregation Units (Ad Seg), which are designed similarly to the SHU, pending openings of SHU cells. Prisoners validated as gang members or associates have been held for indeterminate terms in the SHU, with over [500 prisoners](#) spending over 10 years in isolated confinement, and over 70 prisoners spending over 20 years in the SHU. Until recently, the policies around SHU confinement of gang validated prisoners required that prisoners prove that they have not been active in gang activity for six years, or they must snitch on fellow prisoners in order to be transferred out of the SHU.

At Mondays hearing, California Department of Corrections and Rehabilitation (CDCR) Deputy Director in charge of the Division of Adult Institutions, Michael Stainer, defended the gang validation as a necessary component to institutional and public safety. It was argued that restricted housing is necessary to curtail the ability of gang leaders to continue to operate their criminal enterprises, order murders, and orchestrate attacks within the prisons and on the streets.

Also at issue has been the criterion used for gang validation. As the August 2011 hearing revealed, prisoners may be validated for reasons ranging from the use of confidential informants to possession of reading materials. The latter has been noted, for [black prisoners](#), to lead to SHU terms in part for possession of black nationalist literature and writings pertaining to deceased California prisoner George Jackson, founder of the Black Guerilla Family, the sole black prison gang that leads to indeterminate SHU terms.

Assemblywoman Holly Mitchell, a vocal critic of CDCR policy at the 2011 hearing, commented that as an African-American with tattoos who reads political literature, even she could be validated as a gang member and thus a security threat under the criteria currently in place.

Assemblyman Ammiano also critiqued the current process on the grounds that the current system of gang validation is conducted completely internally by individual prisons, without independent oversight. CDCR Associate Director Kelly Harrington explained that while the process is internal, it does constitute effective Due Process.

In March 2012, the CDCR [announced](#) that it was in the process of crafting new policy for the SHU. Chief among the new proposals has been the creation of a Step Down Program, in which prisoners in the SHU may transition out of the SHU over a four year period of gradually increasing privileges (e.g. visitation, out of cell time). Further, CDCR has announced a review of all prisoners in the SHU to determine whether or not it is necessary to keep them confined in the cell. The Los Angeles Times recently [reported](#) that, as of February 21st, 144 SHU prisoners had been reviewed, and that 78 had been transferred to the general population, while an additional 52 were to be

placed in the Step Down Program.

Asked how long the reviews of all SHU prisoners is expected to take, Stainer replied that it would take a few years.

Prisoner [Terrance White](#), incarcerated in Ad Seg at North Kern State Prison, told the San Francisco Bay View in late December 2012 that prison officials appeared to be slowing down the rate of gang validations, was clearing prisoners to have cell mates, and was releasing prisoners to general population.

When asked if the fact that so many prisoners have been released from the SHU means there is an underlying flaw with the current process, Stainer denied this.

Among CDCRs revised policies is a change to the point system that enables prisoners to be validated as gang members or associates. Formerly, the point system made it possible to be placed in the SHU, for example, for a combination of: a confidential informant telling prison investigators that a prisoner is a gang member, drawings, and tattoos. The revised policies, according to CDCR, made the process of source items more strict and demanding.

Assemblyman Ammiano asked In the new rules, arent you using the same kinds of evidence to gang validate tattoos, art, books? He went on to comment that the revisedpoint system seems even worse than the old system.

Attorney Charles Carbone, who has litigated on behalf of SHU prisoners and [testified](#) at the 2011 hearing, blasted the CDCRs revised policies. Carbone argued that the revised system allows for an expanded definition of gang activity, and thus would make it easier for prisoners to be placed in the SHU. He specifically commented that refusal to make ones bed or possessing artwork may be factored into the consideration of placing prisoners in the SHU.

[Prisoners](#) have been skeptical of the reforms. In an undated [letter](#) published by the Prisoner Hunger Strike Solidarity coalition on February 14th, 2013, hunger strike leaders announced that they were planning to launch a work stoppage and hunger strike starting on July 8th if CDCR did not comply with various demands. The prisoners, said by CDCR to be high ranking members of the Black Guerilla Family, Aryan Brotherhood, Mexican Mafia and Nuestra Familia, reiterated their 2011 demands for an end to solitary confinement, improved nutrition, and educational opportunities, and listed dozens more demands.

Several family members of prisoners in the SHU spoke at the hearing, including Marie Levin, sister of SHU prisoner *Sitawa* Nantambu Jamaa, who was deemed a member of the Black Guerilla Family over two decades ago. Levin testified that her brother, like many others in the SHU, is a threat to no one and echoed concerns that the current policies may only serve to keep her brother in segregation at Pelican Bay. Jamaa is among a few Pelican Bay SHU prisoners who has a cellmate, Mutope Duguma, though both report that they have been in solitary confinement for far longer periods of time. They share a cell designed only for one prisoner.

Michelle Martinez spoke of her husband, who has been incarcerated for 31 years, and has been in the SHU at Pelican Bay for 26 years. Martinez stated that prisoners and even prison guards have not observed the implementation of revised policies. She recalls that her husband asked a perplexed corrections officer why he had not been reviewed yet, despite the fact that he had spent so long in the SHU and should have been among the first to be reviewed. Martinez expressed doubts that the current system will change.

Irene Huerta testified on behalf of her husband Gabriel, who has been in the SHU since 1986 and is currently incarcerated at Pelican Bay. Gabriel has previously submitted testimony to the United States Senate, excerpts of which can be read [here](#). Huerta quoted her husband as saying: Every time you act like a human being and talk to another human being, its called gang activity.

Cynthia Machado, sister of the late Alex Machado, was among two dozen individuals to speak during a public comment period. She spoke of her brothers experience in the California prison system. Alex Machado was validated as an associate of the Mexican Mafia, a charge that he vigorously denied, and was ultimately sent to Pelican Bay in 2010. Alex Machado, known for having been an intelligent man who assisted fellow prisoners with legal work, is documented to have mentally deteriorated in solitary confinement before committing suicide on October 24, 2011. His story, which was first [published](#) by Solitary Watch, was cited by [Amnesty International](#) as an example of what prolonged solitary confinement can do to prisoners. Cynthia Machado questioned the rehabilitative value of the California prison system.

Assemblyman Ammiano has promised further hearings on the controversial Security Housing Units. Solitary Watch will continue to provide updates on the situation in California as information becomes available. [Here](#) is a recent video from KQED, featuring an interview with a Pelican Bay SHU prisoner and includes footage of the exercise yard.

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.

If you re-read the comment in which I use the phrase same conditions you'd notice I was referring to his being bound by SHU policies (single-celling, limitations on out of cell time, and gang validation process). Further, while it is correct that at the time of his passing he was not in the Pelican Bay SHU, he had previously been in SHUs in the 1990s and had been in the SHU at Corcoran State Prison before his final transfer to Pelican Bay.

What you said above was not clear until now, over a week after your original post. Though you do raise a good point, that Ad Seg physical conditions can be abysmal, as has been reported on Solitary Watch. Is there anything else you'd like to say/know about the conditions of ASUs vs SHUs? Perhaps about what you're specifically referring to with regards to the physical conditions of Ad Seg?

I know of at least three suicides in Ad Segs, Hozel Blanchard at Calipatria State Prison, Johnny Owen Vick at Pelican Bay, and Alex Machado at Pelican Bay. In addition, the 2012 Corcoran ASU hunger strike in February 2012 was prompted by the conditions of ASUs, as an attempt to align the plight of ASU prisoners with SHU prisoners. I broke the story of the death of Christian Gomez during this hunger strike: <http://solitarywatch.com/2012/02/10/inmate-dies-during-hunger-strike-at-californias-corcoran-state-prison/>

I'm getting at the fact that the big issue here, if you look at the number of suicides in California lockups, is conditions in ad-seg units, not the SHUs. That's why you're missing the boat in the Machado case. To say that conditions in ad-seg are the same as the Pelican Bay SHU is way off the mark. Nuff said. Visit a prison sometime, though don't overstay your welcome. But keep up the work.

David, I'll repeat what I've said:

- 1) The summary of the California hearing published above stated that Machado was validated and sent to Pelican Bay,
- 2) Linked was the complete article on Machado, if you are truly curious,
- 3) As CDCR documentation states, Machado was, for all intents-and-purposes, a SHU prisoner,
- 4) At no time have I written that Machado was in the Pelican Bay SHU,
- 5) Machado, like hundreds of others, was in the ASU due to lack of cell opening in the buildings designated SHU,
- 6) For more information on SHU prisoners in the ASU, you should feel free to check out any litany of articles on this topic on Solitary Watch or other outlets such as the San Francisco Bay View,
- 7) Any subsequent (legitimate) questions you may have will be answered by 1-6.

For the sake of convenience, what are you trying to get at?

Would you please confirm that, to the best of your knowledge, Alex Machado was never held in the Pelican Bay SHU. Thank you.

David, he was a prisoner bound by SHU policies. Machado was subject to precisely the same conditions as SHU prisoners; experienced the same limitations on out-of-cell time; was single-celled; and was there for precisely the same gang-validation process. If you read the original story on Machado, you'd see that he was considered by Pelican Bay to be a SHU prisoner.

Also, a concession would entail that I denied that Machado wasn't in the SHU. I never said he was in the Pelican Bay SHU, only that he was sent to Pelican Bay, in solitary confinement following gang validation.

Thanks for conceding that your article about the hearing in Sacramento (which was about SHU policies) didn't bother to explain that inmate Machado was never housed in the SHU at Pelican Bay. I appreciate your work on this, however.

A friend of mine has been in prison in Texas for 22 years now and actually has been eligible for parole since 2005. However, since he escaped in 1994 he is housed in ad/seg which is in the same building that death row inmates are housed. You certainly know the confines of solitary, the point I am trying to make is, how will he ever get out of ad/seg. He is not a gang member. His charge is armed robbery with a d/w.

Their own policy states 10 yrs then you transfer back in gp, every 180 days he meets with the SCC who already had the paper work filled out. Only has to sign it and hand it to him so it is all ready predetermined he will remain in ad/seg. But really how long is long enough? 18 years of living in a gray concrete cage. The conditions are horrible. The temperatures in Texas reach over 140 in the summer, and with a 4x20 sealed window there is no circulation. Men have boiled to death in the shower, that they are locked in, the guards control the water temperature, and the vent has been welded shut.

IT IS A CRUELTY IN ORDER ARE PAYING FOR THE BAD THINGS THAT WERE ALREADY REMAIN IMPRISONED AT LEAST SHOULD take outside THEM FROM THE SUN OCCASIONALLY. ONLY A DAY FOR THOSE WHO ARE IN THE SHU BECAUSE PSYCHOLOGICALLY ARE GOING CRAZY THIS MUST STOP

David, that's correct. As written in the article on Alex Machado, he served his indeterminate SHU term, following the same gang validation proceedings as those in the SHU, in the Administrative Segregation Unit. Presumably due to a lack of available cells.

Just a point of clarification: Alex Machado was never housed in the Pelican Bay SHU.

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