

Solitary Watch

Criminal Justice Issues and Prisoners' Rights

<https://solitarywatch.org/2011/07/18/who-are-the-hunger-strikers-how-prisoners-land-in-pelican-bays-shus/>

Campaign and Advocacy

close

Search

close

close

by [Jean Casella and James Ridgeway](#) | July 18, 2011

Sympathy for the prisoners on hunger strike in the Security Housing Unit at Pelican Bay State Prisons is limited by the widely held impression that these men (and indeed, most supermax prisoners) are the worst of the worst. According to conventional wisdom, in order to land in the most secure units in the prison system, these men must have committed terrible crimes in the first place, and then compounded them by committing further violent acts while in prison. How else could they end up in long-term solitary confinement, locked up 22 1/2 hours a day in 8 x 10 cells for years or even decades?

In fact, as we've [written many times before](#), solitary confinement is now a disciplinary measure of first resort, rather than last resort, in most state prison systems. Any prisoner, regardless of his original crime, can end up in solitary. And he can be placed there for a wide variety of reasons, some of them quite heinous, and some of them fairly innocuous. In a [post on the new Firedoglake blog The Dissenter](#), anti-torture activist Jeff Kaye investigates the criteria under which California's prisoners can be placed in the SHU:

According to the California Code of Regulations, Title 15, Section 3315, there are 23 serious rule violations that can send an inmate to an SHU for a determinate time. These [include](#) acquisition or exchange of personal or state property amounting to more than \$50. tattooing or possession of tattoo paraphernalia. possession of \$5 or more without authorization. [and] refusal to work or participate in a program as assigned, among others. Certainly violence or mass disruptive conduct is included in these codes, but so are acts of disobedience or disrespect or the perceived threat to commit a disruption or breach of security, including the threat to possess a controlled substance.

Beyond this, prisoners can end up in the SHU for doing nothing at all, provided they are validated as gang members. Gang validation can be done on the basis of a tattoo or a stray comment. Most often it depends upon information extracted from other prisoners. According to an article by [Dr. Corey Weinstein in Prison Legal News](#):

More than 50% of the men in SHU are assigned indeterminate terms there because of alleged gang membership or activity. The only program that the California Department of Corrections and Rehabilitation (CDCR) offers to them is to debrief. The single way offered to earn their way out of SHU is to tell departmental gang investigators everything they know about gang membership and activities including describing crimes they have committed. The Department calls it debriefing. The prisoners call it snitch, parole or die. The only ways out are to snitch, finish the prison term or die. The protection against self-incrimination is collapsed in the service of anti-gang investigation.

CDCR asserts that the lockdown and snitch policy are required for the safety and security of the institution. Having legitimate penological purpose, the SHU program is deemed worth any harm done to the prisoners. California prisons continue to have a high rate of assaultive incidents among prisoners and from prisoners to staff. There is no proof or even any study that demonstrates that these measures are effective anti-gang measures. They appear to be no more useful than previous brutalities.

Despite SHU confinement without end to attempt to control gangs, prison gangs thrive in California's prisons. The gang leadership predictably uses the snitch sessions to falsely target their rivals, or just recruit new members. Just as we have seen in US anti-terror investigations, information derived from coercion is often unreliable.

In his post, Jeff Kaye writes that the debriefing process is set up by statute ([PDF](#)). It is a long-term process, whereby the prisoner volunteers to debrief, i.e., to snitch upon other prisoners and identify them as gang members. Prisoners debrief under conditions of coercion, segregated in their own unit for many months, often more than a year. If they fail to finish the debriefing process, they lose whatever credits towards good behavior and release they may have accumulated during the debriefing process. To demonstrate how the debriefing process works, Kaye provides a compelling example from a recent case in the California Court of Appeals, in which a prisoner's refusal to engage in the debriefing process supposedly proved he was a gang member, and worthy of administrative segregation in the SHU. The court's conclusions confirm, as Kaye describes it, that if you don't participate in their snitch program, you must, by the logic of the prison authorities, be an active gang member. Review of possible inactive gang status takes place after six years of solitary confinement, assuming the prison authorities determine you to have been inactive during this time. But meanwhile, there's a long list of debriefing or debriefed prisoners, any of whom, after many, many months of interrogation by prison officials, may have fingered you as gang member.

It is through this process that inmates are trapped indefinitely in solitary confinement which is why the hunger strikers have included, among their [core demands](#), that the CDCR eliminate group punishment and instead practice individual accountability in relegating prisoners to the SHU, and that it abolish the debriefing policy and modify active/inactive gang status criteria.

Even if the prisoners demands were met, and CDCR looked only at individual accountability in assigning SHU terms, inmates could not expect anything like due process. As [Charles Pillar has reported in the Sacramento Bee](#), California's prisons use the officers who guard and manage inmates to pass judgment over alleged rule violations. In other words, when it comes to disciplinary proceedings, prison officials simultaneously serve as police, prosecutor, judge, and jury, and inmates can be placed in solitary or even have their prison terms extended based on the say-so of a guard. Pillar's investigations found a pattern that suggests widespread suppression of inmates' rights to contest allegations by guards or pursue claims of mistreatment. Current and retired officers, prisoners and parolees allege that correctional officers and their superiors routinely file bogus or misleading reports, destroy or falsify documentation of abuses, and intimidate colleagues or inmates who push back.

Against this backdrop, it's easier to understand the desperate measures being taken by the hunger strikers in California's SHUs especially those who have been in solitary confinement for decades, with little hope of ever getting out. As [Todd Ashker, one of the Pelican Bay strike organizers, put it](#): We believe our only option of ever trying to make some kind of positive change here is through this peaceful hunger strike. And there is a core group of us who are committed to taking this all the way to the death if necessary.



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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The RICO case [an arrest and prosecution of organized crime laws etc.] is an important element of debriefing and has indeed helped break numerous cases that could not have been made or put together without the diligence of the STG group and other intelligence officers in law enforcement. How they get their jobs done is another factor we are discussing today in this current event called the Pelican Bay hunger strike. There are many methods of torture that may not be defined as torture by the courts or even a panel of correctional experts but because the process is sophisticated and documented [or not documented] according to established policies and procedures they are classified as mishaps or accidents and fall under repeated incidents of abuse or neglect or fear or intimidation including the use of force [reported and not reported].

Regardless, the impact of such elements can drive a person into a state of hostilities or a practice of compliance it all depends on the will of the individual hence the creation of the SHU. However, the tactics used to gain such information is questionable to say the least and because it's not the main source of information gathered but yet an essential cornerstone of the investigation, the courts will never question the methods used to acquire such information or intelligence from the prisoner held or kept in isolation for the sake of protection and debriefing.

The process of interrogation is relentless and can create other side effects the AGENCY does not recognize in its housing of prisoners inside the SHU or SMU units. There is no positivity at the beginning of this process except solitary confinement, isolation from human contact and deprivation [SID] of any social or institutional benefits, privileges or incentives. Then as the process goes into different stages, small increments of benefits are delivered to the debriefer in forms of articles or personal property. The idea is to use behavioral modification methods to progressively reward the debriefer for more information with a reward.

On the other hand, if no progress or willingness to cooperate is noticed, the STG steps up the SID process. This includes the withholding of personal items allowed by policy but labeled as a threat to possess, suicide watches that are fake attempts to strip the body of any

clothing making the prisoner feel vulnerable and exposed to be publicly humiliated in front of other prisoners , tampering with food deliveries with shortages of essential items in the meal, denial of medical or mental health treatment [no human contact], thermal environmental controls, removal of blankets and linen, no personal hygiene items or toilet paper, removal of legal papers and writing instruments e.g. pencils etc. and other methods that are designed to break the will or resistance.

These side effects become mental health issues and basically once left untreated, they dispose of their source of information and move on leaving the debriefing prisoner to handle severe matters in his life he has no control over. First, he is marked for death as a snitch thus he cannot ever go back to general population Second he has been weakened both physically and psychologically due to conditions of confinement that are repetitively imposed on him-

Third, he has lost the ability to cope and function as he did once before as his impairment renders him through mental anxiety knowing he is a target and that if the cell door ever opens up accidentally he will be there exposed helpless and easy prey by others and subject to darting, spearing, thrown on with feces and urine and never knowing whether his food was tampered with or not Fourth , he will have to spend the rest of his life in segregation involuntarily as recommended by the AGENCY and hope his family is safe. Fifth, he will be dead the moment he hits the streets. This is a consequence of debriefing and making a RICO case or any other gang related case stick when such introduction of information is used by law enforcement or prison management. Without going into details there are constitutional violations that would be challenged legally if exposed or revealed in a courtroom where the judge would have the ultimate power of persuasion.

There are other types of cases not elevated to the level of a RICO status that target debriefers to solve both current and cold cases involving homicides on the street, drug control and key drug dealers, human smuggling rings, grand auto theft and other gang related criminal cases that prosecutors receive high publicity for and loud praises that boost their careers to the top and eventual political satisfaction in holding an office they desire.

Summarizing this process inside our prisons, it must be concluded that this type of participation must be voluntary like it is in many states. It should focus on individuals identified through physical evidence and documented histories in having close known associations with their target group of criminals and individuals who have less than two years left to serve and eligible for out of state parole. Once he is done providing this debriefing data he has no protection from the law, the AGENCY or anyone else, for his existence is no longer needed and expendable and disposable sounds like an American tradition? I hope not. Human being deserve better choices that to debrief to leave the SHU / SMU in a sensible and more humane manner. If the AGENCY is going to deliver testimony and information in such a manner, they should follow the same guidelines used by the DOJ Witness Program and make reasonable attempts to relocate the debriefers family, acquire a new identity for the debriefer and allow time on parole to be served out of the state where he has a reasonable chance of staying alive.

GOVERNMENT IS THE POBLEM BY NOT STANDING BY THE CONSTITUTION, THEY TAKE BRIBES / CAMPAIGN CONTRIBUTIONS AND THEY EITHER GIVE HUGE BAILOUTS OR THEY GRANT RETRO ACTIVE IMMUNITY FROM PROSECUTION,

SBX211 Retro Active Immunity given to California judges for openly taking bribes. Judges are employees of the state they receive their pay and benefits from the state. The Los Angeles Superior court judges are currently receiving an additional \$57,688,00 from the county of Los Angeles. there is no bigger user of the court than L.A. County.(A party to the case and has a financial interest in most cases in the courts) Those payments were found to be unconstitutional / illegal in Sturgeon vs L.A. County. After that decision the judges paid a lobbyist to pass SBX211 (RETRO ACTIVE IMMUNITY)

SBX211 does not restore due process

SBX211 violates Article 1 section 9

SBX211 violates the 14th amendment (no equal protections)

SBX211 violate checks and balances between legislative and Judicial powers.

Judges do not disclose the county payments at the onset of any trial where the county is either a party to the case or has a financial interest. (Judges violate Judicial codes of ethics)

Judges refuse to recuse themselves when requested under CCP170

Judges find themselves unbiased and then file an order striking statement.

In the year of 2010 alone \$57,688.00 per year per judge X 460 judges = \$26,709,544.00 paid to judges from L.A. County from tax payer money to only have the judges rule against the tax payer in favor of L.A. County or the Countys interest. THE BRIBES WORK.

HISTORY OF RETRO ACTIVE IMMUNITY IN THE UNITED STATES

1. given for unconstitutional use of torture
2. given for illegal merger of banks (we can see the effects of that now)
3. given to telecom company for illegal wire taps. (Fisa bill that led to the patriot act)
4. SBX211 given to Judges for taking bribes.

SBX211 is evidence of conspiracy of the California legislative branch of government to cover up the multiple felonys committed by the Judicial branch of government. By an act of Legislation, Californias judicial branch has admitted to be corrupt.

SECTION FROM SBX211

This bill would provide that no governmental entity, or officer or employee of a governmental entity, shall incur any liability or be subject to prosecution or disciplinary action because of benefits provided to a judge under the official action of a governmental entity prior to the effective date of this bill on the ground that those benefits were not authorized under law.

MOTION TO VOID ALL ORDERS BASED ON FRAUD ON THE COURT. A VOID ORDER IS VOID AT ALL TIMES, A VOID CAN NOT BE MADE VALID BY ANOTHER JUDGE, CAN NOT BE MADE VALID THOUGH THE PASSAGE OF TIME, A VOID ORDER IS SIMPLY VOID.

HEBREWS 13:3

Remember those in prison as if you were their fellow prisoners, and those who are mistreated as if you yourselves were suffering.

My brother has been in Pelican Bay SHU since 1993.

He was indicted in the Californias 2002 RICO charges. He was charged with ordering several murders and if convicted could receive the death sentence.

He was linked to the AB somehow as a shot caller or as they called him a member of ABs commission, He has written me several times making the same statement others have.

Debrief and turn into a snitch or die in the SHU.

Anyone who knows the gang world knows one who debriefs is marked for death.

Ask Michael Thompson, Casper or Greshner they know the blood in blood out code of the AB they swore to it once.

AB Debriefers family members may marked for death as well.

In many cases there is no actual proof of gang involvement, wait a minute this inmate has a tattoo off to the SHU you go!!!!

How does one debrief if he is not affiliated with a gang.

The correction system has failed to rehabilitate inmates, now they put inmates in the SHU indefinitely and all they ask is for the inmate to tell them a story.

Just tell them a story and it will all end, dont you think there is a lot INMATES telling Bull Shit stories to get their asses out of the SHU.

For hell sakes Id create a whopper of a story to get out of 23 hour a day lock down wouldnt YOU?

Want to learn a dirty little secret? Start drug testing the prison guards, the secret will be exposed very quickly. Or just take a look at a typical prison guards home life. You will find hell of problems. These guys drive around with concealed weapons also when off duty.

excellent point Charles Pillar makes that has to be made a core issue for the public to be made aware.. especially those hard to reach naysaying individuals that would just as soon call all prisoners a waste of humanity. Not all prisoners are guilty of their convictions and they are the ones who need to be considered the norm, not the exception.

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