

# Solitary Watch

## Criminal Justice Issues and Prisoners' Rights

<https://solitarywatch.org/2015/09/02/california-prison-hunger-strikes-spurred-solitary-reforms-internal-documents-show/>

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close

Search

close

close

by [Sal Rodriguez](#) | September 2, 2015

How influential were the three hunger strikes held by California prisoners in spurring the sweeping changes to solitary confinement policies that were announced yesterday?

The California Department of Corrections and Rehabilitation has repeatedly stated that they were already planning to reform long-term solitary confinement before the hunger strikes of 2011 and 2013. But internal documents obtained by Solitary Watch dispute that narrative, showing the hunger strikes did in fact directly spark the first movements toward reform.

On Tuesday morning, in announcing the [settlement](#) of *Ashker v. Brown*, a class-action lawsuit seeking the end of long-term solitary confinement in California, CDCR Secretary Jeffrey Beard told reporters that the settlement was only made possible by the department's proactive efforts to reform segregation policies. Beard explained that the department began looking into reforms of solitary confinement in 2007 and later worked to create a Step Down Program. Without that program, Beard said, the settlement would not have been resolved.

CDCR spokesperson Jeffrey Callison later clarified Beard's remarks as saying that the effect of the hunger strikes and the *Ashker* lawsuit may well have influenced some of the details of today's settlement, but that the general direction had already started.

It is understandable that corrections officials want to avoid giving too much credit to the hunger strike leaders, who were also the plaintiffs in the lawsuit, as doing so might empower future actions against perceived ills.

In downplaying the power of the prisoner protests, the CDCR has proclaimed that they were already working to reform solitary confinement before the July 2011 hunger strike, which was subsequently followed by another in September-October of that year and a third, massive strike in the summer of 2013.

In a [press release](#) put out by the department in August 2013, at the conclusion of the last hunger strike, CDCR issued a public response to the demands of hunger strikers. In May 2011, prior to two hunger strikes that year, the California Department of Corrections and Rehabilitation (CDCR) began revising its gang validation and Security Housing Unit (SHU) confinement policies and procedures, the statement read.

In October 2013, CDCR released a [fact sheet](#) providing background information on the hunger strikes which explained that the July 2011 hunger strike ended after Pelican Bay strike leaders better understood the plans already in progress to review and change policies regarding SHU confinement and gang management.

Most recently, this narrative surfaced in response to a July 1 [piece](#) on Solitary Watch, when CDCR sent an email requesting a correction. They said that the Wardens Advisory Group which proposed reforms to the SHU and prison gang management, was formed two months before the July 2011 hunger strike, not afterwards, as we reported.

The truth, however, is that the first hunger strike directly served as a catalyst for change, and CDCR's own documents verify that.

In a [special review](#) dated October 17, 2011, the Office of the Inspector General informed State Sen. Darrell Steinberg of its findings reviewing CDCR's response to the July hunger strike. As a result of the July 2011 hunger strike, the department formed a Wardens Advisory Group (WAG) to review the current gang management program and to develop recommendations for improvement, the OIG reported. An internal CDCR [memo](#) further clarifies that the WAG was formed in October 2011.

In other words, the WAG was not formed before the July 2011 hunger strike, but as a result of it.

In September 2011, the hunger strike leaders issued a [statement](#) clarifying why the July hunger strike ended, and why they were set to resume strike activity. According to the strike leaders, CDCR Undersecretary of Operations Scott Kernan repeatedly promised the department intended to address their demands. While there was vague talk of a step-down program, nothing concrete was presented, prompting an additional hunger strike.

As it turned out, the objectives of the WAG closely mirrored the demands of the hunger strikers: On October 11 and 12, 2011, the group met to begin development of an improved, meaningful gang management strategy that is consistent with national standards, including: a review of validation and debriefing policies; SHU inmate programming; criteria for SHU placement, retention and release; and the improvement of inmates due process protections in relation to gang validation and SHU placement.

Presented with this evidence, CDCR responded by email to Solitary Watch a brief statement reading, The OIGs characterization is accurate.

As explained in a previous [post](#), in 2007 CDCR did commission a report by staff from California State University, Sacramento to review segregation policies in other states and jurisdictions. But the report went unused until the formation of the WAG. The WAG ended up bringing the vague talk of a step-down program into reality, and led to the ongoing process of case-by-case reviews of all individuals in the SHU to determine the appropriateness of their isolation.

The stance by CDCR that the hunger strikes did not directly influence the departments actions doesnt surprise Taeva Shefler of California Prison Focus, a group working to end long-term isolation in California prisons.

For them to acknowledge in any form that they did something because interracial, interfaith people from the deepest depths called for changes and 30,000 people responded that shows theres still power from within and any admission would be a sign of weakness, said Shefler.

On the outside, in tandem with what seems to be a developing movement against mass incarceration, we see a greater focus on torture, Shefler continued. You see a lot of groups getting increasingly involved. You see media being created by independent groups. You see legislators taking interest.

While it may be true that, in the years before the hunger strikes, CDCR did invest some resources in considering SHU alternatives, it is also true that CDCR did not actually do anything with this information until after the hunger strikes began. What this means for dynamics between prison officials and prisoners is an interesting question, but it remains the case that the hunger strikes are what prompted reforms, not the unforced will of CDCR.

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.

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