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Criminal Justice Issues and Prisoners' Rights

<https://solitarywatch.org/2013/08/06/california-hunger-strike-approaches-one-month/>

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by [Sal Rodriguez](#) | August 6, 2013

As of Monday, there were 415 California prisoners in seven facilities on hunger strike. Of them, 244 have been on hunger strike since July 8th, making this hunger strike the longest of the three statewide hunger strikes that California prisoners have launched demanding the [Five Core Demands](#). California Department of Corrections and Rehabilitation (CDCR) spokesperson Terry Thornton told Solitary Watch that it appears that some hunger strike participants who resumed eating are going back on hunger strike, as the fluctuating numbers reflect.

Hunger strike participants are reporting that they are losing significant weight. The San Francisco Bay View reports that Mutope Duguma [wrote](#) on July 22nd, I have lost 33 pounds thus far. I know things will start to turn for the worse real soon. Another hunger striker wrote to the Bay View that, At the moment, my energy is too low to discuss current events. The Prisoner Hunger Strike Solidarity coalition has received similar [reports](#).

The Office of the Receiver has confirmed several hospitalizations of hunger strikers the last few days, including at least one overnight hospitalization. The most recent hospitalization took place on Monday night, with one hunger striker at Pelican Bay being transferred to an off-site hospital for evaluation. Spokesperson Joyce Hayhoe told Solitary Watch that all hunger strikers are receiving daily nursing checks, additional assessments by nurses based on their daily checks, and subsequent visits to our in-patient infirmaries, our in-house correctional treatment centers or hospitals.

CDCR head Jeffrey Beard wrote an [Op-Ed](#) in the LA Times yesterday, declaring the hunger strike as a gang power play. Beard was previously head of the Pennsylvania Department of Corrections, a system known to house [thousands](#) in solitary, including [hundreds](#) diagnosed as seriously mentally ill. Beard argues in the Op-Ed that the leaders of the hunger strike are self-interested gang leaders directly responsible for at least five ruthless murders, 35 violent assaults, including stabbings, and they have racked up more than two dozen violations for possession of weapons and other contraband. Ad Hominem attacks against the hunger strike leaders, whatever their factual basis, have been an increasing element of CDCR's portrayal of the current round of mass hunger strikes as gang activity, orchestrated not out of frustration of spending an average of 6.8 years in a confined cell with limited outlets, but merely for the benefit of prison gangs. CDCR has invoked this claim of gang activity as justification for restricting the release of information about the hunger strike; Public Information Officers at all facilities have been ordered to refer journalists to the CDCR press office.

Further, Beard notes that not all in the SHU are in solitary. In making this claim, he points to the ability of those in the SHU to have visitation and receive letters. Of course, this ignores the reality that not everyone in the SHU will receive letters and, given how remote SHU facilities are, not all families can afford visits to facilities as far north as Pelican Bay. Having a cellmate in a SHU cell presents its own set of challenges. Sharing a cell designed for one, with confinement in limited cell space for 22 1/2 to 24 hours a day, coupled with the humiliation of sharing toilets just feet away from where they will eat and sleep, has led some to tell Solitary Watch that having a cellmate can be an infuriating experience.

J. Heshima Denham, incarcerated in Corcoran SHU has [stated](#) that having cellmates doesn't lessen the effects of isolation: All of us have been both with and without cellies over our periods of indefinite SHU confinement. Despite our level of development and continued advancement, it would be the height of hubris for us to contend this isolation has not adversely affected our minds and bodies. For anyone to consider these conditions anything less than torture could only be a prison industrialist or some other type of draconian public official.

Having a cellmate also doesn't address the reality that those in the SHU have severely limited access to constructive programming, human contact, or that CDCR's process of validating gang members and associates has, by their own measure, been wrong most of the time in identifying associates and members of prison gangs. Beard provided updated figures on the case-by-case reviews CDCR began in October 2012 of all gang validated SHU prisoners to determine whether or not the person reviewed should be released directly into the general population or placed in the Step Down Program (SDP). The SDP would allow participants to transition out of the SHU in five years, with a four step process with increasing privileges and rehabilitative services as the participant moves up the steps. After the fourth step, participants may be released to the general population. The reviews, initially halted when the strike began, appear to have resumed, and Terry Thornton told Solitary Watch that reviews may be resuming with the end of hunger strike activity. According to the latest figures, 399 have been reviewed. Of them, 62%, or about 240, have been released or endorsed for release directly to general

population. Presently there are no figures available as to how long the average person released directly to general population spent in the SHU for apparently illegitimate reasons.

Beard also references an incident in which an individual was assaulted for not sharing food with hunger strike participants, which was earlier reported in a CDCR press release. Joyce Hayhoe, according to an [LA Times report](#), recently spoke with a spectrum of hunger strikers, some of whom felt conflicted and pressured not to eat. Hayhoe also reported that there were also inmates that were fully supportive of the strike. These incidents and pressures add to the complex reality of what is motivating hunger strike participants, though Beard doesn't acknowledge the other side of the spectrum of motivations, instead insisting that many participating in the hunger strike are under extreme pressure to do so from violent prison gangs, which called the strike in an attempt to restore their ability to terrorize fellow prisoners, prison staff and communities throughout California.

Beard cites this review process and the creation of the SDP as reasonably addressing the concerns of the hunger strike participants. Further, Beard insists that the [new gang validation](#) process is now based more on gang-related behavior, which Beard says is in line with what the hunger strikers have demanded. The hunger strike leaders wrote in their explanation of their Five Core Demands that employs such criteria as tattoos, readings materials, and associations with other prisoners (which can amount to as little as greeting) to identify gang members. These criteria are still present in the CDCR gang validation guidelines. CDCR currently uses a point system to assess whether or not a person is a gang member or associate; ten points or above are grounds for validation. CDCR policy states that four of ten points can be possession of training materials, which in the past has [included](#) possession of pamphlets reference Marx and possession of Sun Tsu's The Art of War. Also contrary to Beard's characterization, gang-related behavior remains a vague concept, and the revised system prompted attorney [Charles Carbone](#) to blast the revised system as allowing for an even broader definition of gang activity and ultimately more SHU placements.

Sal Rodriguez was Solitary Watch's 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

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David, that is incorrect, CDCR officially maintains that it doesn't use solitary confinement. I don't know of any corrections department that does. Of course, solitary confinement simply defined is that someone is held alone in a cell. The differences between single-cell status (which is how CDCR documentation describes the housing of most on SHU status) and solitary are fuzzy and tend to revolve around use of language.

I don't know where I've confused statistics of ASU counts versus SHU counts. I have noted in prior reporting that approximately 3,000 are in the SHU for gang validation, 1,500 for disciplinary violations, 400 in ASU pending SHU housing for STG validation, and many more for various reasons in the ASU. In the context of the present hunger strike, I am referring to those who are validated as STG associates and members, as that is the primary group on strike. In the sentences just after the one you quoted, I explicitly discussed the presence of cellmates in some cases, as I have done routinely in my reporting. According to CDCR policy, these individuals are consistently placed in single-cell status, though population pressures and practical concerns have, as I've written many times before, contributed to many having cellmates. This includes at least two of the hunger strike representatives (Sitawa and Ashker) who have or have had cellmates. That said, I am interested in where you got the 30-40 percent figures and whether or not those numbers include the approximately 1,500 in the SHU for disciplinary reasons rather than STG validation. CDCR has consistently refused to provide these figures to me.

You write that Beard notes that not all in the SHU are in solitary. In making this claim, he points to the ability of those in the SHU to have visitation and receive letters.

Not true. CDCR denies that it practices any kind of solitary confinement. Further, you consistently fail to provide a definition for solitary confinement that would distinguish conditions in SHU facilities from other high security lockups in California. And, as I've commented previously, you confuse statistics for ASUs with those of SHUs, often combining the two under the rubric of solitary. According to CDCR, 30-40 percent of SHU inmates have cell mates. How can you possibly contend that those prisoners are living in solitary confinement?

Everyone who cares needs to post beneath Beard's article and call him out for these lies, as well as vote for the other comments there.

let them starve themselves they did crimes and bad ones but in jail what do they get? they get education I could not give my own family, work-out gym (they need more muscles for when they get out to do the same darn thing) three square meals a day paid (though not much some of the meals are better than I can get, no rent or mortgage to pay hell so what they were judged by a group of their peers were found guilty they should be back like 50 yrs when they were not babied where they get better treatment than the ones whom live by the rules of society!!!

Bear's comments leave a lot to be desired; especially in reference to the prisoners in the SHU being allowed to have visits. I tried to visit a friend in the SHU who is participating and found that all visits were denied for him because he was on the hunger strike. Other comments in relation to the numbers provided as far as killings, weapons and other scary crimes are counted as exactly what you would expect from people in prison. In fact, they do not compete with what happens in Oakland, Ca every year with its current (8/6/2013) murder count at 104 (<http://www.neighborhoodscout.com/ca/oakland/crime/>). I digress when this statistic points to the actual performance of the CDCR and California justice system.

The CDCR likes to use the term gang members to scare folks into not getting involved. Most of the people in the SHU are on the fringes of gang activity because the penal system is geared to divide and conquer using racial separation techniques. The first thing one learns when arriving at a prison is that they must choose. They must either join the group affiliated with their race, join another group not associated with their race (which in a way makes them an automatic traitor), or not join anything and be at the mercy of not just the rest of the prisoners, but the guards. Most join because they are afraid of being raped, assaulted, or just ostracized and left ignorant of how to survive in prison. Even so, some prisoners who do not choose a group are considered gang members because they have paraphernalia: books, triggers such as rebellion, names, and other words in sent/received letters, proximity to a gang-member, or was named by another prisoner who was questioned under duress (if you say Joe is a gang member you can be put back into GP).

Also not mentioned is the fact that Billy Sell and the second prisoner who died that remains unmentioned in the news did not commit suicide. These men died from participating in a hunger-strike to try and improve conditions comparable with torture. They would rather stand up for their fellow inmates and sacrifice themselves for the greater good than lie down and accept the current treatment. Saying they committed suicide is a great dishonor to someone who chooses to use their life for the good of others.

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