

Solitary Watch

Criminal Justice Issues and Prisoners' Rights

<https://solitarywatch.org/2012/03/27/pelican-bay-shu-inmates-respond-to-proposed-policy-reforms-in-california-prisons/>

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by [Sal Rodriguez](#) | March 27, 2012

In response to [reforms](#) recently outlined by the California Department of Corrections and Rehabilitation (CDCR) regarding gang validation, a group of prisoners held in Pelican Bay State Prisons Security Housing Unit (SHU) submitted a [counter proposal](#) to prison activists.

Asserting that the CDCR is asking law makers and taxpayers to allow them to continue to violate thousands of prisoners human rights and that the current system is based on false propaganda scare tactics the prisoners claim that the proposed changes are not acceptable, because they seek to increase the use of torture units and do not change the manner of dealing with those classified as prison gang members at all. Central to their rebuke of the reforms is the [controversial debriefing process](#), which the prisoners claim are arbitrary and unfair.

They describe the negative effects of solitary confinement:

Long term solitary confinement by itself is an irrational, and unjustifiable instrument of corrections and when the state of California allowed the prison-industrial complex (PIC) to implement such sensory deprivation for over five (5) years, they (CDCR) have recklessly modified the genetic features of what are human beings social characteristics, and by suppressing a humans natural social behaviors it changes the thought process of targeted prisoners by removing objective reality. Once deprivation sets-in, the second signal system (subjective reality) of the targeted prisoners thoughts will supersede the first signal system, which then produces: Irrationalism, Cannibalism, Racism, Chauvinism, Terrorism, Conformism and Obscurantism. the targeted prisoners of deprivation believes they're no longer accountable for their behavior and actions.

Further, they write:

Sensory deprivation has a secondary phenomena, which are social deprivation, cultural deprivation, ethical deprivation, and emotional deprivation. No sane targeted prisoners can escape this type of deprivation that comes from long term internment in a supermax control unit. The science of deprivation has been perfected by the handlers to operate with devastating force.

The prisoners, as they have stated before, propose a Max B Management Control Unit program as used in San Quentins Max B unit decades ago. According to the model proposed by the prisoners, the program would be based on a three phase step program. Prisoners under this model would have access to greater programming and be subject to classification reviews every 90 days. This was previously noted in an [Office of the Inspector General Report](#) in October 2011, in which it was asserted, based on the experience of a former CDCR executive that the Max B program would be considered irresponsible given the numerous prisoner assaults and prison disruptions associated with the Max B model.

It is unclear whether such disagreements may lead to further action by people held in solitary in the state of California, particularly after the death of one hunger striker, [Christian Gomez](#), at California State Prison, Corcoran, in February.

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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Deja vu: the above link is to an appeal by Carr to the Court of Appeals of California, First Appellate District, Division Two. March 17, 1981. The request is striking in its similarity to these present day inmates appeal. What progress in a mere 31 years.

[1] The only issue on this appeal is whether or not the procedural due process protections set forth in *Wright v. Enomoto*, supra, 462 F.Supp. 397, apply to decisions to retain or place a prisoner in a Maximum A solitary confinement classification and return him to a SHU with the attendant restrictions for contact visits and other privileges, as detailed above at page 965.

Wright, supra, was a class action brought by male prisoners confined to or subject to confinement in maximum security at four prisons in this state, located at San Quentin, Folsom, Soledad and Tracy. The three-judge district court, so far as here pertinent, held that inmates subject to maximum security confinement for administrative reasons at a minimum were entitled to the following procedural safeguards (at pp. 404-405): (1) written notice of the reasons in sufficient detail to enable the prisoner to prepare a response or defense, said notice to be furnished, except in case of genuine emergency, before initial placement in the maximum security unit, but, in any event, not more than forty-eight (48) hours after such initial placement; [116 Cal.App.3d 967]

(2) a fair hearing before one or more prison officials, said hearing to be held not less than seventy-two (72) hours after placement in the maximum security unit unless the inmate requests, in writing, additional time in which to prepare a defense;

(3) representation by counsel-substitute when prison officials determine that the inmate is illiterate or that the complexity of the issues makes it unlikely that he can collect and present the evidence necessary for an adequate comprehension of the case; determination and designation of counsel-substitute to be made at the time of the giving of the aforesaid notice; if counsel-substitute is not provided, the reasons must be stated in writing at the time of the hearing;

(4) an opportunity to present witnesses and documentary evidence unless prison officials determine in good faith that permitting such evidence will be unduly hazardous to institutional safety or correctional goals;

(5) a written decision including references to the evidence relied upon and the reasons for such confinement.

the due process clause of the Fourteenth Amendment affords a state prisoner the following minimum procedural safeguards before disciplinary action may be taken against him: 1) advance written notice of the charges; 2) an opportunity to call witnesses and present documentary evidence provided that to do so will not jeopardize institutional safety or correctional goals, before a sufficiently impartial hearing board; and 3) a written statement by the factfinder setting forth the evidence relied upon and the reasons.

I felt that this article needed some clarity so I found this reference to Max B at S.Q. during the 1970s. It is from the case file of one Derryl D. Carr (Im not sure if he is related to James Carr who was an historic member of the prison movement in the 70s.)

James Carr was shot to death in San Jose in 1972 reportedly over disagreements with others in the movement.

Reference Page 228 of *The Rise and Fall of Californias Radical Prison Movement* by Eric Cummins

During the 1970s at San Quentin the Maximum B prisoners in the MCU retained significant rights and privileges, including contact and family visits, communal meals and more vocational, educational and recreational programs; Maximum A on the other hand were held in solitary confinement without any of the above privileges.

Taken from:

<http://www.lawlink.com/research/CaseLevel3/57580>

P.O. Box 11374
Washington, DC 20008

info@solitarywatch.org

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