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Criminal Justice Issues and Prisoners' Rights

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by [Sal Rodriguez](#) | September 22, 2011

Inmates in California Security Housing Units (SHUs) and Administrative Segregation Units prepare for another hunger strike on [September 26](#) in response to what they see as an inadequate response by the California Department of Corrections & Rehabilitation (CDCR), some informative figures have come out this month regarding California's segregation policies in Pelican Bay State Prison and elsewhere.

Earlier this month, CDCR released [figures regarding Pelican Bay SHU inmates](#). Over 1100 inmates of Pelican Bay's [3400 inmates](#) are currently in the SHU. Of them, over 513 have served 10 or more years in the SHU, and of those 513, 78 have been in the SHU for 20 or more years. In addition, 544 SHU inmates have been there for more than five but less than 10 years. These figures generally confirm CDCR Undersecretary of Operations Scott Kernan's testimony before the [California Assemblys Public Safety](#) Committee on August 23 that the average time in the SHU is 6.8 years.

Statewide, according to Kernan's testimony, there are over 3000 inmates in SHUs across California, though it is unclear as to whether or not inmates in Administrative Segregation Units are included in that figure.

According to [California Watch](#), based on CDCR data, only 671 inmates since 1999 have qualified for a transitional program that allows validated gang members to return to general population cells from SHUs if they show no signs of gang behavior for six years. It is because of the difficulty of programming out of the SHU that many inmates have commented that the options a typical SHU inmate has for getting out of the SHU are Debrief, Parole, or Die.

While Scott Kernan repeatedly claimed during the August 23 hearing that a primary function of the SHUs have been to separate violent or otherwise disruptive gang members from the general population, the hearings also highlighted several instances where the grounds for SHU placement were at best questionable. These included several cases of inmates being validated as gang members due to possessing certain books, corresponding with gang members without any evidence of gang activity, and being identified as gang members by inmates debriefing to get out of the SHU even if no gang membership had been otherwise firmly established.

In Pelican Bay, according to the [Los Angeles Times](#), all but 26 inmates in the SHU were held on the grounds of the gang validation process. This gang validation process often keeps inmates in the SHU for six years during which they must not have any strikes against their record in terms of gang membership, though the recently released figures suggest that over half of SHU inmates do, for whatever reason, get an extended stay in the SHU, sometimes over two decades.

According to California Watch, CDCR is discussing possible changes in the classification system used to determine which inmates are locked in the states controversial Security Housing Units. The move could mean more inmates are assigned to the windowless, isolated units but for shorter time periods, provided they participate in special programming and remain disciplinary free.' The CDCR actually plans to *expand* the category of inmates who can be assigned to the Security Housing Units for indeterminate terms.' At the same time, it says it will focus on inmates from any threat group who are involved in violent or criminal enterprise-type behavior, and not prisoners who associate with active gang members but are not involved in serious infractions.

California Watch quotes Attorney Charles Carbone, who has represented inmates in California's SHUs and testified at the recent Assembly hearings. Carbone says the plan could lead to improvements, but only if it is fully funded and implemented with close supervision by stakeholders outside the corrections system. Otherwise, Carbone says, the outcome simply could be more inmates locked in isolation.

The [latest statement](#) from the hunger strike organizers in Pelican Bay's SHU characterizes CDCR's statements as propaganda, lies, and vague double talk promises of change in time. They continue: SHU prisoners are dissatisfied with CDCR's response to their formal complaint and (5) core demands, and therefore will continue to resist via peaceful protest indefinitely, until actual changes are implemented.

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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Meant to write

SCAR you for life!

@Frank Yeah and many ex-cons would work on the cheap just to be heard. Trouble with using them however is that most are allied with their race after serving a good amount of time. It would be hard to be objective. And I am not even talking about gang members. How do you lay all that baggage down at the gate?

Read this:

http://www.utexas.edu/know/2010/11/22/renaud_jorge/

After this weeks Texas execution it all makes sense. These places scare you for life!

I strongly believe that the committee should include at least 1 ex-convict that has made better choices after his 8 year term, in order to contribute a beneficial perspectives on inmate conduct and policies.

Thank you Carl. Well I suspected as much it is hard to wrap ones head around the fact paid public servants are no better than the gangs they watch over. Did you read how the guards in La County fed that guy to street gangs to rape after they beat him. This is an example of the collusion I wrote about. My experience is limited in adult corrections and although abuse is committed in the CYA it is not on the scale of adult prisons.

My brother was due to be released after I believe it was 12 years in isolation. So he threatened the guards with a law suit for all the abuse that he had received over the years once he was released.

His mouth got him convicted (he was innocent from all I read about his case), then it got him into the SHU and finally it signed his death warrant.

He never learned the futility of arguing with those with the power even if your right.

As Voltaire wrote:

It is dangerous to be right in matters on which the established authorities are wrong.

Alan read this please:

http://www.associatedcontent.com/article/8093477/bad_investigations_by_coroners_examiners.html?cat=9

http://www.associatedcontent.com/article/8039857/shoddy_evidence_gathering_used_to_secure.html?cat=9

It gives you insight on your last comment.. Peace

: California Department of Corrections and Rehabilitation how dare you call your self that you are not worthy of the word Rehabilitation that the sick part you still call your self under that word yet you fail to show it what wolf in sheeps clothing you are now how can you use that word in your name and then go on like you are now thats just sick CA may thare be light in the darknes of justice

thats just sick CA realy sick no wonder you prisons are bring the state to thare knees in cost you need help CA a lot of help to get your head out the shu and back in helping the inmates what a shame you have made of the nashion end this sick misuse of solitary for the good of the nashion and your state may thare be light in the darknes of justice

http://www.correctionsone.com/corrections/articles/4411376-Prisoner-at-Pelican-Bay-State-Prison-may-have-hung-himself/?utm_source=twitterfeed&utm_medium=twitter

And with suicides like this one, or my brothers, one has to wonder if it is a cover up after when they choke someone to death.

My brother had abrasions etc but they cremated him before we heard of his death. How convenient.

Reports like this one illustrates the need for outside monitoring and supervision.

<http://www.thecrimereport.org/archive/2011-09-dangerous-jails>

In the polite language of the John Howard Association:

Through a year or more of sensory and psychological deprivation, prisoners are stripped of their individual identities in order that compliant behavior patterns can be implanted, a process of mortification and depersonalization.

The techniques involved have been described by Amnesty International are laid out in Bidermans Chart on Penal Coersion. As early as 1962, Dr. Edgar Schein described the methodology at issue rather more straightforwardly in an address to all federal maximum security prison wardens in Washington, D.C.:

In order to produce marked changes in behavior, it is necessary to weaken, undermine, or remove supports for old attitudes. I would like you to think of brainwashing not in terms of ethics and morals, but in terms of the deliberate changing of human behavior by a group of men who have relatively complete control over the environment in which the captives live [These changes can be induced by] isolation, sensory deprivation, segregation of leaders, spying, tricking men into signing written statements which are then shown to others, placing individuals whose will power has been severely weakened into a living situation with others more advanced in thought reform, character invalidation, humiliations, sleeplessness, rewarding subservience, and fear [emphasis added].

In Dr. Richard Koms estimation, the purpose of an SHU-style facility is to:

reduce prisoners to a state of submission essential for their ideological conversion. That failing, the next objective is to reduce them to a state of psychological incompetence sufficient to neutralize them as efficient, self-directing antagonists. That failing, the only alternative is to destroy them, preferably by making them desperate enough to destroy themselves.

The following is a poem from one such inmate.

Fatalistic Suicide

After years of isolation, depression and
hopelessness, he decided-as simply as
turning down the blanket
on his bunk for the night-to take his
own life, so they could no longer inflict a pain that robbed him of
his identity, stripped him of his dignity,
destroyed his mind, and left him
to hang.

They claim my brother Victor did just that after over a decade in their care in various CA SHUs. He was not a gang member nor a violent person. Yet there he sat year after year until.????

You write:

California Watch quotes Attorney Charles Carbone..the plan could lead to improvements, but only if it is fully funded and implemented with CLOSE SUPERVISION BY STAKEHOLDERS OUTSIDE THE CORRECTIONS SYSTEM.

Carl and I have discussed such issues. Here is some back and forth between use.

Carls idea:

A five member oversight committee would be made up of 1 medical doctor 1 mental health specialist 1 deputy warden 1 case manager and 1 reviewer the 4 would do the actual review and their findings would be passed on to the reviewer.

The reviewer should be independent which means he/she would not be paid by the BOP or directly supervised by the warden like maybe a judge.

The presence or creation of such an oversight committee with the power to request and amend existing investigative packets and initiate an internal investigation into staff behaviors will reduce abuse, excessive force, torture, and other mistreatment by a significant percentage providing a better environment for both staff and prisoners.

The process to place an inmate into the SHU should be reviewed before an initial placement.

(The inmate needs to be aware of this process as it progresses as evidenced by his signature on the documentation.)

Follow up with a full committee review within 30 days to validate information in the inmates file.

At the same time the process for a prisoner to exit or transition out of the SHU should be reviewed.

(This info should be immediately shared with the inmate upon his entry so he that knows what is required of him.)

There should be evidence based risk assessments points equaling the minimum required points for placement (as determined by national standards for security threat group scoring.)

(A hand book of these National Standards for Security Threat Group Scoring and the minimum required points should be made as available as a Bible in any motel room.)

A legitimate appeal should be offered through a three step process up to the director.

(Define this Three Step Process and if used make it available to the inmate at a level he can understand.)

Self studies and other evidence based programs can be used to fill an 18 month program for step down.

(I think a program of study should be placed up stream at the point of entry into the system. A new inmate should be schooled on the methodology of recruitment of prison gangs and what validation as a gang member means.)

Debriefing can be an option but should not be the solo option to exit the SHU.

(Why save a flawed system that encourages false testimony? If used at all information derived while debriefing should be received with a skeptical eye.)

My comments are in (). :)

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