

# Solitary Watch

## Criminal Justice Issues and Prisoners' Rights

<https://solitarywatch.org/2014/07/07/worst-worst-one-year-later-whats-changed-pelican-bays-hunger-strikers/>

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by [Victoria Law](#) | July 7, 2014

On July 8, 2013, 30,000 prisoners refused their meals, launching the largest mass prison hunger strike in U.S. history. One year later, Todd Ashker is marking off his twenty-fourth year in Pelican Bays Security Housing Unit (SHU). Im still alive, kicking and strong in heart and spirit, he wrote in a June 2014 letter. Ashker is one of the four main representatives for the hunger strikers and the lead plaintiff in the class-action suit *Ashker v. Brown*. Nonetheless, he remains confined in the SHU since his placement there in 1990. He is not alone; as of April 2014, [1,199 people](#) were held in Pelican Bays SHU. Some have been there for over a decade.

Inside the SHU, people are locked into windowless cells for at least 22 hours a day. Prison administrators place them in the SHU either for a fixed term for violating a prison rule or an indeterminate term for gang membership. Accusations of gang affiliation often relied on confidential informants and circumstantial evidence. Hundreds have been confined within the SHU for over a decade. Until recently, the only way to be released from the SHU was to debrief, or provide information incriminating other prisoners, who are then placed in the SHU for an indeterminate sentence. In 2011, SHU prisoners called for a hunger strike to protest SHU policies. In 2013, frustrated with the lack of changes, they called for another hunger strike.

The call was taken up across California and in out-of-state prisons where California prisoners are held. Thirty thousand people responded, refusing meals that first day. Hunger strikers issued five core demands, including the elimination of group punishments for individual rules violations; changes in the criteria for being validated as gang members, and for debriefing from gang status; compliance with the recommendations of the U.S. Commission on Safety and Abuse in Prisons regarding an end to long-term solitary confinement; provision of adequate food; and expansion of constructive programs and privileges for indefinite SHU prisoners. The men of Pelican Bay issued forty additional demands, such as expunging all violations issued for participation in the 2011 hunger strikes, and prohibiting retaliation for those participating in the most recent strike.

The strike ended on September 5, 2013, or Day 60, after California legislators Loni Hancock, chair of the Senate Public Safety Committee, and Tom Ammiano, chair of the Assembly Public Safety Committee, issued a statement of support for the hunger strikers and promised to hold hearings around SHU placement and long-term solitary confinement.

### Changes in Conditions Inside the SHU



One of the five core demands during the 2011 and 2013 hunger strikes was adequate food. After the 2011 hunger strike, Mutope DuGuma charged that prison staff served inedible food to those in the SHU. More recently, he reports that the food servings are small, noting that those without family members able to send them money cannot rely on the (expanded) canteen items to supplement their meals.

While prisoners, family members and advocates state that none of the five core demands have been adequately met, some of the forty

supplemental demands have. Visiting times, for instance, have doubled from ninety minutes to three hours. For [family members driving fourteen hours](#) from southern California, the increase in visiting time means a lot. But, notes Mutope DuGuma, who has been in the SHU since 2001, if you're so far away from home, it doesn't matter because your people can't afford the trip anyway which is anywhere from five hundred dollars for up and back, if not more. (The increase in visiting times only applies to Pelican Bay. In Tehachapi, which also has a Security Housing Unit, visiting continues to be limited to one hour.)

Hunger strikers also won the right to order an increased number of items from the canteen. Imagine being able to order a jalapeno or cheese after being there [without them] for decades, stated Dolores Canales, whose son has been in the SHU for thirteen years. She also stated that they also won the right to order their own underwear rather than wearing prison-issued underwear that has been worn by countless others. They can also buy a cup and bowl as well as a handball from the canteen. Of course, the families are paying for these items, she added.

Is this what they've been fighting for and starving themselves for? Canales reflected. No. But does it make a difference in their lives? Yes. Both family members and SHU prisoners agree that the five core demands have yet to be met.

Medical care inside Pelican Bay remains problematic. There are NO doctor visits in segregation, the SHU or solitary confinement, reports DuGuma. It's a constant struggle to be treated for what you are suffering. All health care rounds are based on the prisoner filing paperwork to see the doctor and you have to pay five dollars for every visit. According to DuGuma, Pelican Bay has a licensed vocational nurse, a registered nurse and a doctor present daily, but they do not make rounds of the SHU other than to pass out medications. Ashker corroborates this, stating that he has not seen medical staff making rounds of the SHU cells. He also notes that the only mental health assessment he's received was during the 2013 hunger strike. Prior to placing hunger strikers in Administrative Segregation, a nurse asked each person if he wanted to hurt himself. If he wants medical attention, he has to file a request for a medical visit.

But medical care is not free. Alfred Sandoval, who has been in the SHU since 1987, described the process: I am charged five dollars for each medical visit, for which I am strip searched, placed in waist chains, then escorted to a small, cold holding cell and put into leg irons before the RN [registered nurse] will take my vitals. Then I am put back into the cold, small, usually dirty, holding cell and left to wait. There is no talking allowed and any violation of this illegal underground regulation is cause for termination of the medical visit. A prisoner can be held in that small cell for hours only to be told by the doctor to drink more water and try to meditate for the pain and returned to his cell. I have been sent back to my cell after complaining of abdominal pain and fainted the next day after a Crohn's flare-up which caused intestinal bleeding and loss of blood pressure. He charges that he and others have repeatedly been told by medical staff that they would receive better medical care if they debriefed.

While SHU prisoners and their families are glad to see some positive changes, they all reiterate that these are not enough. They continue to demand an end to the policies that placed them in solitary confinement for so many years and for an end to their isolation: Although people are being released to some very small degree, the majority of us will remain back here unless it's some real change, wrote DuGuma, who is scheduled to be reviewed for the Step Down program in December. We all can be released today with no problem, but that's not the intent by our keepers. We all fit the same profile for the last thirty-something years, so why now do only a few fall under this case-by-case review? We all meet the same criteria [of] administrative SHU placement, meaning that we're only here for being validated. NO other reason. I've been back here twelve years for nothing. I was never part of a prison gang never and they know it! So it's righting a wrong with me, but I cannot get those years back.

#### ***Ashker v Brown* Is Certified As a Class-Action, but the Class Is Shrinking**



In March 2012, the California Department of Corrections and Rehabilitation (CDCR) changed its practices around SHU placement. Prisoners identified as part of Security Threat Groups (STGs) [can be placed in the SHU](#). Advocates and prisoners [charge](#) that the STG designation would enable CDCR to place greater numbers of people in the SHU. CDCR, however, asserts that those validated as STG associates are not placed in the SHU unless they are also involved in gang and/or criminal behavior. Later that year, CDCR also began its Step Down program. The program evaluates prisoners with indefinite SHU terms for release into general population. Both prisoners and their advocates [have criticized the program](#), noting that even those who have spent years in the SHU may still be required to spend two to three additional years in solitary confinement under this program. The program originally included a requirement that each person sign a contract renouncing gang affiliation. Many refused, believing that signing the document was an admission of gang activity. CDCR has [since eliminated](#) that requirement. The debriefing program remains in place.

In May 2012, Pelican Bay prisoners filed *Ashker v. Brown*, a federal lawsuit on behalf of prisoners who have spent ten or more years in Pelican Bay's SHU. On June 2, 2014, a federal judge ruled in favor of class certification, allowing prisoners who have spent the past decade(s) in the SHU to join the suit. The class is still limited to those held in Pelican Bay's SHU. However, the Step Down Process, the ensuing approvals for less-restrictive steps and transfers out of Pelican Bay, are shrinking the class of prisoners eligible to participate.

As of June 9, 2014, CDCR has conducted 828 case-by-case reviews of prisoners housed in the SHUs and Administrative Segregation Units (ASUs) on Security Threat Group (STG) charges. Of those reviewed, 557 have been released to Step Five, which is general

population housing. Two hundred thirty-one people have been placed in Steps One through Four, six are going through the debriefing process and the rest remain in the ASU.

Several plaintiffs on *Ashker v Brown* have been moved from Pelican Bays SHU. Danny Troxell and Jeffrey Franklin have been moved to Tehachapi, Gabriel Reyes to the California State Prison in Sacramento, and Paul Redd to the Substance Abuse Treatment Facility in Corcoran State Prison, where he writes that his arrival has been positive and surprisingly welcome. Ronnie Dewberry, who goes by the name Sitawa Nantambu Jamaa was reviewed in May 2014 and assigned to Step Three; he is currently awaiting transfer to the SHU in Tehachapi.

Dewberrys sister Marie Levin believes that his role as one of the four main representatives of the Pelican Bay hunger strikers is why he was not assigned to Step Five. Hes not a gang member, she said. So many African-Americans whom CDCR claimed were gang members have been released to Step Five, so its puzzling as to why my brother wasnt released, she continued. Paul Redd, who is also African-American, notes that, of the seven African-Americans transferred from Pelican Bay SHU with him, all but one had been placed on Step Five.

According to attorney Anne Weills, while the named plaintiffs continue to be part of the suit, others who have spent ten or more years in Pelican Bay but have recently been transferred elsewhere are no longer part of the class. Thus, Lorenzo Benton, who was recently approved for Step Five and transferred to Ironwood State Prison after more than 25 years in the SHU, is no longer eligible to be part of the class-action suit.

Those remaining in Pelican Bay have varying reports about the Step Down Review process. Some feel that they are being retaliated against for their participation in the hunger strike. J. Baridi Williamson, for instance, stated that, two months before the 2013 hunger strike, the warden and Institutional Classification Committee (which determines SHU placement) had informed him that his case would soon be reviewed. But then the hunger protest resumed, I got retaliated against and it looks like they likely crossed my name off their CBC review list for forwarding my case to DRB [Departmental Review Board] None of the eight fellas here in our assigned Unit D4s B-pod has been notified or placed on any DRB [Departmental Review Board] list. Were not even sure if the CDCR case-by-case specialist here has even considered reviewing any of our cases.

In the D3 unit, Kijana Tashiri Askari, who has been in the SHU since 1994, reported that, as of March 24, 2014, ten people from his unit had been reviewed. Half had been placed in Step 5 and released from SHU. All of the people being released from SHU to the main line via the DRB have at least ten years in solitary confinement, which has led us to believe that the DRB is doing this to sabotage the lawsuit, Askari noted. It will be next to impossible to make a case for class certification for a lawsuit that is based upon people being held in solitary confinement for ten years when these people are being released to the main line.

### **I Remain Committed for Freedom for All and All Five Core Demands**



Those who have been released to Step Five report that their placement and subsequent treatment should disprove CDCRs assertion that those in Pelican Bay SHU are the worst of the worst. What was most interesting was our exiting the bus without any secure tactic intimidation, Paul Redd wrote about his arrival at Corcorans Substance Abuse Treatment Facility. [We received] a friendly and respectable welcoming by the group of IGIs [Institutional Gang Investigators] who informed us that they arent going to be at our cells bothering us but allow us to program. Prison officials also gave a friendly welcome and stated theyre making sure all DRBs have first priority for job openings. Those who had been released in previous months informed him that IGI officials have not bothered them.

Having endured over 25 years in solitary confinement, Benton asked, What was our crime to be placed in the SHU on indeterminate status and being continuously held all these years??? At Ironwood, Benton has been assigned to both a work program and a vocational training program. Although he can now see the sun and the night sky and interact with other people face to face, Benton has not forgotten those still locked in Pelican Bays SHU. I remain committed for freedom for all and all five core demands, he wrote. So until justice for all, may our existence reflect whats good and right in life.

Victoria Law is a freelance journalist and author focused on incarceration. Her books include *Resistance Behind Bars*, *Prison By Any Other Name*, and *"Prisons Make Us Safer" and 20 Other Myths About Mass Incarceration*. She tweets @LVikiml.

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.

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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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I would like to thank all who fought for those in the SHU. My brother has been there for 22 years and thanks to your fight I can finally see him and introduce him to my kids and grandkids.

Danny Troxell is my uncle and has been in the shu for many many years. This treatment to my uncle and others are unjust we need to keep fighting for them and do all we can do for them. I have not seen my uncle since I was 3 years old and Im 40 yrs.old now. I have yet to see my uncle nor talk to him for 37yrs. This is unconstitutional. Please pray for these men and our families.  
Marilyn Mihai

Martin youve got the best perspective from which to comment Im glad you survived

IM PISSED !!! THANKS FOR THIS MESSAGE ABOUT CONDITIONS IN PELICAN BAY.. MANY OF THESE CONDITIONS VIOLATE THE CONSTITUTIONAL RIGHTS OF PRISONERS.. AND IM CERTAIN THAT THE FEDERAL COURTS WILL SO HOLD.. MY HEART GOES OUT TO ALL THOSE THERE THAT ARE BEING TORTURED BY THE CALIFORNIA DOC.. \$ 5.00 FOR A MEDICAL VISIT !!! THE MAJORITY OF PRISONERS HAVE NO MONEY VALIDATION AS A MEMBER OF A GANG JUSTIFIES LONG TERM SHU ??? NONSENSE !!!!!!!!!!!!! THERE ISNT A DAMN THING WRONG BEING A MEMBER OF A GANG. SUCH MEMBERS PROTECT EACH OTHER WHAT SURPRISES ME IS THAT MORE CORRECTION OFFICERS ARE NOT ATTACKED & KILLED IN THE CALIFORNIA PRISON SYSTEM TO REDRESS, ADDRESS AND RESOLVE SERIOUS PRISONER ABUSES THE ELECTED REPRESENTATIVES IN CALIFORNIA SHOULD TAKE CONSTRUCTIVE ACTION TO ELIMINATE THE ONGOING ABUSES OF CALIFORNIA INMATES.. HOLD PUBLIC HEARINGS, HAVE PELICAN BAY PRISONERS GIVE TESTIMONY and THEN IMPLEMENT POLICIES THAT THE DOC MUST FOLLOW.. THE GOVERNOR SHOULD ORDER SUCH HEARINGS I WAS INCARCERATED 37 YEARS IN THE FEDS, OVER 20 YEARS IN SEG, CONSIDERED the worst of the worst FEDERAL GUARDS WERE PISSED WHEN I MADE A PAROLE and WALKED OUTTA PRISON IN JANUARY 2010..

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