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Criminal Justice Issues and Prisoners' Rights

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by James Ridgeway and Jean Casella | January 20, 2010

Denny Walsh at the *Sacramento Bee* reported recently on a federalcourt case in California, where prisoners were placed in solitary based entirely on their race. When a couple of African American inmates assaulted staff, the prison decided that more than 100others should be placed in lockdown because they, too, happened to be black.

The case raises the broader question of what role race plays in decisions to place (and keep) inmates in solitary.In recent decades, the increasingly successful attacks on the death penalty have emphasized the persistence of racial discrimination in how capital punishment is meted out. (See, for example, *The Death Penalty in Black and White: Who Lives, Who Dies, Who Decides*and other statistics on race from the Death Penalty Information Center). As far as we are aware, no similar research has yet been done on solitary confinement.

An appeals panel on Tuesday reinstated a federal civil rights lawsuit in Sacramento, ruling that a series of lockdowns primarily targeting African American inmates at a Susanville prison amounted to racial discrimination.

The lockdowns in 2002 and 2003 at High Desert State Prison followed assaults on prison staff carried out or planned by one or two black inmates. Correctional officials at the prison apparently believe that, without showing any linkage between the perpetrators and the prisoners subjected to the lockdown, it was enough to assume that race alone tied (them) together. An assumption of this kind is grounded on race, a three-judge panel of the 9th U. S. Circuit Court of Appeals said in a sharply worded opinion.

The corrections officials who ran the prison offered no evidence to disprove the racial discrimination claim of inmate DeWayne McGee Richardson, the panel noted in its published opinion. The judges said the officials had no explanation why all blacks were regarded as security risks when one or a few African American inmates are responsible for an assault.

At oral arguments in February, an incredulous and relentless Circuit Judge Marsha S. Berzon repeatedly demanded that Deputy Attorney General John Riches II explain the actions of the prison officials. She noted that his clients had taken the position that we locked down black people because they were black.

Yes, because the blacks were the ones creating the security risk, Riches replied.

That, I mean, that is just a flatly racist statement, Berzon retorted.

Of course it is, Riches said. This was a race-based security decision.

In a 2002 incident described in Riches appellate brief, the prison was locked down based on information that inmates were plotting assaults on staff. An investigation indicated the prison gang Black Guerilla Family was planning the violence, and 100 inmatesthought to have a connection with the group, no matter how tangential, were placed in administrative segregation, the brief said. Officials soon determined the report was fabricated by a correctional officer, the brief said.

James Ridgeway (1936-2021) was the founder and co-director of Solitary Watch. An investigative journalist for over 60 years, he served as Washington Correspondent for the Village Voice and Mother Jones, reporting domestically on subjects ranging from electoral politics to corporate malfeasance to the rise of the racist far-right, and abroad from Central America, Northern Ireland, Eastern Europe, Haiti, and the former Yugoslavia. Earlier, he wrote for The New Republic and Ramparts, and his work appeared in dozens of other publications. He was the co-director of two films and author of 20 books, including a forthcoming posthumous edition of his groundbreaking 1991 work on the far right, Blood in the Face. Jean Casella is the director of Solitary Watch. She has also published work in The Guardian, The Nation, and Mother Jones, and is co-editor of the book Hell Is a Very Small Place: Voices from Solitary Confinement. She has received a Soros Justice Media Fellowship and an Alicia Patterson Fellowship. She tweets @solitarywatch.

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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Also part of the article.

http://www.nytimes.com/2010/01/10/magazine/10prisons-t.html?pagewanted=1&hpw

Fewer jail terms for nonviolent offenders can make America safer and more humane, while also saving money. High rates of incarceration have tremendous social costs and diminishing marginal returns. Kennedys insights were supported by a variety of recent research suggesting that people are more likely to obey the law when they view law enforcement as fair and legitimate.
Compliance with court orders is highest for offenders who perceive that they have experienced a fair process. Historically the homicide rate has decreased when people trust that the government is stable, unbiased, and believe in the legitimacy of the officials who run it.
Widespread incarceration in the 1980s and 90s undermined the legitimacy of law enforcement in the eyes of the affected communities by converting a prison term into something heroic rather than stigmatic.
As Kennedy told me, I saw law enforcement believing plausible but untrue things about the communities they police namely, that the communities were corrupt and didnt care about the violence that was destroying them and the communities believing untrue things about the police namely, that the cops were part of a racist conspiracy to lock up black offenders while overlooking white ones.

This attitude is what drives much of the prison violence.

Maybe they read heard about Kennedys program found in the following article and were trying it out.

http://www.nytimes.com/2010/01/10/magazine/10prisons-t.html?pagewanted=1&hpw

Excerpt:

Kennedy worked with the head of the Youth Violence Strike Force, a division of the Boston Police Department. The police officer explained that while conventional deterrence hadnt worked, he had begun to persuade gangs to behave by issuing a credible threat: namely, that when a gang attracted attention with notorious acts of violence, the entire gang all of whose members likely had outstanding warrants or probation, parole or traffic violations would be rounded up.

However the person that issued a false report should be fired and prosecuted.

Maybe they read this article.

http://www.nytimes.com/2010/01/10/magazine/10prisons-t.html?pagewanted=1&hpw

Excerpts:

David M. Kennedy, who is considered the patron saint of the new thinking about deterrence now teaches at John Jay College of Criminal Justice, spoke about Operation Ceasefire, a program he was designing to reduce youth violence in Boston. Along with his colleagues Anne M. Piehl and Anthony Braga, Kennedy worked with the head of the Youth Violence Strike Force, a division of the Boston Police Department. The police officer explained that while conventional deterrence hadnt worked, he had begun to persuade gangs to behave by issuing a credible threat: namely, that when a gang attracted attention with notorious acts of violence, the entire gang all of whose members likely had outstanding warrants or probation, parole or traffic violations would be rounded up.
In May 1996, Kennedy, Piehl and Braga helped to design the first of what came to be known as call-in sessions, intended to put gangs on notice that they would face swift and certain punishments. Working with Kennedy, probation and parole officers ordered gang members to attend face-to-face meetings with the police. The gang members were given three warnings. First, they were told that if anyone in their group killed someone, the entire group would suffer consequences. Second, the gang members were told that if they want to escape from street life, they could get help and job training from social service agencies and churches. And finally, they heard from members of their community that violence was wrong and it had to stop. The results of the forums were striking and immediate. Within two years, youth violence in Boston fell by two-thirds and city homicide rates by about half.

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