

# Solitary Watch

## Criminal Justice Issues and Prisoners' Rights

<https://solitarywatch.org/2011/09/09/i-never-will-abandon-this-hope-testimony-of-a-pelican-bay-hunger-striker-on-solitary-confinement/>

## Campaign and Advocacy

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by [Sal Rodriguez](#) | September 9, 2011

Julie Tackett, an activist from Washington, attended the August 23rd hearing of the California Assemblys Public Safety Committee on the topic of Californias Security Housing Units (SHUs). She read testimony on behalf of her friend, Bryan, who has spent more than 16 years in solitary confinement at Pelican Bay State Prison and took part in the hunger strike for its duration. (Bryans identity will be made available upon request. Contact: [tackett.julie@gmail.com](mailto:tackett.julie@gmail.com).) For more of Bryan and Julies story, click [here](#).

For a PDF of this testimony, click here: <https://solitarywatch.org/wp-content/uploads/2011/09/8-23-11-bryanstestimonyforsacramentohearing.pdf>

### Statement of Bryan (read by Julie Tackett) at Hearing of California Assembly Public Safety Committee, August 23, 2011.

*Thank you for your time. My loved one, Bryan, has been in solitary confinement at the Pelican Bay SHU, Short Corridor for 16 years. Bryan was willing to go to the lengths of the hunger strike as a form of peaceful protest in an effort to shine a light on conditions in the PBSP SHU. These are Bryans words..sent to me in letters. Let this document be his voice.*

*This is an excerpt from his letter explaining why he would be participating in the hunger strike:*

You know me well enough to know that I am in NO WAY suicidal, nor do I wish to harm myself in any way. But collectively we feel as though we are already dead under these conditions of extreme isolation and deprivation. Im personally willing to go to this extreme in order to prove my desire to live. This is not life Julieperiod. We are here for one reason only, our refusals to debrief. Ive had no serious write ups in almost a decade. I have friends here who have 20-25 years in clean. Why are we here? Because were labeled as gang members? What about the other 100,000 labeled gang members on Cal. main lines?

*Bryans own words regarding his placement in extended solitary:*

I take full personal responsibility for being a young violent prisoner who got myself thrown in the SHU. I make NO excuses nor do I try to blame others or justify my actions. But it has to be recognized that my validation as a gang member was based solely on the confidential debriefing reports of inmates who could no longer continue to suffer under these condition of perpetual isolation in solitary confinement. There is no individual accountability under the current CDCR policies. I have now been in solitary confinement for over a decade, not based on a CDCR rules violation but rather for a false label put on myself by inmate informants broken under SHU conditions. Now in the ultimate form of group punishment I am to be housed in solitary confinement, not based on my actions but based on this gang label.

*Bryans 6 Year Inactive Review Process experience:*

I fully participated in the 6 Year Inactive Review Process but it is NOT a meaningful review process. I was photographed and given a list of debriefing statements to refute as well as having my cell thoroughly searched. I refuted every source item used against me relying on the language adopted in the Castillo agreement which established the 6 Year Inactive Review Process. Not one piece of information (source item) used against me could meet the evidentiary standard of being less than 6 years old and criminal activity in furtherance of a gang, as established in the settlement of the Castillo case. Yet all source items were accepted.

I 602ed the finding on every level and was denied on every level. Again, the 602 process also offers no meaningful review. CDCRs own experts testified in open court in Lira vs. Cate that the 602 is only viewed as a review of procedural error and due process, that the actual merit of the prisoners appeal are not made part of the process.

*Bryan states his options for release from the SHU:*

Debrief, parole, 6 year inactive review, go insane or die. I will never be tortured into becoming an informant based on perpetual isolation

and frankly nor should I even be forced with such a choice. As a lifer I am not eligible for parole for years to come. As stated above, the 6 Year Inactive Review has shown itself to be a sham. I have been blessed by God to have a sound enough mind to survive all of these years in solitary confinement without becoming totally insane. However, I do suffer from many side effects of long term isolation under these conditions and I fear what another decade here will do to my mental health. As for dying, I've never given up my hope of living long enough to see my release from SHU and hopefully my eventual release from prison. and I never will abandon this hope. But it is not lost on me that without any meaningful way out of the SHU, under these current policies, that I will absolutely die here.

*Bryans Request of this Committee:*

ALLI ask is for a meaningful way to program my way out of the SHU. A fair shake to prove that I'm no longer the 24-25 year old screw up but a 38 year old man who is far more wiser and mature enough to use my time in a productive way. But this day will never come if the members of this body do not establish some form of oversight to ensure that we have meaningful 6 year Inactive Reviews, meaningful committee hearings and meaningful appeal reviews. We are at the mercy of CDCRs closed system. And it was under these conditions that we came to view the hunger strike as our last ditch effort to hopefully shine a light on such a destructive and hopeless environment. I thank you for your time, and I pray we come to see some type of productive changes.

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

Solitary Watch encourages comments and welcomes a range of ideas, opinions, debates, and respectful disagreement. We do not allow name-calling, bullying, cursing, or personal attacks of any kind. Any embedded links should be to information relevant to the conversation. Comments that violate these guidelines will be removed, and repeat offenders will be blocked. Thank you for your cooperation.

i am glad to hear you will never give up hope or the fight the thought of 16 years in solitary is a nuff to make my spine do that hole body shiver but i know he stands for a good reason there is so much that this war stands for not only the one state but over all that inmates prisoners convicts what ever you call the that they will not stand for this and i with them in saying there needs to be a end to the misuse of solitary it makes a nashion look bad shere we are not drilling holes in knees but we may as well be like they say crime is crime well cruelty is the same we want stand for that wich is good and just then we must do that wich is good and just the way we are handling the use of solitary is not good or just we by doing this to them after knowing what it dose to the liveing are only bringing shame to are nashion may there be light in the darknes of justice

And so I will read and learn from others to keep my thoughts balanced and informed.. thanks for the opportunity to exchange ideas, thoughts and concepts about the SHU and where it needs to go from here.

It was a pleasure on this side too. Not many have answers and few have direct experience on the inside.

If it is any consolation most prisoners recognize that guards have a job to do and those that are not disrespectful or abusive are respected.

The men your referring to are the ones that see inmates as less than human and live off of a power trip.

Two influential people in my life were two black counselors, one in LA juvenile hall and the other in Fricot Ranch School a CYA facility.

There are good guards and bad but there are also inmates that only need hope and a positive influence to turn around.

These two men have no idea of their affect on me and I am sure others as well.

Keep fighting the good fight!

I clicked on your name that is how I learned of your book. I am not an author. I just feel I should work to prevent someone else brother, son father from dying alone in a cell,

So I write what I can. You can read my two amateur efforts on here. One a short story in Voices From Solitary and also my article titled A Prisoners Catch 22 which is also on here.

The later has many an update posted under it.

@Alan hence the title wasted honor

Correct Alan and calling me Carl is fine LOL I just find it hard to break those barriers to reach those who can empower the right things to do hard here in Arizona in particular. I have boxed with the agency director many times and challenge reforms on the basis of staff safety and the mentally ill offenders.. I have worked as a deputy warden since 1998.. I have worked for good wardens and bad wardens.. I think that Cali is in the same situation as AZ.. the leadership does not want change. they like business as usual and take a pay check home doing nothing except incite disorder, abusiveness and negligence contrary to their custodial practices. It is the good ones that suffer the most as they have no support mechanism inside the system today. To answer your question.. wholl stop the rein it should be the governor and he or she must have the courage, the intelligence and the fairness to look at change as a positive thing and not going backwards.. We are close to going to hell as it stands today unless we change the way we do business. Thanks for an intelligent talk and the pros and cons. I learned alot today too. It helps me to know how others see it the way they do when they write something intelligent and with common sense. I write articles on Yahoo Content on prison stuff as well. YOur already knew I wrote books and I tell you this, those books have caused me a lot of grief. I lost many former coworkers over my bluntness, honesty and descriptive phrases on how the system really works but its all good, I know I did the right thing and hope to prevent another administrator from going astray in this cess pool called prisons.

In reviewing all that you just wrote you made it very clear as to why your original proposal would not work and your words echo those of the inmates themselves.

The system has been corrupted and needs to be reigned in.

Now Wholl stop the Rein takes on a whole different meaning.

Spread the word to those you know that can implement the necessary changes then Carl.

Before all hell breaks lose.

(I dont mean no disrespect by using your first name your last name is a challenge.)

All prison systems should have a solid mentoring program in place to establish re-control of their prisons with the mission in mind to do the job according to statutory expectations and the preservation of civil rights within a prison setting. Career development should be done through role modeling of individuals meeting the grade of such a position and endorsed by all in the executive branch and agency decision makers. Although I agree that prisons are failing, it starts at the top and works its way down. Transparency, accountability, oversight and audits (yes I agree external auditors) to verify program objectives achieved or maintained are mandatory requirements for a good prison system.

One rogue administrator can do more harm than a dozen rogue correctional officers. When you multiply this by the number of administrators there are. you can see the impact they have made on the environment. Unfortunately, administrators are picked for their political affiliations, their loyalties to individuals and not the institution. Is race a factor, highly likely. Their lack of ethics motive others to do the same thus you create a mob mentality by tacit approval of looking the other way. Correctional officer, like inmates clique up by race, that is true but overall, they all act the same [but have different targets] because the administrators have empowered them to act the way they do..Example, if the administrator explains a death in his or her facility by saying another empty bed then the officers will condone death without attempts to preserve and copy their attitude by saying to others the boss said another empty bed leaving nothing left of any human insignificance regarding the death. This multiplies as the events occurred through lack of medical treatment, the high suicide rates and other factors condoned by many administrators as facts of life inside the pinta/ penitentiary.

Too many inmates lives depend on the supervision doing the right thing.

Outside monitoring and reporting is the only real solution.

Other authors warn of rouge guards.

On Pelican Bay specifically Eric Cummins writes on Page 272 of The Rise and Fall of Californias Prison Movement:

Much of the violence in our prisons, now as in the past, is perpetrated by uncontrolled gangs of guards. These abuses are not slipups at Pelican Bays SHU This is a prison that was designed on a principle of grossly inhuman treatment.

Books such as Cummins can enlighten the young inmates about the history of the prison movement that will otherwise be preached to them by members of their own race. Either the system educates inmates on these historical facts or they will learn about them from gang members. It has been proven that you cannot suppress this sad history.

Cummins comes from the point of view of a white radical who supported the prison movement but later came to realize it destroyed the very ideals it sought to obtain.

Edward Bunker in Education of A Felon gives a view of events as seen by a non racist white inmate that was there at the time these gangs formed. The larger question of the time was about the tactics necessary to win equal rights for blacks in the prison work place.

Were the black inmates going to use the non-violent methods of MLK or the violent tactics of the BPP to get better jobs?

A violent group lead by Jackson (BGF) used violence. And this violence shut down the dialog on prison reform and gave us the SHU.

Both authors believe that Jackson philosophy ignited this violence. Both acknowledge that racism of guards became even more prevalent as members were killed by black inmates in vengeful attacks in numbers never seen before or since.

According to Cummings it was the violent tactics promoted by Jackson that created the current hostile atmosphere. The result was that

every racial group found it necessary to circle their wagons, so to speak, to protect their own.

Rather than about human rights, for many inmates, it was all about power, and controlling the yard. It is still about that. This struggle goes on while guards stand by or consciously chose sides based on their own skin color and/or where they can earn the most money. Thus many are no better than the inmates they guard.

Cummins Page 219: The Cleaver Panther factions October 1971 issue of Right On!, for instance, called on black guards to smuggle weapons in to black San Quentin inmates.

(Still unexplained is how Jackson obtained a gun in San Quentins AC unit on August 21, 1971. Did his lawyer give it to him or was it a plant by a guard in order to have an excuse to kill him? Each side believes what they want to believe. The fact is people died as a result.)

In conclusion Cummins warns the left on page 277: We should be mindful, as the fires spread outward from our prisons into the California ghettos, to resist this time the mistake made in the 1960s of revering ordinary street criminals as revolutionary freedom fighters. Despite the obvious injustices and horrible conditions of life in the ghettos of Los Angeles and other pockets of racism and poverty across California, it is just plain dangerous to call street crime political crime, making street criminals automatically antistate revolutionaries. California convicts will be only too easily convinced to see themselves as guerrilla heroes. Sadly, if it comes to that, these California prisoners will likely become ideological pawns in another cultural crossfire, this time perhaps in a race and class war of which they will be the first victims.

Having never lost faith in those many who still do their jobs according to their own moral compass and oath taken, there are still many who want to do the job and do it right. The problem isn't the staff that is corrupt. The problem is the administration with their endorsement of the minority behaving in such a manner to keep things stirred up and kickstarting the place to justify their means. Realize this, there are still many within who want to do it right but fear retaliation from their own and their administrators.

Their culture has barriers, code of silence, selective discipline and tacit approvals of those in charge able to make things happen to create or fuel the hate mentality and justify the use of force e.g. chemical agents sprayed unauthorized into a cell when passing, withholding mail, property or others to show control and power. These things can and are minimized with good administrators, good mid level supervisors and close supervision of staff on each shift until the habits of every individual on shift can be analyzed and adjusted by either reassignments, disciplinary action, evaluation tools or transfers out of the unit. That's why I endorse rotation of staff to avoid groups, cliques and gang like activities for those in brown as I am very well aware of their presence but have effectively diminished their effectiveness through good supervision and accountability of every use of force on shift and those who question these methods should walk and talk more in the back that sit in an office waiting for the problems to reach their desk when in fact, if you are out there walking and talking with staff, you are creating two separate dynamics; the first availability to all staff throughout the unit (yes that means taking the time to make your rounds) and second the availabilities to the inmates as you walk the cellblock, the pods or the other areas of the facility being visible and listening to what is being said. When staff know you are accessible, they reduce their malevolent behaviors to some degree for fear of being caught and that no matter how many times you throw away that kite the inmate sent to you or handed to you, the message will reach the deputy warden of the unit somehow, sometime.

This approach works. Corruptions and power plays exist when you allow it to happen. When the boss walks and talks to everybody on a very frequent basis, the word gets out you know what is going on inside the units and without being told by a designated person(s) to tell you what is going on when you see it with your own eyes and hear it with your own ears. Try it, it works. But you gotta get off your duff to do it.

In my first comment above I posted this link to an article on the AB.

<http://www.laweekly.com/content/printVersion/39565/>

In it I found this quote on the very prison SHU that my non-violent younger brother died in about the same time as this article.

It reads:

Investigators recently uncovered the Green Wall, a purported secret society of rogue Salinas Valley State Prison guards who turned their oath of silence into a perversion of misconduct and intimidation and were even able to infiltrate the prison's Investigative Services Unit.

Do you really believe that such people can be trusted to do the right thing or will they always side with the rouge guards?

Other quotes found in this same article:

Joseph Principe, is a former guard at a federal Supermax prison who allegedly arranged for the gangs leaders to meet unobserved to discuss their affairs.

Correctional officers at Pelican Bay were discovered collaborating with AB members to target rapos (rapists) and chesters (child molesters) with beatings and murder. One of them admitted to attempting to procure a guards uniform for an AB leader.

The victims were unappealing. Law enforcement even has a term for such cases: NHI No Humans Involved.

This should prove even to you that an external unit needs to oversee these SHUs. Possibly including the media.

The process to place an inmate into the SHU should be reviewed before an initial placement. Most inmates are identified through a suspect status and are mirrored to catch their associations, their correspondence, their ink, their habits and their position at the races table. These indicators are significant to start building their files and must be reviewed by an STG administrator for legitimacy and accuracy to avoid wasting time and building a creditable file.

(The inmate needs to be aware of this process as it progresses.) The inmate should be served a notice of hearing on his change in status

from suspect to pending to be validated status. This way, the inmate is informed of the ongoing process. Many are aware they are being shadowed by STG and informally acknowledge such processes as part of doing their time.

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

(The committee needs to be independent like the Internal Affairs section of police departments to prevent abuse.) Members of this committee should be deputy warden (3) an STG administrator and an internal affairs investigator who can validate the documents. The total number is 5 to reach a majority vote of 3 or more for consensus.

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.) See notice of hearing comment

There should be evidence based risk assessments to the matrix to add up to 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.) Although this has already been acknowledged and used nationwide, the CA model can be different to expatiate their own internal concerns.

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.) The first step is an appeal to the STG committee chairman; the second step is to the Warden of the institution and the third step is the STG administrator for the state. / Director

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 all the false propaganda that he will hear from and the methodology of recruitment of all these prison gangs.) There are many self studies in anger management, parenting, role modeling etc already available in libraries. The initiative to pick them up should be placed on the inmate not the administration.

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.) Regardless of its unpopularity, there is much intelligence gathering here from those serving short times and willing to cooperate to be released out of the SHU and into PC status and then released finishing their time.

The culture within must accept these changes.

(I say the Culture Within needs at least an 18 month education program of their own.) This can be resolved through in house training by STG officers who can educate the others on expectations and mission guidelines.

Start small handpick the first group of eligible participants know their habits and backgrounds invite mental health and form a multidisciplinary committee for flexibility

(I say make it available to all inmates or the other inmates will reject it believing it to be biased.) More likely to fail in a shorter period of time than if selective.. a smaller group can be more manageable and the group selected can be put under peer pressure to be successful so others can expect a turn at the program as well.

If you do this right, you may in fact, guide the process enrollment and eligibility through the informal influence of those wanting to succeed and get to a lower custody level or transition out of the SHU. Thats how we did it in Arizona with the first step down program and it worked well as the pressure to not mess up was great and placed the burden of success on participants who had spectators to see if they could comply setting the tone for others to be successful and comply.

@Carl

Interesting to hear from a correctional officer/author. I have a few questions and comments about your ideas.

You write:

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.)

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

(The committee needs to be independent like the Internal Affairs section of police departments to prevent abuse.)

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 to the matrix to add up to points equalling 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 all the false propaganda that he will hear from and the methodology of recruitment of all these prison gangs.)

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.)

The culture within must accept these changes.

(I say the Culture Within needs at least an 18 month education program of their own.)

Start small handpick the first group of eligible participants know their habits and backgrounds invite mental health and form a multidisciplinary committee for flexibility

(I say make it available to all inmates or the other inmates will reject it believing it to be biased.)

Glad someone on the other side is at least thinking about solutions.

This SHU validation process is flawed to the standards of sound correctional practices. In other words, the process to place an inmate into the SHU should be reviewed for an initial placement then followed up with a full committee review within 30 days to validate information provided in the validation file. At the same time the process for a prisoner to exit or transition out of the SHU should be reviewed. There should be evidence based risk assessments to the matrix to add up to points equalling the minimum required points for placement (as determined by national standards for security threat group scoring); the prisoner should not be placed in the SHU on confidential information or third party info unless it is backed up by pre-sentence reports, police reports court records and intelligence gathering through the security threat group unit. A legitimate appeal should be offered through a three step process up to the director. Due process is important and the ability to contest incriminating data is essential. Polygraphs should be used and various offers to step down or reduce classification and program restrictions should be implemented to allow the transition out of the SHU based on a pre-determined time span of no gang activity searches interviews and other sound correctional practices. Self studies and other evidence based programs can be used to fill an 18 month program for step down. Debriefing can be an option but should not be the solo option to exit the SHU. These debriefers end up being protective segregation prisoners thus remaining in lock up elsewhere. There are solutions but they will take time, careful study of incentive and evidence based evaluations, compliance of program and institutional rules and most of all, demonstrate the ability to assume responsibility for ones self behavior or conduct and remain misconduct free for a pre-determined time frame to be eligible for such step downs. This matter should be closely scrutinized and attention to detail should be the order of the day. Providing realistic expectations can result in realistic achievements for all involved. The culture within must accept these changes; if these program are offered as staff remains subjective to the change, the programs will fail with most certain predictions. Start small hand pick the first group of eligible participants know their habits and backgrounds invite mental health and form a multidisciplinary committee for flexibility revise and amend as you find barriers or program concerns work in good faith and expect the same from those who are eligible for such incentives to allow changes. Never hurry such an important task but show there is hope for changes as you make headway in the project.

Bryan wrote: I take full personal responsibility for being a young violent prisoner who got myself thrown in the SHU. I make NO excuses nor do I try to blame others or justify my actions.

In his apology to the world Silverstein wrote on line 11 which can be found on here:

There is no justification for my actions.

And finally although I was never a member of any gang nor ever sought to be, I wrote an article on this blog titled:

The Prisoners Catch-22

On July 10, 2010

In which I referenced by past incarceration. In the introduction I wrote:

I do not claim innocence nor do I seek sympathy for my life experiences. It is what it is; I have run their cruel gauntlet and reemerged to find relative success in life.

In comparing black inmates, whom often claim to be political prisoners, to whites Edward Bunker wrote in his 1972 Harpers article War Behind Walls

white convicts are equally dangerous and intractable, but they at least intellectually accept their acts are wrong.

Indeed many inmates of color have proclaimed, or had others proclaim for them, their political status and or innocence on this very blog.

So I tested a theory that Bryan like Silverstein, and myself is indeed a white inmate. I followed the link to Julies blog where I read these lines:

I wish I could have explained further about why I looked into your eyes and said, Promise me trouble wont follow me home.

I kind of thought that maybe you were this AB kingpin who could snap your fingers and reign terror down upon me

Of course Julie must have read articles such as Wholl Stop the Reign.

<http://www.laweekly.com/2005-02-03/news/who-ll-stop-the-reign/>

And here lies the problem. Labels stick but people change. The first step is to admit that your past actions were wrong.

Therefore I respect both men for taking full responsibility for their past actions and also the women who are able see beyond the hype.

So true, the 100,000 labeled. People are just plain gullible and fear the truth, so they feed into these smokescreens? Sure does look that way to a discerning eye. .pathetic.

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