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Criminal Justice Issues and Prisoners' Rights

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by [Juan Moreno Haines](#) | November 25, 2020

Juan Moreno Haines is an award-winning journalist incarcerated at San Quentin State Prison, a member of the Society of Professional Journalists, and a regular contributor to Solitary Watch. On May 30, San Quentin had zero cases of the coronavirus, but after prison officials transferred 121 men from the California Institution for Men at Chino without testing them, an outbreak ensued at San Quentin. Since then, over 2,200 people in the prison have been infected and 28 people have died of COVID-19.

Haines contracted the virus himself and, along with many others who tested positive, was moved to solitary confinement in the Badger Unit. In this piece, Haines describes the view from the Badger yard, where the men spent their allotted recreation time. He includes interviews with Christopher Hickson and Walter McGee, both of whom were also sent to Badger after contracting the virus.

Last month, a three-judge panel in California's 1st District Court of Appeal [ruled that the San Quentin Prison must reduce its population](#) to no more than 1,775 people, which is half of what the prison's population was in June. In the court decision, Justice J. Anthony Kline wrote, "By all accounts, the COVID-19 outbreak at San Quentin has been the worst epidemiological disaster in California's correctional history. The decision stated that at a prison with exceedingly poor ventilation, extraordinarily close living quarters, and inadequate sanitation, keeping incarcerated people crowded together in their current numbers is not merely negligent, it is reckless." Valerie Kiebal

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My vision adjusted to the sunlight as I walked through the gate. It was since mid-May that I breathed fresh air and felt the sun on my skin.

It was August 3.

The ocean was about 20 yards from where I stood. I strained miles away to my left fog floated above greenish/blue water. The morning salty smell invigorated me.

In the distance, and across the bay, multi-million dollar homes were sparsely set on the hillsides like ornaments on a Christmas tree boats were tethered to a brownish dock.

Squawking seagulls circled above.

It was beautiful.

A ferry passed by with three passengers on its deck waving at us.

Prisoners began yelling, Save us!

The boat sped toward the fog.

I watched and listened with fingers laced through a fence topped with barbed wire meant to incapacitate me.

My eyes shifted downhill to a second fence about 10 yards away strewn with barbed wire from top to bottom.

The ocean/freedom was right there.

To my right, way out in the distance stood a serene Mount Tamalpais.

On the waterfront, stillness permeated the prison's warehouse four 16-wheelers with back doors pulled up sat there.

I was back inside.

After being told that Im COVID-19 positive on June 27, I was moved from the mainline unit, North Block, to Badger Section of San Quentin State Prison.

Badger is designed as a reception center for newly arrived people to Californias prison system. The living conditions are squalor. I and about 60 other mainline prisoners were locked in our cells 24 hours a day. We were only let out for showers every three days. Theres no electrical powerno hot soup or coffeeno TVs, only battery-operated radios. I had no batteries.

Several prisoners began a hunger strike on June 29.

Nine days later, Christopher Hickson ended his strike after prison officials agreed to improve some living conditions for everyone.

I felt better because after 24 years of incarceration¹³ at San Quentinit was the first time I occupied one of the 4-foot by 10-foot cells without tripping over another person. I had the whole thing to myself.

Back on the yard, I took my hands off the fence and looked down at a yellow line painted on the concrete that indicated where I stood was Out of Bounds.

I stepped back and walked the line⁴⁵ steps wide and 65 steps long. A 15-foot fence along the yards length separated two identical concrete rectangles.

For three hours, the abysses were to be shared by Badgers prisoners.

A guard paced high above holding a mini-14 rifle and other armaments strapped to his waist.

Being out gave me the chance to walk with the other prisoners, pacing back and forth, and listen to their experience with COVID-19.

They got us in here like dogs, Walter McGee said.

The 24-year-old was tested for COVID-19 on June 25. Three days later, he was told he was positive and moved to Badger.

21 deaths, he said. Its very unfortunate they had to lose their life. CDCR [California Department of Corrections and Rehabilitation] is trying to correct this, but its too little, too late.

McGee took a deep breath and said feeling the fresh air and sun gave him the belief that God had heard his prayers.

A lot of us broke the law and may have been wrong, but I was lost and scared to change, McGee said. But, since being in prison, Ive learned how this affects my familychange is a smart mans move and Ive definitely changed.

McGee has completed multiple self-help groups, including Criminal Gangs Anonymous, and substance abuse programs. He participates in violence prevention and youth orientated groupsall while he earned a GED. As to employment, hes completed a vocational construction program that led to a job on a roofing project at the prison.

Ive done every program that I can get in, McGee said.

Yard time was up and everyone walked back through the gate, then through a darkened tunnel to find one of Badgers 257 cells.

Cell 314 was opened and I went inside to sit on the top bunk.

I pulled out an article where I interviewed two of the 121 prisoners transferred from Chino to San Quentin on May 30the spark that ignited the outbreak. This outbreak was bound by science to happen, as in the Age of COVID-19, San Quentins architectural design is not compatible to human life. Closed and unventilated buildings and dormitory settings are deathtraps, the science says and the virus is proving.

Suddenly, I began uncontrollable sneezing and coughingtears fell out of my eyes. I have allergies, but Ive never reacted to being in nature like that. I wondered if it was a lingering effect of the virus.

I took out a bottle of hand sanitizer to wipe fluids off the paper, then continued pushing my pen forward until the story was finished. I put it in an envelope, then in the cell bars to wait for a correctional officer to pick it up for delivery to The Appeal website.

McGee said he hopes that his current time-credit reductions of 88 percent would be changed to 66 percent so that hed serve four years instead of six years on his sentence. He added that if he got out of prison today, hed go see his ailing mother in the hospital, then go see his daughter, and then hed get a job.

Id choose to stay out of prison by doing everything the legal way, McGee said. But first, I have to worry about making it out of here alive.

Juan Moreno Haines is a journalist incarcerated at San Quentin State Prison and senior editor at the award-winning San Quentin News. A member of the Society of Professional Journalists, he was awarded its Silver Heart Award for being a voice for the voiceless. His work has appeared in The Guardian, The Appeal, Hastings Race and Poverty Law Journal, Above the Law, UCLA Law Review, Life of the Law, The Oakland Post, LA Progressive, and CalMatters, among others. In 2020, he received the PEN Prison Writing Contests Fielding A. Dawson Prize in Fiction.

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