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Criminal Justice Issues and Prisoners' Rights

<https://solitarywatch.org/2011/09/15/california-shu-inmates-to-resume-hunger-strike-september-26th/>

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by [Sal Rodriguez](#) | September 15, 2011

On July 1st, 2011 over 6000 inmates at 13 prisons across California went on a hunger strike protesting the conditions of the states Security Housing Units in which inmates are in lockdown over 23 hours a day with minimal contact with others, with an average time spent in the SHU at over 6 years. (For a primer on the Pelican Bay hunger strike, click [here](#).)

After three weeks, the California Department of Corrections agreed to reform SHU policies and address the demands of the hunger strikers.

On August 23rd, the California Assemblys Public Safety Committee held [a hearing](#) on the SHUs, where CDCR Undersecretary of Operations Scott Kernan insisted that the function of the SHUs is to protect general population inmates and that the CDCR would develop a step-down process for inmates to transition out of the SHU and into general population.

Since the end of the hunger strike, however, hunger strike representatives have announced that they are dissatisfied with CDCRs response to their formal complaint and (5) [core demands](#), and therefore will continue to resist via peaceful protest indefinitely, until actual changes are implemented. The strike representatives have indicated that Scott Kernan has been vague and unclear in his communications with SHU inmates regarding reform. They are demanding a clear step-down process be crafted by CDCR on paper. In addition, they have stated that they continue to have inadequate nutrition, health, and programming services provided to them.

On September 1st, Pelican Bay SHU inmate Mutope Duguma wrote a [letter announcing the strike](#) and indicating that Pelican Bay State Prison inmates will be involved. In addition, Calipatria State Prison inmates have indicated that they will also be involved.

To read the recent letter from the hunger strike representatives, read below. It has also been published by the [San Francisco Bay View](#) along with comments from California Prison Focus.

For the past 10-40 years thousands of California prisoners have been confined in CDC-SHU units indefinitely based on status [r.g., a gang label active gang classification, based on innocuous association activity, and allegations from confidential inmate informants] wherein, they have been demonized as the worst-of-the-worst, in order to justify decades of human rights violations including state sanctioned torture for the purpose of breaking the prisoners, and coercing them into becoming known informants for the state thereby placing such prisoners, and their families in serious danger of retribution; as well as, the severe-permanent physical and psychological pain and suffering to these long term SHU prisoners and their families directly related to CDCR-SHU policies and practices, all of which violate U.S. Constitutional, and international legal principles [as summarized in the prior formal complaint and 5-core demands available online].

As of September 2011, these SHU-prisoners continue to be subjected to CDCRs torturous human rights violations, in spite of the July 2011 peaceful protest via hunger strike, wherein thousands of prisoners of all races/groups united in their effort to bring mainstream exposure and force an end to such barbarous policies and practices. [CDCR has responded with more propaganda, lies, and vague double talk promises of change in time].

SHU prisoners are dissatisfied with CDCRs response to their formal complaint and (5) core demands, and therefore will continue to resist via peaceful protest indefinitely, until actual changes are implemented as summarized below.

1. The Formal Complaint and Five (5) Core Demands

Beginning Feb. 5, 2010, dozens of PBSP-SHU prisoners and their family members and friends began sending copies of the formal complaint to numerous law makers, CDCR Secretary Cate, and to many organizations. CDCRs response was, file and inmate appeal. In May 2011, the formal complaint, Notice of the Hunger Strike for July 01, 2011, and Five (5) Core Demands, were served on CDCR Sec. Cate, and Warden Lewis. There was no response [notably, these documents were all posted on-line in March 2011].

2. The July 1st Hunger Strike and CDCRs Response(s)

The H.S. began on July 1st at PBSP-SHU, and quickly spread to other prisons at one point more than 6,600 prisoners participated at thirteen (13) prisons across the state!

On July 14, 2011, CDCR Undersecretary Kernan spoke to the inmate representatives via phone conference, promising them that the (5) core demands would be addressed, with positive changes occurring over time. The reps asked Kernan to put details of the changes on paper for their review.

On July 15, 2011, the reps reviewed the documents provided by Kernan and determined the documents were not satisfactory because they were very vague and did not specify any changes of substance in relation to the (5) core demands.

On July 20th, Kernan and additional CDCR administrators met with the inmate reps in the PSB-SHU parole board hearing room. Kernan made more assurances about positive changes to SHU policies being in the works, and stated he would meet with the reps again in a couple of weeks in order to provide specifics as to each of the (5) core demands re: changes and progress made. As well as agreeing that, other than adding an extra day of visiting each week the rest of the demands on (#5) re: programs/privileges, were reasonable and would be granted, as a show of good-faith on CDCRs part.

All of the [hunger strike] rep[representative]s (14) then met and discussed the proposals from Kernan, and then decided to temporarily suspend the H.S., in order to give CDCR a couple of weeks grace period to keep their word on the (5) core demands [per Kernans request and assurances].

On August 19th, Kernan and other CDCR Administrators, met with the reps again, to follow up on the July 20th assurances re: specifically addressing the (5) core demands in detail.

Kernan did not have anything on paper to specifically address any of the (5) core demands. The meeting consisted of Kernans words in very vague, general terms, about CDCR staff working to come up with some type of step down program for inmates to get out of SHU, which does not require debriefing- informant status, and Warden Lewis stating (SHU) inmates would soon be allowed to purchase sweat suits, and have the use of a handball on the yard.

The reps pointed out that Kernans verbal, vague presentation was not what was agreed to on July 20th. Kernan responded that a step down program will be operational by the end of this year, or early next year.

The reps asked for specific details to be provided on paper to all SHU sections so all inmates can have something tangible in their hands, and Kernan eventually agreed to begin providing this documentation within (2) weeks. Instead, on Sept. 02, a memo dated Aug. 25th, entitled Gang Mgt. Proposal was only issued to the (4) principle reps; this document is again, extremely vague and general. It is not adequate nor acceptable!

On Aug. 23rd, Kernan appeared before the Calif. Assembly Public Safety Comm., to answer questions re: SHU policies and practices, that were exposed to the world via the H.S. According to the transcript of this Aug. 23rd hearing, Kernan was very vague, general, non-responsive, and focused on propagating CDCRs out right lies about PBSP SHU policies, and the inmates subject to the torture therein examples are;

On Aug. 31st, PBSP-SHU staff issued (4) memos, addressing the allowance of the following; handballs on the yard; ability to purchase sweat suits; and, with (1) year free of disciplinary action and committee approval, the ability to get a yearly photo taken and purchase art pens and drawing paper from the prison canteen. [While said memos were being passed out, a Sgt. was loudly telling staff to start writing up all prisoners for any type of reason they can think of, in order to prevent prisoners from getting their newly won privileges!]

3. SHU Prisoners Dissatisfaction with CDCRs Response to the Formal Complaint and Five (5) Core Demands

PBSP-SHU inmates have considered all facts and circumstances, summarized above, and remain united in our dissatisfaction with CDCRs lack of specific substantive action on our (5) core demands. Our dissatisfactions are summarized below;

A. Re: Core Demands #1-3

Our problem with CDCRs response to core demands #1, 2, and 3 is this

#1. We remain in (SHU) indefinitely, deprived of our basic human rights based on illegal policies and practices, that amount to torture; torture of us, as well as our family members and loved ones on the outside. CDCR remains in denial, and continues to propagate the lies re: worst-of-the-worst 3000 gang generals, etc. in order to dehumanize/demonize us, so as to maintain the status quo, and continue to hammer us [per Sec. Cates press statement earlier this year], and subject us to harsh conditions [per Kernans Aug. 23rd testimony]. These terms hammer and harsh conditions, are used in place of the word torture and the fact is, CDCRs intent is to break us down, and coerce us into becoming state informants! A violation of international treaty law-period!! This is not acceptable!

CDCR has failed to produce any documentation re: details of how their so called step-down program will work, who it will apply to, exceptions-exclusions etc.; and our problem is, step down from what? When someone has been in (SHU) deprived of normal human contact- especially the lack of any physical contact with family/loved ones, for 10-40 years [based on a label without being charged and found guilty of illegal gang activity]; yet CDCR is dragging it out, coming with nothing but words, and vague proposals, which indicate we will have to remain in (SHU), jumping thru a bunch of CDCRs security hoops, to advance through steps in spite of (3 to 25+) years free of any serious rule violations!

Plus, were certain that CDCR Administrators have no intention of ever giving most of us in PBSP short corridor, any real chance for general population!

#2. CDCR has made clear that one certainty is, their plan to substantially expand on the use of solitary confinement, via targeting all prisoners deemed disruptive groups [security threat groups], which is defined as: 2 or more inmates who are collectively deemed to be a security threat e.g., all street gang affiliates, prisoners deemed political-revolutionary etc, etc, etc. [see also; CCR Title 15; sec. 3000 Disruptive Behavior] even participating in a peaceful hunger strike. With CDCR's history of abuse of policies re: prison gangs in solitary confinement, its clear, things will get worse, not better. This new policy is a way CDCR plans to maintain their staff and funding status quo, in response to the Plata order to reduce prison population. It costs nearly double to house prisoners in solitary confinement!

Our position is, CDCR's plans to date, are not acceptable, and are another example of their intent to maintain, and expand on, solitary confinement; and demonstrates a failure of the entire CDCR management to make positive reforms! And, all long term (SHU) inmates should be released to general populations!! ASAP!!

#3. Also, the medical care problems re: core demand #3, have not been resolved!! All PBSP-SHU inmates suffering from chronic disease, and denied adequate care at PBSP, due to deliberate indifference, and efforts to coerce them to debrief should all be transferred to New Folsom Medical SHU, while waiting to be released to general population!!

B. Re: Core Demand #4

This issue concerns our poor diet, small portions all watered down, dirty trays, etc and has not been fixed- in fact, its gotten worse since we came off the hunger strike on July 20th!! This lack of adequate nutritional food/vitamins causes all of us to lack energy and harms our mental/physical health which greatly increases medical care costs! Plus, our lack of sunlight, and related lack of vitamin D, is a problem too. We need better food and portions, clean trays, and ability to purchase healthy food items and nutritional supplements ASAP!!

C. Re: Core Demand #5

There remains a problem with many of our program/privilege examples listed on demand #5, not being implemented [e.g., phone calls, canteen and package issues; T.V./Radio channels; extra visiting time. What about the ability to get photos in visiting room, wherein c/o takes picture of inmate and visitors thru the glass?]. And, the ones that have been implemented in PBSP-SHU, have been done in a way that it makes it real hard for most inmates to get a photo, or art pens/drawing paper, because the warden has stated via memos, that inmates have to have (1) year free of disciplinary writeups, and they must first have to be approved by committee. [Kernans Aug. 29th memo to all SHU Wardens does not say inmates need to go to committee for these!]

And, having to get sweat suits in yearly packages, equals another 40-50 ounces of weight, which means less food items! This weight for non-food items takes a lot out of food amount; then, you add all the packaging [e.g. box, etc.], and we will end up with very little food items in our packages [e.g. packaging (50-ounces), tennis shoes (50-ounces), sweat pants, shirt, shorts (40 ounces), thermals (18-20 ounces), equals 158 ounces of a max weight of 480 ounces!] An easy fix for these non-food items, is that PBSP can return to their old policy of allowing us to purchase all non-food items, thru special purchases, just like we continue to be allowed to do when ordering books and periodicals {Note: The old policy was that we were allowed to order non-food items from an approved vendor once a year through Special Purchase.]

In closing, to all SHU-prisoners and all our outside supporters,[\[2\]](#) we wanted to let you know, [as you can see from this], that this fight is far from over. And once again, hopefully for the last time, we will be risking our health lives via a peaceful hunger strike, starting on Sept 26, 2011 to force positive changes. None of us want to go on another hunger strike, but we are forced to by CDCR's actions and non-actions as described herein. Thus, more than ever, we still need your support to contact the governor, etc, to force CDCR to make fair and reasonable changes to their policies, and indicated here. Thank you all very much!

Respectfully and in Solidarity,

From all PBSP SHU H.S. Reps.

[\[1\]](#) See Cal. Code of Regulations, Title 15, Section 3000, Disruptive Group-1 means any gang, other than a prison gang.

[\[2\]](#) People what's right is right, and we the people, should not, and will not, compromise ours, and families, health, safety, and security, to let CDCR continue to violate our human and constitutional rights and U.S. international law. This is wrong, and we the people need to end these evil inhumane violations! If not now, when? The time is now!!!

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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SHU is punishment within DOC without independent judge from separate juridical system. To my understanding illegal and pursuit of hegemony. By that incompatible with correction and rehabilitation. Needless discussing humanity.

A SHU is subject to many interferences when established: 1. mission creep by the assignment of poor administrators and unqualified staff; 2. the constant clashing of the cultures fueled by hate and anger; 3 the organized efforts on both side not to change the manner it is being run.

1. The original policies and procedures were never intended for long term isolation or placement. This is the main flaw of the SHU created by mission creep. currently, terms are unlimited or in some cases, infinity. This is where prisoners lose hope of ever seeing daylight again. SHU placement should be short term housing assignments with two things in mind change in behavior compliance with rules and regulations and omitting personal or subjective biases in the assignment process. Anything else is adding punishment on top of punishment

2. the clashing of the cultures must end.. we have gangs on both sides. one is empowered by the authority given and the other by sheer numbers and associations. Their ideology is directly opposite of one another and creates the conflict. Like in any association there are those who participate voluntarily or those who are coerced into participation or association. The prison system must sort out these variable and remove the voluntary participants with those who want to create harmony and compliance while serving their time. Validated gang members must go through the step down program in order to see a custody reduction but well worth the effort to exit the SHU.

The SHU units needs change in staff and administrators as well as looking at those prisoners housed there and no longer participating in the negative side of their culture wanting lower custody levels to do their time.

a. For those gang members or disruptive difficult management problem prisoners, they must be enrolled in anger and cultural programs to benefit from incarceration and reviewed on a timely manner to be eligible for reduction in custody. A program of a minimum of 18 months is in order. Prior to enrollment they must pass a polygraph and have a minimum of 4 years of no gang activity documented.

b. For those staff that want to be there and are part of the problem, they should be rotated out as well as administrators who have lost control of their shifts. Never admitting this embarrassing fact in public, they can accomplish this feat by implementing a rotation schedule for those who have been at the SHU for 3 years or longer and rotate out 25 per cent at a time to break up any groups or cliques that exists within the unit. This rotation includes supervisors as well. Splintering these groups will send a strong message that conduct is being monitored and supervisors will be held responsible for all actions on shift not managed per policy.

This practice has worked in other places in many variances and is not a new way to manage prison problems. It just takes a lot of courage to make changes in a culture that believes in hear no evil, see no evil, speak no evil.. California must change the way they do prison business as the cost has exceeded their ability to pay for the way they are doing it now. Taxpayers deserve good management for their dollars spent and at the rate of a SHU bed, its costing them millions just in one of these units a year. Do the math and you are spending billions of dollars on prisons neglecting education and other essential services to the communities.. Time to wake up and reset the priorities in government.

good for them i stand with them on ending the misuse of solitary or at least bring them some justice some help some care i stand with them come the day the fight begins again i shall sound a song of war of hope and love a cry to arms a call to charge back in to the pray of war god give them the will to win the war like the 300 who stood no matter the end no matter how many may they be strong like those 300 but this time may they rise like sparta and over come the cdc as they said if a body count they wish it on there hands or as the spartans said we will return with are shield or upon them may they stand strong no matter the odds just as the sparta s 300 did that day as one force may they stand may there be light in the darknes of justice

Yes, concurrence is granted in that education is the key because education that is self-motivated by the individual, is the best education there is. And yes, self-preservation is the key to survival; regardless of the conditions.

One can add numerous of mottos, but the fact remains, these men and some women are locked away in the SHU/SuperMax Units. their mind(s) are deteriorating, their physical bodies are becoming sick, no medication, nor vitamins, and no consideration from the staff, other than the pay-check at the next cycle.

What has been allowed to happen within the prison system as it relates to torture, should have been checked by a committee that is assigned to make sure punishment is fair and equal, but it has not. As a result, we now have men willing to die in-order to get something changed, because other-wise there is no hope for them.

To the men and perhaps women who shall continue their hunger-strike, let this writer say: Keep your faith, stand by your principles and concepts of humanity, dignity, and justice for the ones coming after you.

@Ann-Belinda Honablezh: Yes labels stick but people change. This should be a motto.

I have found that inmates have many traits that society could benefit from. Loyalty towards their brothers, for who in battle values an informant? Courtesy (where bad manners will get you killed). We could learn what people are capable in order to survive. (Much of the violence in prison is motivated by self preservation. It shocks us but makes sense to inmates at the moment. Little do they realize that it just keeps the cycle rolling.)

Education is the key.

By the way I have met people that were released after many years on death row. They were never the same.

In a previous article Carl Toersbijns had posted a few suggestions to which I commented on. The following is a condensed read of this exchange.

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

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.

Carl Toersbijns wrote these condensed quotes:

I have worked as a deputy warden since 1998. I have worked for good wardens and bad wardens.

The problem isnt the staff 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.

Thats 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 Corruptions and power plays exist when you allow it to happen.

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.

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 officers, 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 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 penitentiary.

I think that 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, who'll 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.

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.

We are close to going to hell as it stands today unless we change the way we do business.

And I agree with this courageous assistant warden!!!

This writer finds the article to be well written, outlined, and each topic thoroughly addressed. Upon reading this article, what comes to this writer's mind is death row; that is the incarceration of one that has been sanctioned by the court to be murdered by the hands of the State; and the second part of such sentence is by the people of the State, which is a lie, because all people of the state did not have a voice in the court's decision, nor does all people of the state believe in death.

Keeping one in the SHU for ten years plus is in reality a sanction, by the prison system of death. It is a sanction of death that has been established by Administration, Officials and correctional officers. The analysis in this case, has a tendency to show that this group of people are acting as a court, a judge, a jury, and the executioner, equals to a vigilante.

This act itself is in violation of both the constitution of the United States, the constitution of the State of California, with an added violation of the Genieve Convention, because the United States signed the document denouncing torture of any kind.

Reading the book entitled Public Justice, Private Mercy: A Governor's Education on Death Row by Edmund G. (Pat) Brown with Dick Adler, (New York, 1989). Addressed within this literature is a number of death row cases under Jerry Brown's father's watch. For example, a gentleman by the name of John Russell Crooker, Jr., was condemned to death at San Quentin (A-34965), his sentence was commuted to life without parole on January 12, 1959 and then to life with parole. For him he stated in writing these words about death row, which is found to be adequate for the SHU as well, at least in relationship to torture. For example, waiting to be put to death is like having a charge of electricity attached to your limbs not a big charge, but a small irritant charge to the nerve endings constantly there and needling at any moment of the days and/or nights, no matter what you are doing, it even awakens one from their sleep. It is like being immersed in water and taking an eternity to drown.

This is the impression this writer gets about the SHU/SuperMax Units and its conditions as it relates to the inmates confined within them for months and years on end.

Mr. Crooker stated in his writing to then Governor Brown the following quoted words. It is important to understand that Mr. Crooker's mental state deteriorated during his stay on death row; nevertheless, he stated that the death penalty accomplished nothing (same as the SHU/ SuperMax) and that it cost so very much, (the same as the SHU/SuperMax). It is something quite terrible and inhumane in society, it is violence carried to its illogical extreme, (the same as the SHU/SuperMax).

This gentleman continued in this literature by stating, he personally believed (in which this writer concurs) that people condemned to death (and/or the SHU/SuperMax) contain some real answers to society's questions as to why people commit crimes. And that some of these people have so much to offer as a benefit to society, which is lost by being put to death (and/or the SHU/SuperMax for years). But, CDC is calling the people within the SHU/SuperMax Units as the worst-of-the-worst. Yet, it is only a bonified M.D. within the arena of psychology that is qualified to place this type of label on an individual and/or individuals; however, once this is no longer true about the individual and/or individuals, the label must be removed, which again can only be done by a bonified M.D. of Psychology.

In conclusion, people within the SHU/SuperMax are without any hope; as a result, they are ready to die as if they were condemned by the state to death: but, within this drastic mode, one can still find principals and morals: and one can still find hope that the struggle will benefit the others, if not themselves.

In other words, continuing the hunger strike to its fullest is a revolution for dignity, humanity, justice, and hope.

But for the State of California's Department of Correction it is a means of murdering a group of individuals, that the administrators, officials, and guards, have condemned to die for the pre-conceived idea that these individuals are a threat to the safety of the institution. To put it another way, it is the case of Institution vs. dignity and humanity.

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