

Solitary Watch

Criminal Justice Issues and Prisoners' Rights

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by [Sal Rodriguez](#) | July 3, 2014



The latest and largest of three hunger strikes in California prisons began nearly a year ago, on July 8, 2013. The strike brought international attention to California's liberal use of indefinite solitary confinement and resulted in legislative hearings and the introduction of bills to curb solitary in both houses of the California state legislature. (Only one of these bills State Senator Loni Hancock's SB892, remained in play at the end of the legislative session in June, passed by the Senate and waiting to be taken up by the Assembly in the next session.)

For decades, California prison officials have placed individuals with real or suspected prison gang affiliation in SHUs for indeterminate terms with few means available of being released from the SHU. As a consequence, thousands of people in the California prison system have spent years, some even decades, in small, isolated prison cells for up to 24 hours a day, with few rehabilitative or educational resources made available to them. There are currently SHU facilities in five California prisons: Pelican Bay State Prison, California State Prison, Corcoran, California State Prison, Sacramento, California Correctional Institution, and at the California Institution for Women.

In light of the various pressures of international, federal and state legislative scrutiny, it appears that the California Department of Corrections and Rehabilitation (CDCR) has made some modifications to its use of the solitary at times, in favor of expanding double-celled lockdown in the place of solitary. In 2012, the CDCR announced its intent to reform the status quo gang management strategy. The CDCR sought to revise the standards by which it defined gang affiliation and the creation of a Step Down Program (SDP) by which individuals housed in SHUs for gang affiliation would be able to gradually receive privileges, accesses to constructive programming, and ultimately release to the general population so long as they refrained from gang activity.

As the CDCR seeks to [codify](#) these reforms in the California Code of Regulations, there have been [criticisms](#) of the reforms by, among others, the Prisoner Hunger Strike Solidarity coalition, a grassroots organization created in 2011 to support the goals of the hunger strikers to reform gang management policy. Critics are concerned that in reality, the CDCR policy will continue to authorize the prolonged solitary confinement of individuals who have been validated as prison gang affiliates. While there is a system by which individuals in the SHU may leave the SHU, individuals could be held indefinitely in the SHU should they be deemed active prison gang affiliates. Significantly, the opportunities for educational programming are non-existent for 2-3 years for those who are deemed active gang affiliates.

Chief among the concerns, also articulated by individuals such as attorney Charles Carbone during a [hearing](#) on gang management policy in February, is that the proposed CDCR reforms would actually expand the number of individuals classified as gang affiliates who may end up in segregation units.

This concern was echoed by Claude Marks from the Prisoner Hunger Strike Solidarity coalition, who in a statement to Solitary Watch, wrote that we think that the changes to the Step Down Program and issues of validation are a smokescreen to broadening the bases of gang validating (now called Security Threat Groups) Under the guise of improvement of conditions, and re-evaluating the basis for long-term solitary, the CDCR is actually attacking the basic human rights struggle by denying responsibility for damaging human lives with decades of solitary and by expanding the ways in which leadership can be validated and further punished, says Marks.

To evaluate the concern that the revised policies are broadening the numbers of gang affiliates and individuals in solitary confinement in the SHU, Solitary Watch has reviewed population figures of the number of individuals currently identified as prison gang affiliates, and the number of individuals held in solitary confinement in the SHUs over the past year.

Earlier this year, the OIG released its third [report](#) on the progress the California Department of Corrections and Rehabilitation has made in implementing its *Future of California Corrections Blueprint*. The [blueprint](#) was released in 2012 with the overarching goals of ending federal court oversight of the state prison system, improving the state prison system, and saving taxpayer money. Pursuant to these goals, the blueprint placed a focus on revamping the inmate classification system, gang management strategies, and enhancing access to rehabilitative programs, among other [reforms](#).

In total, as of February 24, 2014, there were 2,832 individuals identified as prison gang affiliates in the California prison system. Of them, 2,281 are held in a SHU facility. The remaining 551 validated gang affiliates are housed in some other segregation unit, including Administrative Segregation Units and, increasingly, general population facilities. The graphic below comes from the latest OIG report showing institutional breakdowns on the numbers of prison gang affiliates.

Validated Affiliate Inmate Populations

Prison	STG Members	STG Associates	Total STG Inmates
California Correctional Institution	28	450	478
California Institution for Women	0	3	3
California State Prison, Corcoran	78	433	511
California State Prison, Sacramento	22	63	85
Pelican Bay State Prison	351	853	1,204
Others (Statewide) in Administrative, Segregation Units (ASU), California Out-of-state Correctional Facilities (COCF), Condemned Housing, General Population (GP), and Reception Centers (RC).	93	458	551
Statewide Totals	572	2,260	2,832
Source: CDCR - Data as of 2/24/14			

In comparison, the following figures come from the first OIG [report](#) in 2013, showing similar breakdowns in gang affiliate numbers using data from January 2013:

Validated Affiliate Inmate Populations

Prison	STG Members	STG Associates	Total STG Inmates
California Correctional Institution	56	518	574
California State Prison, Corcoran	148	533	681
Pelican Bay State Prison	257	798	1,055
California State Prison, Sacramento	20	79	99
California Institution for Women	0	6	6
Others (Statewide) in Administrative Segregation Units (ASU), Reception Centers, Condemned Housing, and California Out-of-State Correctional Facility (COCF)	98	443	541
Statewide Totals	579	2,377	2,956
Source: CDCR - Data as of 1/4/13			

These figures indicate a few interesting trends. First is the decline in the number of validated gang associates. This may be due to more stringent standards for what constitutes a gang associate, as gang associates are considered individuals who perform acts in conjunction can u order xanax online with or on behalf of prison gangs but are not themselves members of the prison gangs. Second, the decline in the number of gang associates has driven a slight decline in the total number of identified gang affiliates. In the past year, there has been a net growth in the number of identified full fledged prisons gang members by seven. Lastly, there has been an increase in the number of validated gang associates and members housed in Pelican Bay.

Ultimately, it appears that, since the implementation of reformed standards, there have been small decreases, rather than an expansion, in the number of individuals identified as prison gang affiliates. This may be a result of the case-by-case reviews CDCR has been conducting since October 2012. Every gang affiliate held in the SHU or some alternative segregation unit, such as Administrative Segregation Units pending openings in a SHU, will be re-evaluated under the revised standards for a determination of where in the 5-step Step Down Program they will be housed. Step 1 is essentially no change from the current situation and Step 5 is placement in the general population.

According to CDCR spokesperson Terry Thornton:

Those not released to general population or retained for safety or debriefing issues are placed in Steps 1-4 of the Step Down Program.

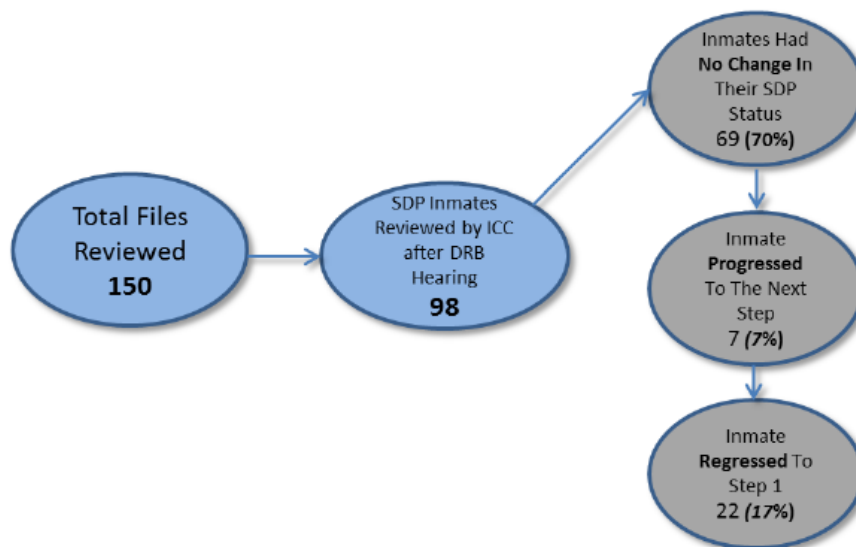
The following chart created by the OIG shows the distribution of placement in the Step Down Program as of March 4th:

SHU-Summary of Outcomes from Case-by-Case Reviews

Outcome of DRB Hearing	Number of Inmates
SDP – Step 1	40
SDP – Step 2	49
SDP – Step 3	29
SDP – Step 4	26
Release to GP - Step 5	303
Debriefed - Release to THU/GP	6
Totals	453
Source: CDCR – Data as of March 4, 2014	

The OIG has conducted a review of 150 individuals who have already been reviewed and has produced the following chart of their outcomes:

Status of Inmates Placed in the Step-Down Program (SDP)



The OIG has determined that 17 of the 22 who regressed to Step 1 had refused to participate in programming requirements for progression in the SDP.

The OIG estimates that the case-by-case review process may take up to four years to encompass all validated gang affiliates.

Solitary Watch has [previously](#) conducted a survey of CDCR COMPSTAT data to determine the number of California prisoners held in solitary confinement. According to our review, in September 2013, there were 5,938 individuals held in single-cell housing, or about 4.78% of the California prison population. This figure includes 1,772 individuals held in the SHU, or about 45.6% of the total number of SHU inmates at the time.

Single-cell housing as a category is the best measure available of the number of people in solitary confinement. Aside from the metric of single-cell housing, trends in the increase of double-celling individuals in the SHU brings with it its own set of [problems](#). Having a cellmate under this circumstance forces you to modify your daily life to account for the mood swings, biological activities, and other idiosyncrasies of someone who is always no matter how far in this tiny cell you go only 2 steps away from you, [writes](#) a group of individuals in the SHU at Corcoran.

The most recent figures reported by CDCR are available [here](#). Consistent with Solitary Watch's previous review, the data shows that, between December 2012 and December 2013, the number of people held in the SHUs remained fairly stable. In December 2012, there were 3,897 housed in a SHU, and in December 2013, there were 3,906 housed in a SHU. Taken together with the OIG numbers, it appears that while there have been declines in the number of inmates held in the SHU for gang affiliation, there have been increases in the number of inmates held in the SHU for rules violations. In other words, despite the transfer of hundreds of individuals out of the SHU for gang affiliation, there were fairly constant population levels in the SHU, suggesting that CDCR still heavily relies on SHU housing for disciplinary purposes.

Recent data from COMPSTAT indicates that there have been notable, though slight, decreases in the number of individuals single-celled in the SHU. Between December 2012 and December 2013, the number of single-celled individuals in the SHU declined from 1,891 to 1,654. As a result of this decrease, the percentage of individuals in the SHU held on single-cell status fell from 48.5% to 42.3%, including a 4% decrease between September 2013 and December 2013, likely reflective of greater numbers of once single-celled gang affiliates being released to the general population due to the case-by-case reviews.

For opponents of solitary confinement in California, it does appear that the number of individuals held in solitary are on the decline. It further appears, for now at least, that the CDCR reforms are reducing the number of people being held in the SHU and are giving some of those held in

the SHU some greater opportunities to access constructive programming opportunities in and out of the SHU. Further scrutiny is warranted to ensure that this not just a temporary trend, and Solitary Watch will provide updates in the future on this matter.

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.

Also, in response to Brenda, the safety of officers and inmates must be considered. However, can you suggest a solution to a problem such as this WITH HOUT administering continual torture to individuals? (reminder; 14+ days in solitary=internationally recognized torture). Every individual deserves to be treated justly and responsibly, and shu punishes rather than keeps others free from the fear of violence. Here's an example. A call for medical help will more than often result in a beating and withdrawal of food. Does this keep others safe??

In response to Brenda, I agree that gang affiliates could be dangerous because gangs are often more loyal to their gangs than they are to their families. But keeping people in the shu or ad seg just because they talk to someone or know someone, or perhaps have a newspaper article about a gang member or any other kind of writing that mentions a gang member does not automatically make them a danger to gen pop. Yet they are treated as if they are and there is nothing they can say in their own defense. It's not so cut and dried. People should be judged by their behavior not by what you think might happen. It's cruel. When people understand what got them there and have tried hard to show they want to have a better life they should be given the chance to earn that, not just lump them all together and tell them they have no chance to rise above.

The step up process in California is going to be very long and after a long time in solitary people will be suffering from PTSD (post traumatic stress) at the VERY LEAST, and not receive the counselling they desperately require. The effects of this disorder can make life difficult for anyone and particularly in a prison environment can lead to outbursts of frustration, aggression even violence, turning the whole situation full circle anyone released from years in shu needs to be offered a decent counsellor.

But is it right to keep someone in the shu just because they know someone, but their own personal record is exemplary? Allowed no programs, only 3 books and treated to humiliate him. But he's told that he'll never leave because he's Latino and they keep Latinos on the same block. I write a website called My Name is Jamie. Life in Prison. <http://www.mynameisjamie.net> I recently added a page at the top of the site from a man in the shu at San Quentin who wrote to me about this. It's a good read.

Page 123 of http://antitorture.org/wp-content/uploads/2014/03/Report_Observations_Govt_Communications_Replies_2014.pdf

I'd like a citation for the claim that more than 14 days is internationally considered to be torture.

Validated inmates are not in SHU for anything they have actually done. Violent acts have a specific length of time as penalty maximum five years. However, more than 14 days is internationally considered to be torture.

What do people suggest they do for prisoners affiliated with prison gangs? Let them into the general population so they could kill other inmates and put the officers in danger? That's a hard one to figure out. A correctional officer is a dangerous job as is, but what do people want? I understand solitary confinement is horrific, but they need to come up with something

Keep up the reviews I suggest monthly. Let's see how many are in SHU at this time next year. CDCR wants those cells full.

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