

California Prison Conditions behind largest Hunger Strike in State History

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Since July 8 thousands of inmates across California's vast prison system have been engaged in the largest hunger strike in state history. The mass inmate opposition is being directed towards deteriorating prison conditions and the use of indefinite solitary confinement practices, a form of state-sanctioned torture. The California Department of Corrections and Rehabilitation (CDCR) issued a press release on Thursday officially acknowledging, for the first time, the hunger strike that has rocked 24 of the 33 state prisons it oversees, in addition to the four out-of-state for-profit facilities utilized by the state.

The hunger strike, which at its peak saw 30,000 inmates refusing meals, continues to attract broad support. According to the CDCR press release, nearly 12,500 inmates have refused at least nine consecutive meals--the threshold set by the department for a hunger strike--since the start of the mass statewide action against prison conditions on Monday. "In addition," the statement read, "1,336 inmates have refused to participate in their work assignments or attend educational classes."

The CDCR warned inmates that they "could face disciplinary action" for engaging in a "mass disturbance," such as a coordinated hunger strike or work stoppage, both of which are considered "violations of state law." In order to "maintain normal program operations," the CDCR further warned that it could potentially "take additional measures to effectively monitor and manage hunger strikers and their nutritional intake," a statement that appears to threaten the force-feeding of inmates.

As of this month, according to the most recent CDCR figures available, California incarcerates approximately 133,000 individuals in its prison system, with nearly 9,000 of those being housed in out-of-state facilities run by private firms. Often with little or no public accountability, these for-profit prisons are given contracts by the state to house the "excess" or "overflow" from California's publicly run facilities. Corrections Corporation of America (CCA), which operates the private facilities California utilizes outside the state, is the largest for-profit "corrections corporation" in the United States. Utilizing facilities located in Arizona, Mississippi and Oklahoma, California's decision to transfer inmates to these private prisons has created additional barriers, both geographical and financial, for family members who now have to travel out of the state.

The outsourcing of inmates to privately owned out-of-state facilities is a direct result of overcrowding in the California prison system. In October 2006, Republican Governor Arnold Schwarzenegger issued a "Prison Overcrowding State of Emergency Proclamation," which

paved the way for transferring of inmates to out-of-state for-profit facilities.

In late May 2011, in a 5-4 decision, the United States Supreme Court ruled in *Brown v. Plata* that the overcrowding situation in California prisons violated an inmate's Eighth Amendment constitutional right against cruel and unusual punishment. In that decision, which upheld a lower court's previous ruling from 2009, the Supreme Court ordered the state of California to reduce its prison population by over 33,000 inmates in order to reach a capacity level of 137.5 percent, or approximately 110,000 total inmates (the level initially requested by the lower court in 2009).

On July 1, 2011, a little over one month after the *Brown v. Plata* decision was handed down, dozens of inmates held in solitary confinement at Pelican Bay State Prison (PBSP), housed in what are known as Security Housing Units (SHUs), began a hunger strike to demand more humane prison conditions. That hunger strike, called off by inmates after the CDCR agreed to negotiate, lasted nearly four weeks and had as many as 6,500 inmates from across the state take part in the mass action. After negotiations failed, the hunger strike resumed on September 26, 2011, attracting as many as 12,000 inmates for nearly three weeks. Despite promises by the CDCR to implement reforms, little has changed.

Currently the CDCR is operating at just over 146 percent of state capacity, with more than 123,000 individuals housed in state-run facilities; the California prison system was only built to safely house some 80,000 inmates. Although the prison overcrowding state of emergency was rescinded in January 2013, the CDCR required another court extension, through the end of 2013, to reduce prison population to the mandated 137.5 percent of state capacity.

The five "core demands" currently being raised by inmates made their initial appearance two years ago, during California's 2011 hunger strike, where they were first drafted and signed by inmates from Pelican Bay's SHU. Two years later, as the largest hunger strike in California history enters its first weekend, thousands more have joined in the renewed calls for improved prison conditions.

The Prisoner Hunger Strike Solidarity (PHSS) coalition, a group that has worked with inmates to publish letters and make public announcements on their behalf, lists the demands as follows: an end to "group punishment [for individual actions] and administrative abuse;" elimination of the "debriefing policy," which rewards individuals who provide information on other inmates, and the modification of "gang status criteria;" an end to indefinite solitary confinement; access to "adequate and nutritious food;" and, the creation of "constructive programming and privileges for indefinite SHU status inmates."

In 2011, Amnesty International published a report detailing the widespread use of indefinite solitary confinement practices in California prisons. The report found that under state laws and regulations, "the SHU is intended for prisoners whose conduct endangers the safety of others or the security of the institution. [...] However, more than 2,000 prisoners are serving 'indeterminate' (indefinite) SHU terms because they have been 'validated' by the prison authorities as members or associates of prison gangs." There are at least 4,527 inmates currently serving indefinite terms of solitary confinement in these units.

The 2011 report also found that in PBSP alone--where 1,180 inmates are housed in SHUs--"more than 500 prisoners [were] serving indeterminate SHU terms [and] had spent ten or more years in the Pelican Bay SHU; of this number, more than 200 had spent over 15

years in the SHU and 78 more than 20 years.”

Inmates are increasingly placed in the SHU for an indefinite amount of time, with no vocational training opportunities or educational programs offered. In addition, inmates are not allowed any religious congregational visits and most do not have a television or a radio. The overwhelming majority of inmates in these situations spend 23 hours of the day in a windowless cell that measures 11’7” by 7’7”.

For prisoners sent to the SHU on indefinite terms, it is understood that there are very few options available to them to get out. Earlier this year, Mutope Duguma, an inmate held in the SHU at PBSP, described the situation he and other inmates experience daily. “To subject any human being to these torture chambers indefinitely is inhumane [...] we prisoners are made to suffer each day of our lives in solitary confinement until we debrief, parole or die--and most of us, if not all of us, are lifers.” Outside of debriefing--which simply means providing valuable information on other inmates’ activities or connections, such as gang affiliations--inmates are more or less stuck. One of the five “core demands” being raised is the elimination of the debriefing policy, which leads to false accusations and puts inmates’ lives at risk.

What is taking place in California prisons is properly called solitary confinement, which is widely understood as a form of torture. From its inception, the use of solitary confinement techniques has had a sordid history; both in regard to its reasoning and its results.

The first study of the use of isolation techniques dates back to 1829 at the Eastern State Penitentiary in Philadelphia, Pennsylvania. While religious crusaders believed that inmates placed in a concrete room with only a Bible would force “correction,” researchers discovered that it did nothing more than exacerbate and damage their mental conditions. The effects were mental breakdown, the inability to reintegrate into society and, in the most serious cases, suicide.

Despite an 1890 United States Supreme Court ruling that found that inmates incarcerated in these types of units no longer rendered “subsequent service to the community,” the use of isolation units continued through the 20th century.

In 1934 one of America’s most famous prisons, known popularly as Alcatraz, opened its doors in the San Francisco Bay. Known as D-Block, an isolated hallway in Alcatraz consisted of multiple chambers to house inmates solitarily. While most in D-Block still received basic necessities such as food and clothing, and even received minimal contact with other inmates, one room was kept for particularly “disruptive” inmates--it was euphemistically referred to as “The Hole.” In the most depraved of scenarios, inmates were kept without light and forced to remain naked for 23 hours a day.

Today, despite euphemistic terms to elide what is taking place, the conditions of solitary confinement, Administrative Segregation (AdSeg) or Secure Housing Units (SHU) are as barbaric and perhaps more widespread than ever.

The conditions inmates in these situations face can include being kept in tiny, windowless, soundless cells, under constant fluorescent lighting and video surveillance, and only receiving contact with loved ones via short, scheduled video calls. Numerous studies on the psychological effects of inmates condemned to isolation have revealed the negative effects of solitary confinement.

Michael “Zaharibu” Dorrough, an inmate who has participated in the hunger strike and who is held in Corcoran State Prison’s SHU, gave a glimpse of life in isolation. “Over the years you have seen other people snap. Human beings cutting themselves. Eating their own waste. Smearing themselves in it. And sometimes throwing it at you. Human beings not just talking out loud to themselves--but screaming at and cursing themselves out. How could you not be affected by this kind of madness?!”

Juan E. Méndez, the UN Special Rapporteur on torture, spoke before the UN General Assembly not long after the 2011 hunger strike ended in California. Among other things, he characterized the use of solitary confinement beyond 15 days as torture and called for its “absolute prohibition.”

“Segregation, isolation, separation, cellular, lockdown, Supermax, the hole, Secure Housing Unit [SHU],” Méndez said, “whatever the name, solitary confinement should be banned by States as a punishment or extortion technique.” The 1984 United Nations Convention against Torture defines torture as, “any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person.”

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