

# Seven Months After Historic California Prison Hunger Strike, Hearings About Solitary Confinement to Take Place

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Tomorrow [Feb.11, 2014], California lawmakers will hold a hearing about the use of solitary confinement inside its state prison system. February marks seven months since people incarcerated throughout California embarked on the mass hunger strike that has drawn legislative attention to prison conditions.

Just under two weeks ago, the California Department of Corrections and Rehabilitation (CDCR) [released new proposed regulations](#) around its gang policies, and it points to changes already made. Accounts from former hunger strikers and their allies on the outside, however, suggest that change is slow in coming.

The hunger strike that began on Monday, July 8, 2013, was originally called for by men in the Security Housing Unit (SHU) in California's Pelican Bay State Prison. Inside Pelican Bay's SHU, people are locked into windowless cells for at least 22 hours a day. Prison administrators place them in the SHU either for a fixed term for violating a prison rule or an indeterminate term for gang membership.

Accusations of gang membership often relied on confidential informants and circumstantial evidence. Accusations of gang association were also based on circumstantial evidence, such as possessing certain artwork or books – including Aztec or Black history – exercising with others or even signing a group petition.

Tomorrow, California lawmakers will hold a hearing about the use of solitary confinement inside its state prison system. Opponents of solitary confinement plan to pack the hearing room and gather afterwards for a rally and lobbying visits to legislators.

Hundreds of people have been confined within the SHU for over a decade. Until recently, the only way to be released from the SHU was to debrief, or provide information incriminating other prisoners, who are then placed in the SHU for an indeterminate sentence.

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The call to strike was taken up across California and in out-of-state prisons where California prisoners are held. Thirty thousand people responded, refusing meals the first several days.

Hunger strikers issued five core demands, including the elimination of "group punishments for individual rules violations"; changes in the criteria for being "validated" as gang

members and for “debriefing” from gang status; compliance with the recommendations of the U.S. Commission on Safety and Abuse in Prisons regarding an end to long-term solitary confinement; provision of “adequate food”; and expansion of “constructive programs and privileges for indefinite SHU prisoners.”

The men of Pelican Bay issued 40 additional demands, such as expunging all violations issued for participation in the 2011 hunger strikes, and prohibiting retaliation for those participating in the most recent strike.

The strike ended on Sept. 5, 2013, or Day 60. California legislators Loni Hancock, chair of the Senate Public Safety Committee, and Tom Ammiano, chair of the Assembly Public Safety Committee, issued a statement of support for the hunger strikers and promised to hold hearings around SHU placement and long-term solitary confinement. Their support pushed both the CDCR and the hunger strikers towards a resolution.

The following month, on Oct. 9, 2013, lawmakers held the [first joint Public Safety Committee hearing on solitary confinement](#). The hearing lasted four hours and included testimony from CDCR officials, academics, former prisoners and family members.

But what changes have hunger strikers and other California prisoners seen since then?

The Step Down Program resumes

On Friday, Jan. 31, 2014, [CDCR unveiled new regulations around its gang policies](#). Under these draft regulations, validated gang associates and members can have the designation removed from their records if they avoid gang activities for approximately six years (for associates) or 11 years (for members). In addition, both associates and members must have been released from the SHU to Step 5 or be housed in general population.

The regulations are an extension of CDCR’s Step Down Program, which was unveiled in fall 2012, one year after the first round of prisoner hunger strikes.

CDCR submitted these regulations to the Office of Administrative Law on Jan. 31. The 60-day public comment period will end April 3 with a public hearing that morning in Sacramento. Any person – including people in jails and prisons – can submit public comments in writing. Comments must be submitted to the CDCR, Regulation and Policy Management Branch, P.O. Box 942883, Sacramento, CA 94283-0001; by fax at (916) 324-6075; or by email at [m\\_STGRegulation@cdcr.ca.gov](mailto:m_STGRegulation@cdcr.ca.gov) before April 3.

The 60-day public comment period for the new CDCR gang policy regulations will end April 3 with a public hearing that morning in Sacramento. Any person – including people in jails and prisons – can submit public comments in writing.

The Step Down Program evaluates prisoners with indefinite SHU terms for release into general population. Both prisoners and their advocates have criticized the program, noting that even those who have spent years in the SHU may still be required to spend two to three additional years in solitary confinement under this program.

The debriefing program remains in place. In addition, criteria that were formerly used to prove gang association – such as possessing certain art or literature, exercising with others or even saying hello to another prisoner – can now be used to prove gang membership.

CDCR temporarily halted its review process during the first weeks of the hunger strike but resumed evaluations before the strike ended. In December 2013, Pelican Bay prisoners reported that the review process had started for those who had been classified as gang members.

According to one prisoner, several were approved for Step Five – or release directly into general population from the SHU. One of those approved had been in the SHU for over 40 years. Since the start of the program, [CDCR has reviewed 632 SHU prisoners](#) for gang membership. Of those, 408 have been cleared for release directly to general population; 185 remain in the SHU but with more privileges.

While the possibility of being released to a less restrictive housing unit is enticing, those waiting to be evaluated are wary of the program. “The Step Down Program is still an institutional means of getting around the indeterminate SHU program and incorporating a vehicle by which one can still get stuck in the SHU indeterminately,” wrote one person, who was scheduled to be reviewed that week. “At any time, they can deny you or set you back a step or two if they feel you are not meeting certain requirements.”

In addition, SHU prisoners in both Pelican Bay and Corcoran State Prison decry the requirement that prisoners relegated to Step Two or Step Three complete a journal focusing on subjects such as “the reasons I’ve led a life of crime.” Those who refuse to complete the journal are considered as [having failed to complete program requirements](#) and are unable to move into the next step and thus remain in the SHU.

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In Corcoran State Prison, Heshima Denham was recently reviewed for the Step Down Program. As part of the review process, he was allowed to examine the journal. He later called it [“a blatant character invalidation and brainwashing tool.”](#)

“It does not embody or address the needs of the majority of us in SHU, of what and who we are,” agreed a SHU prisoner in Pelican Bay, “nor is it indicative of what’s in our best interest.” He described several questions in the journal entitled “The Con Game”:

- Do you have a problem when people correct you, even if they do it in a supportive way? Yes/No.
- Give an example of how you might think and/or act in this way.
- Do you ever play the “con game”? Yes/No.
- Explain.

“One can’t help but believe if one does not respond in the affirmative to the questions, that the reviewers and evaluators would deem one a program failure, not suited for advancement within said program because the overseers of this Step Down Program view us all as flawed in character with no social or moral compass,” he noted.

In addition, both he and Denham have stated that the journal dismisses socio-economic factors as a “myth” of the con game. In separate letters, both point to the [same example](#):

“Myth: Criminals are the victims of society. They are products of dysfunctional families, abusive childhoods, bad neighborhoods, poor schools and an unfair economic system. ‘My criminal behavior isn’t my fault. I just learned to survive the best way I knew how.’ Truth: Each person is responsible for his or her own thinking and behavior. Many people grow up in difficult circumstances and lead responsible, crime-free lives. Task: Explain how you have practiced this myth in the past.”

However, SHU prisoner Todd Ashker recalled that, during his September 2013 meetings with hunger strike representatives, Michael Stainer, director of CDCR’s Division of Adult Institutions, told them: “There are no right or wrong answers to the journal questions. You maintain possession of them. All that’s required is that you show it to the committee. They look at it on the spot, see it’s done and give it back to you and you can tear it up and trash it.”

Given Stainer’s assurances, Ashker urges, “If this isn’t how it works, people should challenge and document any and all problems.”

In the meantime, prisoners, family members and the general public have 60 days to comment in writing about CDCR’s new draft regulations. A public hearing will be held on April 3, 2014, in Sacramento.

Small changes come to the SHU, along with reports of retaliation

People in Pelican Bay’s SHU have reported some changes since the hunger strike. Lorenzo Benton reported that several items, such as sweats, thermals, T-shirts, shorts and several foods, have recently been approved for their use. Mutope Duguma reported that SHU prisoners have now been offered the opportunity to take free correspondence courses from Feather River College Tsunami Adult School’s Voluntary Education Program. Duguma has signed up and is waiting to learn what courses he is eligible to take.

However, SHU prisoners have also reported that staff have taken retaliatory actions towards hunger strike participants. “Since the hunger strike, I been dealing with retaliation in the form of two separate serious CDC-115 write-ups,” wrote Paul Redd. He was found not guilty on the charges of inciting a mass disturbance and work stoppage but was found guilty of what he called a “noncharge – refusing to eat.”

In addition, institutional gang investigators searched his property and issued him a write-up for a 10-year-old greeting card. The card depicted a Black man holding a child. On his arm were the words “Weusi Agosti” or “Black August” in Swahili. Redd was found guilty of promoting gang activity, thus drastically decreasing his chances of release from the SHU when he is reviewed for the Step Down Program.

Mutope Duguma has also reported retaliation. He states that staff have tampered with food. He describes the Thanksgiving meal as “three small diced sweet potatoes, 1×1 size cheesecake, two very small hot dogs, green beans (about 10), and a salad that was all bad.”

“If they wanted to provoke prisoners, they almost got exactly what they wanted because people were furious,” he recounted. When Duguma complained to the warden’s office, he was told, “The problem with the Thanksgiving meal was identified by correctional staff and is being dealt with.” A letter from another hunger strike participant, dated Jan. 15, 2014, confirms that the food portions remain small.

In addition, Duguma, who was sent to the medical facility at Folsom during the hunger strike, returned to find several of his certificates – including one for his GED – missing. For Duguma, the missing certificate may prevent him from enrolling in the newly-offered college courses.

Isaac Ontiveros, a member of the Prison Hunger Strike Solidarity coalition, stated that the coalition has received letters from numerous people inside California's SHUs detailing similar acts of retaliation. Every hunger striker received CDC-115 write-ups for their participation. He also noted that Black people appear to be bearing the brunt of additional retribution. Both Redd and Duguma are Black.

### Preparing for another hearing

Legislators have scheduled a hearing focusing on CDCR's new Gang Management Policy for Feb. 11, 2014. According to Ontiveros, at that hearing, legislators will press CDCR to provide a more detailed explanation of the Step Down Program. Family members and supporters are organizing caravans to attend the hearing in Sacramento. However, those most impacted by the new policy – people in the SHU – have not been invited to speak.

Ontiveros notes that, in addition to testifying about conditions and the effects of long-term isolation, SHU prisoners can also speak about steps that can be taken to reduce CDCR's overreliance on solitary confinement. "The prisoners have been doing research," he pointed out. "They've been looking at what's happening in Mississippi and how prison management can be changed. They've also been reading about the Norwegian prison system. The CDCR has cited security concerns [against having a SHU prisoner testify before the legislature in Sacramento], but what about having them use Skype to speak at the hearing?"

Opponents of solitary confinement plan to pack the hearing room and [gather afterwards](#) for a rally and lobbying visits to legislators. With more than 10,000 souls in isolation on any given day – 3,881 people in SHU cells and 6,734 in Administrative Segregation Units [as of Sept. 30, 2013](#) – California is the nation's leading practitioner of solitary confinement.

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With strong movements on both the inside and outside and a few apparently sympathetic ears in the legislature, reformers have sown the seed for change – but only time will tell when they come to fruition in the kind of sweeping reforms the state's prison system demands.

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