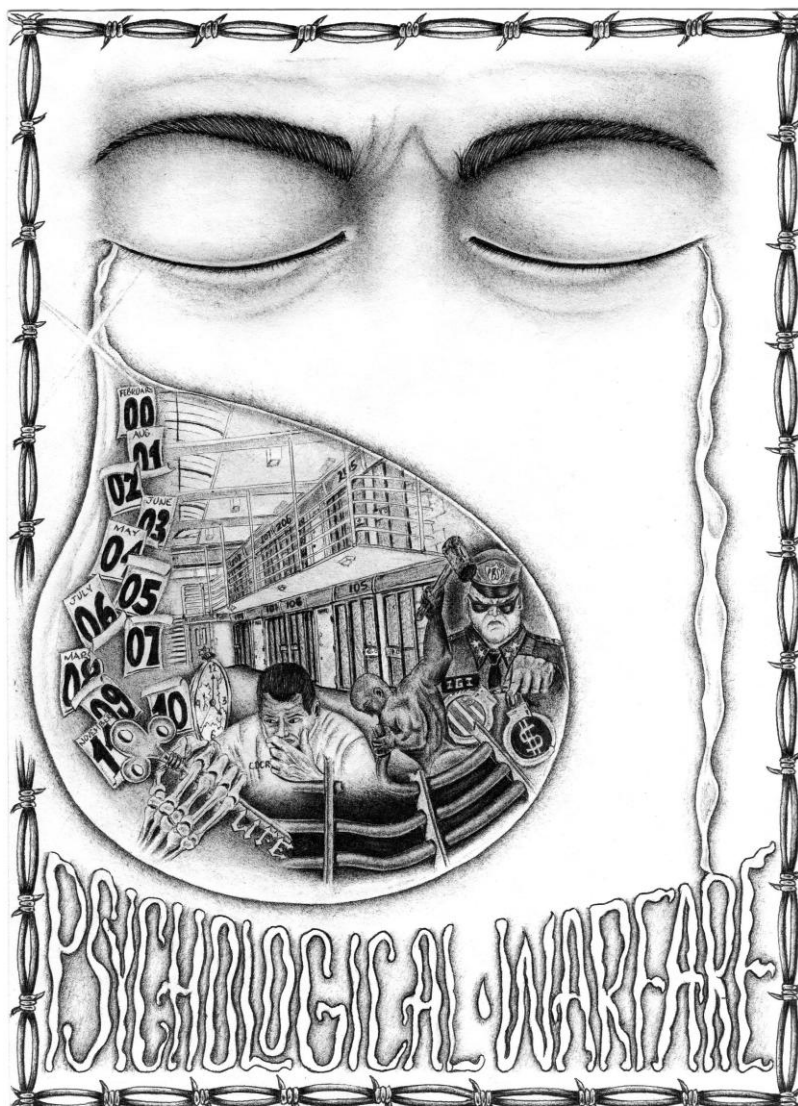


**A Cage within a Cage:**  
*A Report on Indeterminate Security Housing Unit (SHU)  
Confinement and Conditions*

June 2012



Legal Services for Prisoners with Children  
1540 Market Street Suite 490  
San Francisco, CA 94102  
<http://www.prisonerswithchildren.org>

## Dedication

This report is dedicated to all of the men and women who are currently undergoing and have undergone the torturous conditions that come with being forced to live in solitary confinement. We would like to thank all those who participated in the survey as well as those who received it but were not able to complete it. Only through the personal voices and testimonies of you who live in these circumstances can we begin to understand the actual state of your situation. We hope that you all continue to have the strength to survive while society becomes aware of this ongoing inhumanity.

This report has been updated and is being reissued to coincide with Father's Day, 2012, and the one year anniversary of the historic 2011 prisoner hunger strike. It was submitted to the U.S. Senate Judiciary Subcommittee on the Constitution, Civil Rights, and Human Rights Hearing on June 19, 2012, entitled "Reassessing Solitary Confinement: The Human Rights, Fiscal, and Public Safety Consequences."

*Composed with the permission of Pelican Bay and Corcoran SHU prisoners:*

Lauren Liu, Legal Intern, University of California, Berkeley  
Stephen Butts, Legal Intern, Golden Gate University School of Law  
*under the supervision of*  
Robin Rederford, Intern Coordinator/Community Liaison  
Carol Strickman, Staff Attorney

*Cover art by Pelican Bay SHU prisoner, who explains his drawing:*

*"The years (11) represent the time I've been in SHU. It's actually (12) years. The skeletal hand and key = life, what you get in SHU if you don't debrief or parole, which will lead to death, the guy looking at a broken clock = time stays still in SHU/my section/pod. I'm the guy trying to break free, not just from prison but from the psychological torture. The PBSP (gang) officer with the cuffs trying to make more money – only in America! The eyes and tears and the lettering...I'll leave it to everyone's interpretation."*

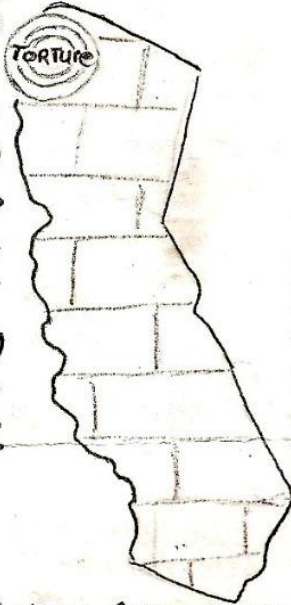
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Buried

IN

PELICAN BAY



SOLITARY CONFINEMENT

SHU - COMMUNICATION MANAGEMENT  
UNITS ANTI-SOCIAL PROGRAMMING  
(D-Facility Units 1-5, Short Corridor)

*Drawing by  
Pelican  
Bay SHU prison*

## **I. INTRODUCTION**

Imagine being in a prison within a prison in a six-by-ten foot concrete room the size of a bathroom for 22 ½ - 23 ½ hours a day, with no windows, by yourself, for twenty to thirty years. You are unable to see the sun or experience fresh air. When you are released for that short period of time, you walk down a narrow hallway into another small concrete room with a partial view of the sky.

You are not allowed physical contact with any person, unless it is with a guard, who is not very friendly toward you. You receive only “non-contact” visits behind a pane of glass, which rarely, if ever, happen. You are located in a prison too far away for your family to visit because of the time and cost involved just getting to the prison. You are never able to make a phone call or send a photograph of yourself to your loved ones. Your incoming and outgoing mail is restricted. You are virtually cut off from every important person in your life.

Imagine the psychological torture of being in your own head without any exercise equipment or rehabilitation programs to occupy your time. As one prisoner states, “SHU placement is torture and the secondary effects upon my family are profound.” Welcome to solitary confinement in California, otherwise known as the SHU (security housing unit). The title of this paper, “A Cage within a Cage,” refers to the home of isolated prisoners in the SHU.

Many SHU prisoners are kept indefinitely in solitary confinement based upon a classification given to them by the California Department of Corrections and Rehabilitation (CDCR). Classifications of prisoners in the SHU include alleged gang members or associates and those deemed to be a security risk. In practice, jailhouse lawyers and politicized prisoners who speak out are disproportionately represented in the SHU. The objective of this report is to inform the reader about these prison conditions, and the effects of the conditions on the prisoners.

In August 2009, a Pelican Bay State SHU prisoner contacted Legal Services for Prisoners With Children (LSPC) to propose that we survey prisoners who are currently living in the SHU or have spent time there. The survey would document the effects of long-term isolation and raise awareness of the conditions specific to prisoners placed indefinitely in the SHU. The survey, entitled “Indeterminate SHU Confinement Questionnaire,” was sent out in March 2011 to SHU prisoners at both Pelican Bay State Prison and California State Prison Corcoran. The survey included questions about the prisoners, their families, and the conditions in which they reside. This report demonstrates the current situation of this segregated population of prisoners in the SHU is dire.

On July 1, 2011, SHU prisoners at Pelican Bay State Prison began an indefinite hunger strike to protest their appalling living conditions in an attempt to change existing policies. It lasted for 20 days. The hunger strike was led by prisoners housed in the “short corridor” of the Pelican Bay SHU, a wing where CDCR reportedly places those prisoners it deems pose the greatest threat, and where conditions are harshest. At its peak, the July hunger strike had 6600 participants from 13 California prisons, as well as international support as far-reaching as Perth, Australia. The prisoners resumed the hunger strike on September 26, 2011, even before fully regaining their health from the earlier strike, because they felt the promises CDCR had made were not being fulfilled. This phase of the hunger strike lasted 18 days with CDCR reporting that almost 12,000 prisoners participated. Participation was defined as foregoing nine prison-issued meals in a row. This report sheds light on why so many prisoners would risk their lives to protest conditions of solitary confinement in California’s SHU and Administrative Segregation Units.

## **II. METHODOLOGY**

LSPC wrote a survey that included questions provided by the SHU prisoner who initially proposed the survey. The list included names of individuals in each unit in Pelican Bay and

Corcoran<sup>1</sup> who would pass along copies of the surveys to others in their units.

A total of 63 responses were received over the course of three months: 47 from Pelican Bay State Prison and 16 from California State Prison Corcoran. All but two of the 63 individuals were currently housed in solitary confinement. One person was in another prison but had experienced living in the Pelican Bay SHU for fifteen years and living in the Corcoran SHU for one year. The ages of the men ranged from 32 to 67 years old, with almost half of them over the age of 50.

### **III. SURVEY ANALYSIS**

#### ***A. Length of confinement and reasons for SHU placement:***

Placement in the SHU can fall into two categories – disciplinary or administrative. If a prisoner is placed in the SHU for disciplinary reasons (rule violations), he receives a determinate (“fixed”) SHU sentence, generally between 30 days to 36 months, and may be returned to the general population when he completes his time.

If a prisoner is placed in SHU because of administrative reasons (allegations of gang affiliation), the prisoner will receive an indeterminate sentence. An indeterminate SHU sentence means prisoners are not given a specific release date from the SHU nor a specific amount of time that must be spent in the SHU. Prisoners come up for review every 6 years to determine if they are no longer actively affiliated with the gang and can be released back into the general prison population. However, prisoners are rarely found to be inactive gang members. Therefore, their six year SHU sentences can be extended indefinitely even though the prisoner may have never been found guilty of violating a prison rule or committing a gang-related act. Even prisoners who enter the SHU with a fixed term due to a rule violation can have their release prevented if they are subsequently accused of being a gang member or associate. Their terms can then be extended indefinitely as well. Of the

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<sup>1</sup> There are other SHUs in California, including a women’s SHU currently at Valley State Prison for Women. This survey was sent only to contacts of the original prisoner who requested our assistance.

individuals who responded to questions about their SHU placement, all but one reported that they were currently housed in the SHU for administrative reasons.

Of the prisoners who responded to this question, 43% were initially given a determinate term of 0-7 years. However, due to their subsequent validation as gang members or associates, they have served an additional 5 to 33 years in the SHU and continue to be in solitary confinement. The remainder (57%) were given an indeterminate SHU term at the outset.

The survey results also show how long these individuals serving an indeterminate SHU sentence have spent under such grave conditions of solitary confinement. Of those who reported the length of time spent in solitary confinement, approximately 80% had spent at least a decade in the SHU and more than half had spent at least 15 years in the SHU. Approximately 1/3 reported they had spent at least 20 years there and 20% reported they had spent at least 25 years in the SHU. The range of length of time spent in the SHU was 2 to 40 years.

***B. How to get released:***

For those who are housed indeterminately for administrative reasons, there are four ways to get released. The first method is by CDCR's "6 year inactive review policy" in which a prisoner has to wait six years before he can go in front of a board to determine if he is still considered an active gang member or associate. However, the procedure to determine this active gang affiliation is quite arbitrary and questionable evidence is used. Prisoners may be deemed to have an active gang affiliation even though the prisoner has never been found of committing a gang-related act. One prisoner's statement is representative of the experience of many. "I was up for inactive review last year, but I'm being kept for 6 more years because the Institutional Gang Investigation unit (IGI) found a list with a bunch of inmates' names on it in some other inmate's cell and they are using that as gang activity against me. I don't know who this other inmate is and I never gave anyone



permission to write my name on any list. So I have to stay in the SHU for another 6 years for someone else's action. My record is clean.”

Some prisoners listed the type of evidence used by prison authorities to establish current active gang membership. This included sending a birthday card to someone who was an alleged gang member, having artwork or political literature, or having an old address of a former friend who was a gang member. Others referenced the word of confidential informants or “snitches.” Many prisoners described the evidence as “trumped up,” “made up,” “false,” or “bogus,” and the reasons as “nonsense.” Prisoners viewed the entire process as a “sham.” Some stated that they had not been released from the SHU because they are or have become politicized and are deemed to have influential power. These individuals had books written by radical revolutionaries in their cells, such as George Jackson, and were assigned to the SHU as a result. As one prisoner maintains, “I was placed in the SHU because of innocuous free speech, i.e. referencing a publication by George Jackson (purchased via CDCR Authorization) and my art criticizing this beastly prison industrial complex.” Although one respondent was released pursuant to this policy, this is very rare.

The other ways to get released from the SHU are to parole, debrief, or die. About 70% of respondents reported they heard this from prison officials when they first went to a classification hearing to determine placement in the SHU. That prison officials would explicitly communicate this bleak information during a formal hearing is cruel, and corroborates prisoners' belief that the active/inactive review is a “sham.” One prisoner declared that when he heard that statement, the prison officials “smiled about it as though antagonizing or making fun of him!”

Paroling is a way to leave the SHU, and prisoners with sentences *are* paroled to the street from SHU when their court-imposed fixed sentences are served. However, for lifers (prisoners who received an indeterminate life sentence, such as 25 years to life, from the court) who are *eligible* for

parole (i.e. they have served the minimum sentence required by the court), being in the SHU negatively affects their ability to be found “suitable” for parole. At the time of this survey, approximately half of our respondents were eligible for parole and had been to at least one parole board hearing. Of those eligible for parole, 100% stated SHU placement had an impact on their parole suitability. One prisoner stated that “The board will not parole anyone from SHU. It’s an unwritten policy. At my last hearing in 2009, I was denied parole for ten years based solely on my continued housing in the SHU.” Another prisoner stated, “In the SHU, no prisoner is ever granted a parole release date despite a clean record, graduation from school, a job offer, a place to live – there is a 100% denial rate of parole for SHU prisoners.”

Of those prisoners who had been to a parole board hearing, 80% of them had heard from the parole board either that they would not parole while in the SHU or else that they needed to “program,” i.e. meet educational, vocational and other similar goals. These goals are impossible to meet because educational and vocational programs are not offered to prisoners in the SHU. One prisoner stated, “To parole, the board tells you that you must first 'program.' But there is no programming environment in the SHU, so it is a Catch-22.” By requiring SHU prisoners to complete programs and seek skills that are not available to them, the parole board is setting the prisoners up for endless parole denials.

One prisoner even stated that the parole board told him he must debrief to be paroled. Debriefing is the process of questioning to gain information from an individual. The prisoner becomes an informant and gives officials information about a particular gang. This poses problems for the informant, who is required to reveal information about the actions of others in order to leave. He may not actually know anything, but because he is in a desperate situation, he may lie and accuse someone else of gang involvement. If he does tell the officials and become an informant, he may face

retaliation once he is released back into general population. Further, a prisoner experiences difficulty in deciding to debrief. One respondent stated the following: “After sitting in PBSP-SHU for 21 plus years, meeting the so-called “inactive” requirements, and still not getting released from indeterminate SHU, I debriefed for my family and fiancée. I’m 50 years old and they were never going to let me out. I do not believe in or like “debriefing,” but my family is going through too much hardship with me in SHU so I have to sacrifice.”

Death is the one sure way of getting out of the SHU.

***C. Impacts/effects - access to vocational, self-help, rehabilitation or employment services:***

Lack of vocational and educational training is one of three reasons prisoners are denied parole, but prisoners in the SHU do not have access to the training programs the parole board recommends. One prisoner testified, “There are no vocational trainings, self-help, rehabilitation or employment resources available here. Nothing! The response is clear at committee. If you want programs, get out to the mainline/general population which entails debriefing.”

Prisoners are also prevented from working with outside organizations and talking to doctors and mental health professionals with whom they feel comfortable. One such individual said, “SHU also prevents me from networking with social/cultural organizations that work with delinquent youth, dysfunctional individuals and incorrigible criminals. I am unable to consult with a black clinical psychologist regarding the institutional racism. The prison clinical psychologists don’t acknowledge the existence of institutionalized racism.” Another prisoner stated, “There is no access to AA or NA programs to help with addictions.”

***D. Impacts/effects - health:***

Solitary confinement has damaging effects on the health of prisoners, as reported by 95% of the respondents who answered health related questions. Over 20% reported their health had been

affected *both* physically and mentally. One respondent stated simply that “being caged 22 and 1/2 hours a day isn’t healthy, period, for anyone.” Seventy five percent of respondents reported their physical health had been affected. One prisoner wrote, “Before being transferred to P.B.S.P., I was a very active person. I averaged two hours of exercise six days a week. More often than not I ate one meal a day, and very little junk food. Now I’m on chronic care for high blood pressure and worrisome cholesterol numbers from the lack of proper quality foods.” Just under 20% reported their symptoms went untreated or that medical treatment was inadequate. One prisoner stated “Since I’ve been in solitary confinement, I’ve been diagnosed with an enlarged heart, trigeminal neuralgia. I’ve been denied a specialist in both cases (i.e.: neurologist/cardiologist). They knew I had an enlarged heart since 2005, but didn’t tell me until 2007. I suffer pain daily.” Other symptoms prisoners suffer from include fatigue, becoming legally blind, high blood pressure, stomach problems, back pain, arthritis, asthma, and hearing loss. One unfortunate prisoner wrote, “My hearing deteriorated after being in the same pod with mentally impaired prisoners who bang with noise every day. I’m now hearing-impaired and my sight deteriorated so I’m now wearing bifocals.” The lack of sun light, and the artificial lights, has caused many prisoners to develop eye problems.

Many prisoners who responded to health related questions reported that being in the SHU has affected their mental health. SHU placement induces psychological torture due to social isolation and the deprivation of sensory, environmental, cultural, and social stimuli. They reported having conditions such as anxiety, panic attacks, clinical depression, insomnia, and bipolar disorder. One prisoner stated, “Being in solitary confinement for well over 20 something odd years has caused me to feel closed off from the rest of the world. I seem to be losing my ability to socialize with people even on the most basic of levels (i.e., I constantly feel guarded and suspicious). This is especially true here in PBSP where they’ve buried us back here in the short corridor and strictly enforce rules of

little or no contact/communication with any other prisoner outside our immediate pods - almost like we're being 'conditioned' to become anti-social human beings.” Another reported, “I almost died in there. I was pulling my hair out. I was in a deep depression. The stress was so great. I would grind my teeth in my sleep. I went six years without a cellie. I could not be around anyone. I still feel the effects of that extreme isolation.”<sup>2</sup>

**E. *Impacts/effects - family relationships:***

Our findings illustrate how SHU placement has a debilitating effect on the maintenance and sustenance of family relationships.

All these prisoners have some living family members. Almost all of the prisoners have children and some even have grandchildren. Most of the prisoners' children are adults. Almost all of the respondents stated that being in the SHU has had a negative effect on these relationships.

Prisoners in the SHU are prevented from having normal family relationships due to several barriers: the prison's distance from their families, short visits, lack of contact visits, lack of phone calls, interference with mail, and inability to send photos.

The prison location deters family members from visiting due to the length of time it takes to get to the prison and the cost of travel. Almost 70% of respondents said that the location of the prison affected their family's visiting plans. In particular, Pelican Bay State Prison is located in Crescent City, almost on the Oregon border. The prison is over 350 miles from Oakland and San Jose, and over 700 miles to Los Angeles and San Diego, which is where most of the prisoners' families are from. For most families, the cost is too high to make the trip. Many family members, especially those in Los Angeles or San Diego, feel the inconvenience of spending two days driving (one to the prison and one back) is not worth a non-contact visit that is of such a short duration. Also, the cost of driving this far is too great for most families. Many prisoners stated, “The expenses incurred are too

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<sup>2</sup> This prisoner was released by the six year inactive gang policy and is currently housed in another prison.

great. My family can't afford a bus ticket or the gas to visit." Furthermore, aging family members are unable to travel long distances. SHU prisoners are unable to get transfers to a prison closer to home due to a family member's medical hardship. Many prisoners were unable to see family members before their family member died.

The visits allowed between prisoners and their families are very short, especially in relation to how long it takes families to get to the prison. At Corcoran, visits are one hour, while at Pelican Bay, they are one and a half hours. Prisoners have said, "The distance precludes my family from visiting. It is hard on my loved ones because of the 12 hour drive and the cost of gas for only a 1 and 1/2 hour visit behind glass." Physical contact between prisoners and their families is not allowed while in the SHU. Since half the prisoners have spent at least 15 years in the SHU, that means, for those prisoners, it has been at least 15 years since they have had physical contact with their family members. Over 1/3 of prisoners had not had contact with their families in over 25 years. One prisoner had not had a contact visit in 42 years. Twenty five percent of prisoners reported they had *never* had a contact visit with their families.

The visiting environment in the SHU is like sitting in a phone booth talking to someone on the phone, with a glass window between you. One individual stated that he has never touched his fiancée and has not touched his mom since 1986. Another prisoner stated, "I haven't hugged my daughter in 6 years. The visits are becoming less and less. I'm afraid she won't know me in a couple of years." Another prisoner stated, "My relationship with my daughter is non-existent. She is mad because I can't touch or hold her during our few visits together."

Prisoners stated that, even if family members wanted to visit, visiting was deterred by the approval process. One prisoner stated, "the approval process is cumbersome and deter people from visiting." A few prisoners even reported that family members who wanted to visit were scared away

by the IGI (Institution Gang Investigation Unit). One prisoner stated, "I had very close relationships with my family and extended family. The Gang Investigation Unit has scared my family away with direct and indirect threats by saying their association with me will open up a gang investigation. My younger brother has just been intimidated. I haven't heard a word from him since."

Another factor that causes family relationships to fall apart is the lack of access to phone calls. Prisoners' loved ones are prevented from hearing prisoners' voices and vice versa. One prisoner explained that the only time he was allowed to make a ten-minute phone call was when there was a death in his family.

The prisoners' inability to send a photo home further creates a distance in family relationships, particularly for families who rarely visit. As one prisoner explains, "After twenty years, they don't know how I look now." At the time of the survey, SHU did not allow prisoner photos to be taken and shared with family members.

As a result of the July 2011 hunger strike, prisoners who are disciplinary-free for one year are allowed a single photo to be sent home. However, participants in the October 2011 hunger strike received disciplinary violations, putting their ability to benefit from this program in jeopardy.

Several respondents reported that mail is routinely withheld if a prisoner is validated as an alleged gang member. One individual contended that "PBSP-SHU practices mail restrictions on those they allege are active gang members without notice. We can't explain the contents in our letters when they misinterpret them, so basically they control who, what, when, and where you will communicate with. Obviously this creates distance with your family and loved ones. There's times that I can't answer a letter until 3-4 months later." Another prisoner stated, "They routinely withhold my incoming and outgoing mail without notification making it appear that friends and family are not responding. Friends and family have cut ties due to the frustration." One more prisoner reiterated,

“My mail takes 35 to 50 days to be delivered to me when policy states it is to be delivered within 7 days of reaching the institution.” Restricting mail for months at a time makes maintaining family relationships frustrating and even more burdensome.

Contact with family members helps prisoners survive and pass the time, knowing they are missed and loved back home. Being prevented from contact with family members, either through lack of physical contact and phone calls or mail restrictions, is difficult on prisoners and their families. Imagine knowing your children are growing up and you are unable to see them, hold them, and hardly have any contact with them. One prisoner reported, “I have not had any input in my children or grandchildren's lives.” Imagine not being able to hug your wife or hold her hand. Imagine the strain on your relationships when access is so difficult. One prisoner stated, “I have lost contact with many family members due to lack of access to phone calls, visits, and other stresses and strains.” Another prisoner stated, “I’ve lost my ex-wife and two of my kids.” Imagine not being able to hug your dying mother or father before their passing or comfort other family members when there is a death in the family.

Being separated from family is difficult. Through the denial of phone calls, contact visits, and longer visits, CDCR is disrupting family and community ties. One prisoner summed up the issue matter of factly. “One seems to lose contact with family and friends. It's like out of sight, out of mind.”

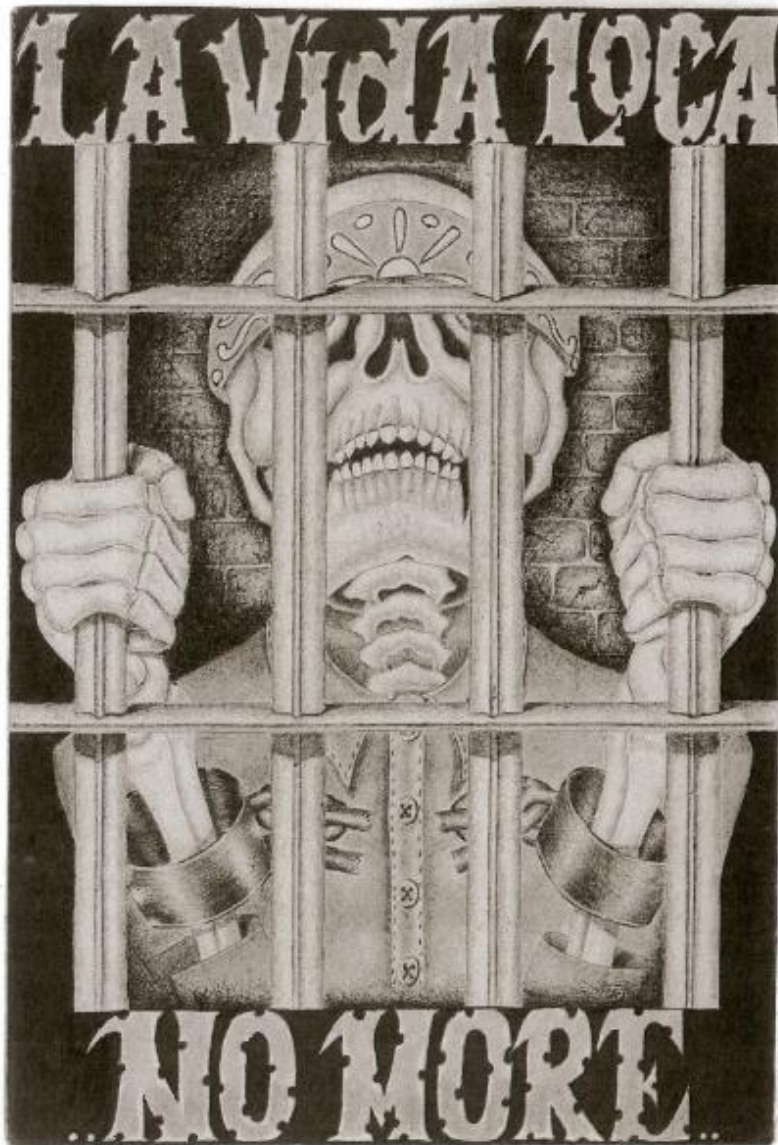
#### **IV. CONCLUSION**

The findings illustrate the inhumanity and torturous conditions that human beings are enduring in cages within a larger cage. As one prisoner states, “To knowingly seek to break a person’s spirit and take his dignity is to play with fire, especially if you intend to release this person



back out into society. This is counter-productive because a person like this no longer honors or values anything.”

However, the survey responses allow us to bear witness to the strength, resilience, and determination of these prisoners to survive the oppressive environment as they share their experiences with us. We hope that this information will be added to the bank of knowledge that already exists about solitary confinement, and that the collected data will be a catalyst to make change in the corrections system. One individual declared, “We have to rely upon outside humanity for support of those who desire to self-educate/rehabilitate and progressively reach outside this place and give back to our oppressed-struggling communities/families – the people! A calling that is long overdue for the hundreds of thousands people locked up in America’s massive prison nation!”



*Drawing by Pelican Bay SHU prisoner*