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Lawsuit Challenges Solitary Confinement at California Prison Prolonged Solitary Confinement at Pelican Bay is Cruel and Unusual Punishment, Torture, Lawyers Say

Oakland – Today, the Center for Constitutional Rights (CCR) filed a federal lawsuit on behalf of prisoners at Pelican Bay State Prison who have spent between 10 and 28 years in solitary confinement. Legal Services for Prisoners with Children, California Prison Focus, Siegel & Yee and the Law Offices of Charles Carbone are co-counsel on the case. The legal action is part of a larger movement to reform inhumane conditions in California prisons' Security Housing Units (SHU), a movement dramatized by a 2011 hunger strike by thousands of SHU prisoners; the named plaintiffs include hunger strikers, among them several of the principal negotiators for the hunger strike. The class action suit alleges that prolonged solitary confinement violates Eight Amendment prohibitions against cruel and unusual punishment, and that the absence of meaningful review for SHU placement violates the prisoners' right to due process.

"The prolonged conditions of brutal confinement and isolation such as those at Pelican Bay have rightly been condemned as torture by the international community," said CCR President Jules Lobel. "These conditions strip prisoners of their basic humanity and cross the line between human treatment and barbarity." Advocates hope that the suit will strike a blow against the increasingly routine use of solitary confinement in American prisons.

SHU prisoners spend 22 ½ to 24 hours every day in a cramped, concrete, windowless cell. They are denied telephone calls, contact visits, and vocational, recreational or educational programming. Food is often rotten and barely edible, and medical care is frequently withheld. More than 500 Pelican Bay SHU prisoners have been isolated under these conditions for over 10 years, more than 200 of them for over 15 years; and 78 have been isolated in the SHU for more than 20 years. Today's suit claims that prolonged confinement under these conditions has caused "harmful and predictable psychological deterioration" among SHU prisoners. Solitary confinement for as little as 15 days is now widely recognized to cause lasting psychological damage to human beings and is analyzed under international law as torture.

Additionally, the suit alleges that SHU prisoners are denied any meaningful review of their SHU placement, rendering their isolation "effectively permanent." SHU assignment is an administrative act, condemning prisoners to a prison within a prison; it is not part of a person's court-ordered sentence for his or her crime. California, alone among all fifty states and most other jurisdictions in the world, imposes extremely prolonged solitary confinement based merely on a prisoner's alleged association with a prison gang. Gang affiliation is assessed without considering whether a prisoner has ever undertaken an act on behalf of a gang or whether he is – or ever was – actually involved in gang activity. Moreover, SHU assignments disproportionately affect Latinos. The percentage of Latino prisoners in the Pelican Bay SHU was 85% in 2011, far higher than their representation in the general prison population, which was 41%. The only way out of SHU isolation alive and sane is to "debrief," to inform on other

prisoners, placing those who do so and their families in significant danger of retaliation and providing those who are unable to debrief effectively no way out of SHU isolation.

The case is *Ruiz v. Brown*, and it seeks to amend an earlier pro se lawsuit filed by Pelican Bay SHU prisoners Todd Ashker and Danny Troxell. The case is before Judge Claudia Wilken in the United States District Court for the Northern District of California. [Click here to read the complaint.](#)