

# Overview of the Status of California Prisoners in Isolated Segregation

Approximately 80,000 inmates are held in some form of Solitary confinement (SHU, ASU, Ad-Seg, Control Unit) across 44 States. 11,000 of these inmates are held in California State prisons, the vast majority of them are people of color.<sup>1</sup>

On May 23, 2011, the United States Supreme Court rendered a decision indicating that the California Prison System was subjecting inmates to Cruel and Unusual Punishment by presiding over “a prison system so overcrowded that it cannot provide anything close to adequate mental...or medical health care to its 147,000 inmates,” in prisons designed to house just under 80,000 inmates.<sup>2</sup>

On March 20, 2012, approximately 400 California prisoners in Segregation will petition the United Nations (UN) to conduct an onsite investigation on the conditions of their imprisonment and issue a decision on whether these conditions violate International Law, including the UN Convention Against Torture. These petitions will be presented to the UN Special Rapporteur on Torture and the UN Working Group on Arbitrary Detention. The following information provides a context for this request –

PDFs of these petitions can be found online at:

<http://www.centerforhumanrights.org/>

## Conditions

Inmates in Solitary confinement are often “held in their cells for more than 22 hours a day, allowed out for medical visits and exercise which takes place in ‘individual wire cages on the prison yard.’”<sup>3, 4</sup>

“The typical cell is ‘concrete: the bed, the walls, the unmovable stool. Everything except the combination stainless steel sink and toilet.’ It is no more than 8 feet long and wide, and ‘from inside you can’t see anyone of any of the other cells.’”<sup>5, 6</sup>

A further analysis describes:

“Although the corridors had skylights, the cells had no windows. Nothing inside could be moved or removed. The cells contained only a poured concrete bed, a stainless steel mirror, a sink and a toilet. Inmates had no human contact, except when handcuffed or chained to leave their cells or during the often brutal cell extractions. A small place for exercise, called the ‘dog pen,’ with cement floors and walls, so high they could see nothing but the sky, provided the only access to fresh air.”<sup>7</sup>

“Many of these prisoners have been sent to virtual total isolation and enforced idleness for no crime, not even alleged infractions of prison regulations. Their isolation, which can last for decades, is often not explicitly disciplinary, and therefore not subject to court oversight. Their treatment is simply a matter of administrative convenience.”<sup>8</sup>



## Quotes from Petitioners:

*“For 16 years, I’ve been held in isolation solely because of who I am. Every moment of those 16 years, my captors and the dehumanizing conditions of the SHU have psychologically tormented me. I struggle every day to hold onto my sanity and humanity, for I am a man. I am a man being tortured, dehumanized and psychologically tormented but a human being nonetheless, praying that the world finally hears the cries of the tormented souls trapped inside the SHU”*

- Javier A. Zubiata, CDC# J-83189 (Pelican Bay State Prison SHU)

*“I have been in SHU isolation for 35 years. I would not treat my worst enemy in such a way as I have been placed in isolation this long. To torture another human being with these horrific conditions should be contrary to what consists of a healthy society.”*

- Phil Fortman, CDC# B-03557 (Pelican Bay State Prison SHU)

*“I have been housed in isolation for 23 ½ years. Almost daily now I wake up to a feeling of dread. Over the past 5 years I have become convinced that death has to be better than this. This is the kind of hate that threatens to destroy us all. That makes a mockery of democracy. Isolation is horrible and inhumane. It crushes your humanity and faith.”*

- Michael Reed Dorrough, CDC# D-83611 (Corcoran State Prison SHU)

*“I’ve been sentenced to solitary confinement with no conviction for any infraction indeterminately. I’m being deprived human contact with my wife and daughter, deprived of my right to an appeal and all the oppression that comes with being in California ASU. Rather than being rehabilitated we are being subjected to being forced to mental anguish.”*

- Robbie Riva, CDC# T-49359 (California State Prison)

*“I am being persecuted for exercising my first amendment right to protest the inhumane treatment and torture being applied against myself and similar situated prisoners held in California chambers, SHU, Adseg, solitary confinement units. We are being told that CDCR prisoners don’t know is that CDCR (California Department of Corrections and Rehabilitation) has murdered the minds, souls and spirits of 3,000+ prisoners.”*

- Mutope Duguma s/n “James Duguma” (Pelican Bay State Prison SHU)

"Officials...claim that those incarcerated in [Segregation] are 'the worst of the worst.' Yet often it is the most vulnerable, especially the mentally ill, not the most violent, who end up in indefinite isolation. Placement is haphazard and arbitrary; it focuses on those perceived as troublemakers or simply disliked by correctional officers and most of all, alleged gang members. Often, the decisions are not based on evidence."<sup>9</sup>

California prisoners are detained in isolated segregated units for indefinite periods or determinate periods of many years solely because they have been identified as members of gangs or found to have associated with a gang. *There is no requirement that they have actually engaged in any misconduct or illegal activity, or that they even planned to engage in any misconduct or illegal activity.*

## The Effects on Mental and Physical Health

"It's a standard psychiatric concept, if you people in isolation, they will go insane....it's a big problem in the California system, putting large numbers in the SHUs [Secured Housing Units, a type of Solitary confinement]...Most people in isolation will fall apart."

- Sandra Schank, staff psychiatrist, Mule Creek State Prison, California.<sup>10, 11</sup>

"One study examining the development of psychopathologies found that those in solitary developed pathologies at higher rates than those in the general population (28% vs. 15%)"<sup>12, 13</sup>

"In 2005, forty-four prisoners in the California prison system committed suicide; 70% of whom were in solitary confinement...this has been a consistent trend. A national study of 401 jail suicides in 1986 found that two out of three were among those held in a control unit."<sup>14, 15, 16</sup>

"A U.S. military study of almost a hundred and fifty naval aviators returned from imprisonment in Vietnam...reported that they found social isolation to be as torturous and agonizing as any physical abuse they suffered."<sup>17</sup>

"EEG (Electroencephalogram) studies going back to the 1960s have shown diffuse slowing of brain waves in prisoners after a week or more of solitary confinement. In 1992, fifty-seven prisoners of war, released after an average of six months in detention camps in the former Yugoslavia, were examined using EEG-like tests. The recordings revealed brain abnormalities months afterward; the most severe were found in prisoners who had endured either head trauma sufficient to render them unconscious or, yes, solitary confinement. Without sustained social interaction, the human brain may become as impaired as one that has incurred a traumatic injury."<sup>18</sup>

"Craig Haney, a psychology professor at the University of California at Santa Cruz, received rare permission to study a hundred randomly selected inmates at California's Pelican Bay supermax, and noted a number of phenomena. First, after months or years of complete isolation, many prisoners 'begin to lose the ability to initiate behavior of any kind – to organize their lives around activity and purpose...Chronic apathy, lethargy, depression, and despair often result...In extreme cases, prisoners may literally stop behaving,' becoming essentially catatonic...Second, almost ninety percent of these prisoners had difficulties with 'irrational anger,' compared with just three percent of the general population. Haney attributed this to the extreme restriction, the totality of control, and the extended absence of any opportunity for happiness or joy."<sup>19</sup>

"It is unclear how many prisoners in solitary confinement become psychotic. Stuart Grassian, a Boston psychiatrist, has interviewed more than 200 prisoners in solitary confinement. In one in depth study...he concluded that about a third developed acute psychosis with hallucinations. The markers of vulnerability

that he observed in his interviews were signs of cognitive dysfunction – a history of seizures, serious mental illness, illiteracy...or a diagnosis such as attention-deficit hyperactivity disorder...in the prisoners Grassian saw, about a third had these vulnerabilities, and these were the prisoners whom solitary confinement had made psychotic. They simply were not cognitively equipped to endure it without mental breakdowns."<sup>20</sup>

"If prolonged isolation is – as research and experience have confirmed for decades – so objectively horrifying, so intrinsically cruel, how did we end up with a prison system that may subject more of our own citizens to it than any other country in history has?"<sup>21</sup>

## Quotes in History

*"A considerable number of the prisoners fell, after even a short confinement, into a semi-fatuous condition, from which it was impossible to arouse them, and others became violently insane, others still, committed suicide, while those who stood the ordeal better were not generally reformed, and in most cases did not recover sufficient mental activity to be of any subsequent service to the community."*

- U.S. Supreme Court, In re Medley, 134 U.S. 160, 168 (1890)<sup>22</sup>

*"It's an awful thing, solitary...It crushes your spirit and weakens your resistance more effectively than any other form of mistreatment."*

- Senator John McCain (R-AZ) wrote of his five and a half years as a prisoner of war in Vietnam—more than two years of it spent in isolation in a fifteen-by-fifteen-foot cell, unable to communicate with other P.O.W.s except by tap code, secreted notes, or by speaking into an enamel cup pressed against the wall and this comes from a man who was beaten regularly; denied adequate medical treatment for two broken arms, a broken leg, and chronic dysentery; and tortured to the point of having an arm broken again.<sup>23</sup>

*"I believe that very few men are capable of estimating the immense amount of torture and agony which this dreadful punishment, prolonged for years, inflicts upon the sufferers; and in guessing at it myself, and in reasoning from what I have seen written upon their faces, and what to my certain knowledge they feel within, I am only the more convinced that there is a depth of terrible endurance in which none but the sufferers themselves can fathom, and which no man has a right to inflict upon his fellow creature. I hold this slow and daily tampering with the mysteries of the brain to be immeasurably worse than any torture of the body; and because its ghastly signs and tokens are not so palpable to the eye and sense of touch as scars upon the flesh; because its wounds are not upon the surface, and it extorts few cries that human ears can hear; therefore the more I denounce it, as a secret punishment which slumbering humanity is not roused up to stay."*

- Charles Dickens<sup>24</sup>

*"Remember those who are in prison, as though in prison with them, and those who are mistreated, since you also are in the body."*

- Hebrews 13:3

"As human beings we all want to be happy and free from misery. We have learned that the key to happiness is inner peace. The greatest obstacles to inner peace are disturbing emotions such as anger and attachment, fear and suspicion..."

- His Holiness the Dalai Lama

**For further information on the petitions contact:**

**Prison Focus**

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The New Yorker:  
[http://www.newyorker.com/reporting/2009/03/30/090330fa\\_fact\\_gawande](http://www.newyorker.com/reporting/2009/03/30/090330fa_fact_gawande)

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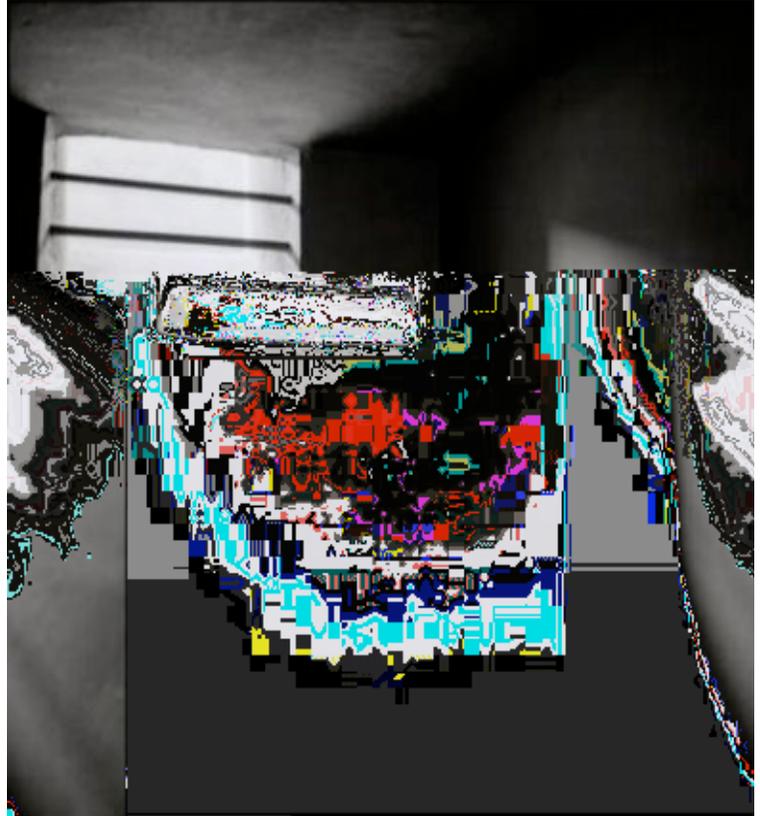
**Legal Services for Prisoners with Children**

Novels

Harper's

Solitary Watch:  
<http://solitarywatch.com/2012/02/01/how-many-prisoners-are-in-solitary-confinement-in-the-united-states/>

Solitary Watch:  
<http://solitarywatch.com/2011/05/31/supreme-court-strikes-a-blow-for-the-human-rights-of-prisoners/>



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*Ill Equipped: U.S. Prisons and Offender with Mental Illness*

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*Scandinavica Acta Psychiatrica*

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*Suicides: Seven Years Later National Study of Jail*