

Impact of CDCR's STG/SDP [*Security Threat Group /Step Down Program*] Proposed Permanent Regulations Fact Sheet

Lifetime solitary confinement continues under the STG/SDP; with more prisoners in SHU

Under this plan many prisoners will remain in the SHU *indefinitely*. Since 2011 when the STG/SDP pilot was implemented, the **number of SHU inmates has risen**. This remains true even though 60%+ of prisoners have been released as a result of case-by-case reviews of all long-term SHU inmates, proving CDCR's extreme overuse of isolation. Nothing in these regulations prevents continued overuse of solitary confinement in California.

Men who committed NO dangerous physical act will continue to be housed in solitary

Conservatively 11,000 adults are in some form of isolation in California, of those over 3,500 are NOT held for in-prison violent acts. Strangely the men isolated the longest times are NOT isolated for violent in-prison acts, but for how prison officials categorize them. SHU 'assignment' is for in-prison issues, not for crime on the street. **Prisoners isolated for years without violent behavior should not have to prove anything**. Yet these proposed regulations require many of them to prove themselves for as much as **four more years or possibly for their lifetime**. Release from the SHU by reform does NOT mean release to the street, it means release from the crushing isolation to the general prison population.

Under the STG/SDP, placement in the SHU is designated as an administrative assignment.

There is no due process.

(if they said the SHU was 'punishment,' the men would be entitled to due process)

"Assignment" to a concrete windowless tomb is punishment. Under these new regulations there will still be no phone call with family until Step 3 (then 1 call a year) no contact visits with family, sensory deprivation, no human touch except for shackling, no colors, no vision of anything far away, bad smells, tasteless or disgusting food, annoying noises all the time, very cold or very hot cells, sleep deprivation, concrete bed with a thin disgusting mattress. Enforced idleness, there is little to do, but watch TV or listen to the radio (if your family can afford one). No access to self-help and educational programs exists without family funds. At Pelican Bay, there is no time in the sun, no view of the outside, no fresh air.

STG/SDP is NOT 'behavior based' – these new regs isolate people without violent behavior

- ◆ **Innocuous social interaction, trivial interactions** (shouting through a vent to have a conversation) are **punished as serious behavior violations** in the STG/SDP disciplinary matrix.
- ◆ **Possessing art work** or political readings, having a **tattoo**, signing a **greeting card**, or exercising with other prisoners should not be labeled as evidence of gang "behavior," "gang contraband" or evidence of "gang activity. These regs allow such labels to be applied and **keep someone in the SHU for a lifetime**.
- ◆ If prison guards use the term 'direct link' or 'gang nexus' when writing up the offenses for possession of materials, **possession becomes 'behavior'** and **grounds for indefinite isolation** in the SHU.
- ◆ Citations for these 'serious' **rules violations (115s) can extend prisoners' SHU terms**, result in good time credit forfeitures, and **prevent their chance of parole**.
- ◆ Engaging in the peaceful **hunger strike** and signing "***The Agreement to End the Hostilities***" should not be grounds for a **serious rule violation** and **grounds for continuing SHU assignment**.
- ◆ **Possession of books** about Black History or Mexican culture is **considered 'behavior'** which **warrants SHU** isolation, under these regulations.
- ◆ Being seen by others as **a leader is grounds for isolation even without violent behavior**.

The Step Down Program is as much a *Step In Program*

California is the only state that inflicts long term isolation based on alleged association

- ◆ Isolation for the reasons listed above gives tremendous discretion to every level prison official, including guards. Using the STG/SDP regulations as a handbook, **one nasty guard can be a judge** for any **prisoner he may dislike** and **'sentence' him to solitary forever**.

- ◆ **Gang investigators are not qualified** to implement the validation process, yet continue that authority
- ◆ Release from SHU remains a **discretionary and arbitrary** decision of prison administrators
- ◆ The “nexus” standard (connection to gang activity) as defined and applied is arbitrary; for example, the notion that two validated prisoners could have a relationship separate from the threat group (i.e. they are cousins) is not contemplated or accepted as a legitimate relationship by these regulations.
- ◆ The ‘**new stage of review**’ for SHU placements is **still within** the confines of **CDCR**, where the **culture is to rubber-stamp** the gang unit’s decisions.

No due process or independent oversight in STG/SDP regulations for SHU assignment

- ◆ Prisoners are assigned to the SHU by CDCR administratively, not by a judge or jury. **Who gets into solitary isolation is discretionary and arbitrary.** CDCR sentences, enforces, administers and oversees solitary. CDCR should not be the body to review the justice of the assignment CDCR makes to solitary. **No independent oversight, to check CDCR’s solitary excesses, is in the STG/SDP.**

Coercive Debriefing/Confidential Informants continue to be used to keep men in solitary

- ◆ Prisoners can be placed in the SHU by the accusations of confidential informants (debriefers). The **accused prisoner cannot defend** himself because the **substance of the accusation is withheld** from him. **Debriefers are released from the SHU** as their reward for making accusations against others. This escape hatch causes inmates to **manufacture evidence to get out of solitary confinement themselves.**

The Security Threat Group policy expands the net for isolation_

- ◆ It takes only **3 people to make a Security Threat Group**; a 3rd level CDCR bureaucrat will determine California’s Security Threat Groups
- ◆ **Homeland Security language** is used to **up the ante** on common criminal behavior. Will a **tree sitter** or an **Occupier** be categorized as a Security Threat Group member?
- ◆ Validation as an associate may still mean a minimum of three years in the SHU
- ◆ The STG/SDP allows CDCR to put and **keep someone in solitary for being a ‘leader’.**

The SDP takes too long, is unclear, not properly focused, and without legal protections

- ◆ The SDP takes **too long: up to four years for those who are permitted to progress**
- ◆ A **Step Down Program designed to help** prisoners function in prison’s general population **should focus on social reintegration, social interaction, group behavior skills, anger management.** This SDP does not.
- ◆ The first 2-3 years in the **SDP** are spent in solitary confinement with the same crushing conditions. This is **not appropriate** for men already in **solitary for decades without a violent act**
- ◆ **Privileges** for prisoners in the SDP are **insufficient: a single non-emergency phone call per year** after 6 months, slightly greater access to canteen, the taking of a single photograph. Taken individually and in the cumulative this is **unimaginably sparse** for people **who have been isolated for years**
- ◆ There is no yard time interactions with other prisoners of diverse affiliations until the last half of Step 4. This enforced segregation reinforces group hostilities
- ◆ **Criteria** for advancing through the steps of the SDP are **not spelled out**, they are too **vague**
- ◆ The regulations are **difficult to read, they fail to explain the rules and procedures, so prisoners cannot be clear on what the regulations are.** The disciplinary **matrix** and **corresponding penalties** specifically appear **designed to be obscure and incomprehensible.** Some prisoners have **poor reading or English skills.**
- ◆ The SDP **fails to provide access to self-help and educational programming** to those in the early phases of the SDP, showing that solitary confinement is being used to punish, not only segregate.
- ◆ There is a **focus on workbooks with no explanation of how workbook information is maintained or how or who evaluates them.** The SDP workbooks are **degrading, not uplifting.**
- ◆ There are **no legal safeguards** about **how** the workbook information may be **used** in CDCR classification **hearings**, in criminal prosecutions, civil litigation, and/or Board of **Parole Hearings.**