

AMNESTY INTERNATIONAL PUBLIC STATEMENT

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Urgent reforms needed to California's isolation units as prisoners set to resume a hunger strike in protest at inhumane conditions

Despite reforms pledged a year ago by California Department of Corrections and Rehabilitation (CDCR), over a thousand prisoners in the state's Security Housing Units (SHUs) continue to be held in indefinite isolation, confined for 22-24 hours a day in small, often windowless cells, and deprived of meaningful human contact. Many have been held for decades in these conditions. According to CDCR's own figures, in 2011 more than 500 prisoners had spent over ten years in the SHU at Pelican Bay State Prison and 78 had been there for 20 years or more.

In November 2012, CDCR introduced changes to the criteria for assigning inmates to the SHU units and a step-down program (SDP) to allow prisoners to earn their way out of isolation. The department also instituted a review of the cases of prisoners held in the SHUs, including hundreds held solely on grounds of alleged gang association without evidence of any actual gang activity or misconduct.

However, Amnesty International is concerned that to date, few prisoners have been moved out of the SHUs under these new policies. Most prisoners have not yet had their cases reviewed or been admitted into the SDP.

Amnesty International is also concerned that, even if the reforms are implemented in full, prisoners placed in the SDP will continue to be held in isolation for at least the first two years, with no change to their current conditions of confinement.

Critics of the new policies have said that the restrictive conditions, and lack of meaningful programmes for at least the first two years of the SDP, can make it difficult or impossible for a prisoner to demonstrate progress, thus perpetuating a system where much depends upon the discretion of guards.

Conditions in the SHUs have reportedly worsened recently with the introduction of cell-checks by guards every 30 minutes, including throughout the night. The practice, which has been criticized by some prison staff as well as prisoners and their advocates, appears to be unnecessarily punitive, and causes serious sleep deprivation.

In a report to the United Nations (UN) in 2011, the UN Special Rapporteur on Torture noted that solitary confinement, even for a limited period, can cause serious psychological harm. He called on states to isolate prisoners only in exceptional circumstances, for as short a time as possible. He defined solitary confinement as the "physical and social isolation of individuals who are confined to their cells for 22 to 24 hours a day.

An Amnesty International delegation visited California's SHU units in November 2011 and issued a report last year which was highly critical of conditions. The report made a series of recommendations including:

- Limiting the use of isolation so that it is imposed only as a last resort in the case of prisoners whose behaviour is a severe and ongoing threat;

- Improving conditions for all prisoners held in SHUs, including better exercise provision and an opportunity for more human contact for prisoners even at the most restrictive custody levels;
- Allowing SHU prisoners to make regular phone calls to their families;
- Reducing the length of the SDP and providing meaningful access to programmes where prisoners have an opportunity for some social contact and interaction with others at an earlier stage;
- Immediate removal from isolation of prisoners who have already spent years in indeterminate SHU.

“Such measures are long overdue and essential to ensure that California is meeting its obligation to treat all prisoners humanely”, said Amnesty International spokesperson Angela Wright. “Holding prisoners in isolation from others for such long periods will make it harder for prisoners to reintegrate either into the general prison population, or back into society. Such treatment goes against the principle of rehabilitation which international treaty bodies recognize as an essential aim of imprisonment.”

Amnesty International is calling on the state legislature, the Governor and the prison authorities to work together to ensure that these, and other reforms being proposed by advocates, happen as a matter of urgency. Amnesty International is also calling for an immediate end to half-hourly cell checks.