



SCHOOL OF CRIMINOLOGY

BERKELEY, CALIFORNIA 94720

June 13, 1974

Mr. Fred Hiestand, Attorney
955 Shattuck Av.
Berkeley, California

RE: Spain, et al. v. Procurator

Dear Mr. Hiestand,

I inspected the Adjustment Center at San Quentin Prison and interviewed the six prisoners: Fleta Drumgo, Johnny Spain, Willie Tate, David Johnson, Hugo Pinell, and Luis Talamantez, on March 27, 1974. I discussed with each inmate his reaction to being confined for long periods of time to adjustment center cells and the impact which such confinement had on his feelings, his thoughts, his attitudes towards the prison and towards society; how it affected his hopes for return to the "main-line" of the prison and his hopes for rehabilitation.

Johnson, Spain and Pinell have been confined continuously in the Adjustment Center for approximately 2 years and 10 months; Tate for 3 years and 9 months; Talamantez for 4 years; and Drumgo for approximately 4 years and 2 months. Spain and Pinell had previously been confined to the Adjustment Center at Soledad Prison for some time prior to being transferred to San Quentin. Johnson had spent about two weeks in the Soledad Adjustment Center.

The following were some of the responses to my questions concerning the impact of this close confinement:

Johnson: I'm really destroyed, can't be able to function in

a different environment -- get so messed up I could never adjust to the mainline. Everything is bitter.'

Talmantez: "The mind, the brain can die before the body. Feel I am losing a great part of myself in my head -- I worry because of it. I'm immune to physical harm, but worry about keeping myself alive mentally."

Pinnell: "It deteriorates the brain and body."

Tate: "It affects me mentally, interferes with the power of concentration, accumulate frustration, no outlet for emotional outbursts."

Drungo: "This here is madness."

Spain: "See this rubber sole hanging up here. I hit the wall with my fist a hundred times a day it gets out my feelings. The rubber keeps me from breaking my hands."

The San Quentin Adjustment Center contains three types of cells: the regular "segregation" cells, the "management" cells, and the 'strip' or "oriental" cells. All are approximately 73 by 91 inches in floor size. All face the corridor and outside windows which are across the corridor. However, the windows are painted so that it is not possible to see outside the building. The segregation cells have the regular prison type of combined toilet and washbasin, a steel bed with mattress pad. The management cells have a sort of shallow anteroom with solid steel doors in addition to the barred doors. Steel shutters can close off the cell completely. The strip cells are similar but contain only a so-called "oriental" toilet which is a hole in the floor which can be

flushed. Water in the strip cell is supplied from a cut-off bottom portion of a plastic gallon jug. There was no mattress pad in the strip cell and the bed consisted only of a concrete platform. All of the cells have a small, inside, barred window with a fastened solid steel shutter which opens from the rear of the cell into a utility passageway running behind the cells. This window, about 1 foot square, can only be opened by a guard in the passageway. Each cell of each type had a small ventilator opening and a flush light fixture. In the segregation cells the inmates could turn the light on and off themselves, but not so in the other cells. The segregation cells had sockets into which could be plugged a radio earphone. The earphones were of the single, hearing aid type such as are used on miniature radios. There were repeated complaints that, although the earphones had only been recently provided, they were so fragile and of such poor quality, that they were practically useless.

At the time of my inspection the inmates were all housed in the regular segregation cells. Each said he had spent some time in the other cells. They informed me that they had showers twice weekly, were shaved twice weekly, and had three meals daily (lunch being a cold bag lunch) eaten in their individual cells. The only time they were allowed outside of the unit was for visitors, and then they were chained and shackled. From 1/2 to 1 hour a day they were allowed out of their cells into the immediately adjacent corridor for "exercise". At no time were they permitted to be outdoors or into any kind of "day room." Attached to the adjustment center is a small outdoor exercise yard which, I was told, is used by prisoners on the second floor of the center. These six inmates and the others on the first floor were never permitted to

use this outside yard.

Each inmate had a bare minimum of personal possessions in his cell: a few books, papers, slippers, a change of shirt, bedding, cigarettes, a towel, and little else.

The entire cell area was constantly noisy with reverberating sounds of clanking iron doors, shouts of guards and inmates, cursing and roaring, flushing of toilets, and a multitude of unidentifiable noises. Because of the cement and steel construction all sounds echo and it's very difficult for an inmate to properly locate sounds as to their direction and their nature and significance. The walls both in and outside the cells were stained and dirty. One cell showed unrepaired bullet holes. Some of the built-in light fixtures were painted in such a way that the light reaching the cell was very dim. No vermin were observed, and although there was considerable untidiness and a run-down quality to the entire adjustment unit, there was no obvious filth. The construction of the cells is such that inmates cannot directly see their neighboring inmates in other cells.

It seems clear to me, from my observations of the physical environment of the adjustment center cells, from my interviews with these six inmates, and from what I learned of their daily routine, that the adjustment center serves only one function, and that is physical security. That security is obtained at the expense of all other human activities. The inmate is totally isolated for 23 or more hours a day, and his human contacts are reduced to the minimum. He has few personal possessions and little, if anything, to occupy his attention or divert him from the stress of his situation. Each of the inmates stated that he received no school or other educational activities, that only occasionally would

a book become available to purchase or obtain from the prison library, and that there was no vocational training, no psychiatric, medical or other treatment program available to them. Each stated that no rehabilitation programs of any kind were offered, and there was no work activity except the cleaning up of the corridors adjacent to their cells during the exercise periods. No television or movies were ever shown in their unit. They found the radio difficult to listen to because of the inadequacy of the tiny earphone.

In short, these prisoners were reduced to almost total inactivity, confined within a tiny cell, without diversion, without recreation, without significant human contact, and although in noisy surroundings, without meaningful sensory stimulation. 96% or more of their time for sleeping, eating, and living is spent within their cells, totally isolated, in solitary confinement. I regard such confinement as brutalizing, dehumanizing, and unfit for human beings.

I have interviewed substantial numbers of prisoners who have been confined in adjustment centers at various prisons, including San Quentin, Soledad, and the Nevada State Prison, Carson City. The responses of these six inmates to their long periods of confinement are similar to what I have found elsewhere. The inmates are remarkably uniform in their intense bitterness, their feelings of utter hopelessness, their sense of rank unfairness and injustice, their angry resentments, and their constant feelings of mental and nervous tension. This tension expresses itself in excitability, easily provoked outbursts of rage, sometimes to the point of assaultive violence, distractability, inability to concentrate, difficulty in sleeping at night, yet being anesthetic during the day, and a strong inner sense of having their minds and brains destroyed. They lose track of what is real and what is not, and

they frequently find themselves imagining sights and sounds which make them worry that they are going insane.

In my experience with these and other adjustment center inmates who have been in such solitary confinement for any length of time, there is a consistent type of fearful, apprehensive, and suspicious attitude towards the guards and towards certain other inmates. It is very difficult to objectively judge exactly how much truth and how much paranoid delusion there is to the persistent fearful complaints of adjustment center inmates. They believe themselves to be the direct subjects of persecution, deliberately practiced to torture their minds and bodies, and they believe that they are constantly in danger of being assaulted and killed. They have all witnessed violence, assaults, killings, and have observed beatings and men going violently insane. They believe that their food is sometimes deliberately contaminated, and that they are sometimes "set-up" so that they can be assaulted by other prisoners who are their enemies. Each believes that his life is in constant danger and that it is unlikely that he will ever leave the adjustment center alive. To the best of my psychiatric judgment, some of the fears, apprehensions, and complaints are true, but many are delusional and represent a severe break with reality -- essentially a psychosis induced by the restricted physical environment and the reduced opportunity for human activities.

It is my opinion that men, such as these six inmates, who are confined in adjustment center cells for many months and years, as these men have been, are permanently psychologically damaged. Although not diseased, in the true sense of the word, they have been so subject to abnormal stress, and so restricted in all of the basic, necessary human

activities, and so deprived of meaningful human contact and sensory stimulation, and have been forced to be preoccupied with feelings of frustration, rage, and injustice, and have become so apprehensive and fearful in relation to both reality dangers, and to their delusional perceptions, that they have been mentally crippled to the point where their sanity is questionable and their capacity for a normal life has been destroyed. All are depressed, yet hostile and potentially assaultive and violent with their pent-up fury, desperation and sense of hopelessness.

It is particularly destructive to the personality and mind to be in a confinement situation where the confinement, itself, produces disturbances of behavior, which disturbances are then used by the prison administration as justification for continuing the confinement. The inmate feels hopelessly trapped in a vicious cycle from which he believes he will never be free. Desperation, depression, fear, anxiety, suspicion, distrust and paranoia are the inevitable consequences.

It is my opinion that the confinement of these six men in the Adjustment Center of San Quentin Prison for the long periods of time they have been so confined, has caused grave damage to their personalities and their minds and has practically eliminated any possibility of their effective rehabilitation under the circumstances of their present confinement. Their confinement has caused them great harm and suffering. I believe they have been subjected to cruel, inhuman and degrading treatment and punishment of a degree and kind prohibited by the Constitution of the United States and by the provisions of the United Nations to which the United States is bound by treaty.

I enclose a copy of my professional qualifications and a list of my professional publications.

Very truly yours,

Bernard L. Diamond, M.D.
Professor