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Permalink
https://escholarship.org/uc/item/5qb5s7c4

Journal
National Black Law Journal, 1(2)

ISSN
0896-0194

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Publication Date
1971

Peer reviewed
THE "ADJUSTMENT CENTER":
CALIFORNIA'S PRISONS WITHIN PRISONS

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After two centuries of apathy and neglect, public attention in the United States has recently begun to focus on conditions in the correctional institutions of the nation. Chief Justice Warren Burger has described America's prison system as "the most neglected, the most crucial and probably the least understood phase of the administration of justice."1 The president of the American Bar Association, Edward Wright, has asked attorneys to make prison reform an issue of the highest priority in the coming year.2 Extensive coverage in the national media has been given to the scandalous conditions existing in almost all of the nation's prisons and jails.

Humane concern for the plight of prisoners has been only a part of the impetus for review of the prison system. Equally important has been the realization of the social costs of maintaining a prison system which does little to deter crime or rehabilitate offenders. President Richard Nixon has pointed out, "the United States is operating a 'crime university' graduating more than 200,000 hardened criminals a year . . . It's hard enough to catch and convict a criminal without bearing the added burden of finding him a worse menace to society upon his release from prison."3 Numerous presidential commissions have concluded, after studying the matter, that the nation's correctional system, as now constituted, seems as likely to produce criminals as to correct them.4

The California prison system, long regarded as highly advanced and often considered the best in the nation, has not escaped such negative judgments nor the turbulence and scandals arising in prisons throughout the country. A study of the California State Assembly Office of Research found "empirical evidence of the non-rehabilitative nature of [California penal] institutions . . ."5 The San Francisco Chronicle, the Sacramento Bee, the Christian Science Monitor, the Atlantic Monthly, and a host of smaller newspapers and magazines, as well as major television and radio stations, have presented critical, in-depth coverage of conditions in the California prison system. Prisoners have tried to dramatize their grievances through three hunger strikes at Soledad Correctional Training

Facility, a month long labor strike at Folsom, a week of demonstrations at San Quentin, and formation of a union and a week long strike at California Men’s Colony at San Luis Obispo.

Ninety-five per cent of the inmates in California’s prisons will be returned to society, either on parole or upon the expiration of their sentences. The experiences these men undergo while “doing their time” will exert a critical influence on their behavior after release and on their desire and ability to lead law-abiding and constructive lives. Thus, not only the convict, but the general public as well has a major stake in what happens behind prison walls. From the hundreds of letters received by numerous attorneys from prisoners throughout the state, it is clear that in many, perhaps a majority of cases, the prisons are engendering and aggravating hatred and bitterness among the convicts, rather than developing attitudes conducive to socially desirable behavior.

NOWHERE IN THE California Correctional system is this destructive trend more manifest than in the institution of “Adjustment Centers.” “Adjustment Center” is the name euphemistically attached by the Department of Corrections to that area of the prison where inmates are kept for punishment or “institutional convenience.” Prisoners in the Adjustment Centers are defined as being in “isolation” or “segregation” status. Prisoners and correctional officers alike call the Adjustment Center “the hole;” reporters have labeled them “dangerous dungeons” and “zoos.” There are Adjustment Centers located in the California prisons at San Quentin, Folsom, Solvedad, Vacaville, Chino, Tehachapi, and, for youthful offenders, at the Deuel Vocational Institute at Tracy. They currently house about 720 inmates. 63% of Adjustment Center inmates are black or Chicano, although these groups comprise only 45% of the whole prison population.

Conditions in the Adjustment Centers range from extreme to total sensory deprivation. Cells are approximately six feet by ten feet with a concrete floor and solid concrete walls on three sides (some have a very heavily screened window on one wall). The fourth wall has either a solid steel door with a small slot through which meals are served (the flap on the slot often being locked by guards at other times) or a barred door covered with heavy steel mesh. The cells are often filthy, foul-smelling, and infested with cockroaches and bedbugs. The inmate sleeps on a thin cotton pad placed either on the floor, on a cement pallet, or on rudimentary and often broken springs.

Each inmate eats all his meals alone in his cell. The diet is severely monotonous, and an inmate who “wastes” food or “fails in other ways to obey the rules” may be placed on an even more restricted “special isolation diet.” A Folsom Adjustment Center inmate describes the isolation diet this way: “The inmates in the hole call the stuff they feed us in here a dog biskit (sic). It’s made by pressing left over foods into a block and then drying it out and cutting it into 3 by 5 inch squares, you get 2 per day — with one slice of bread. I don’t eat the stuff, not solely because of pride, but because of the smell . . .”

For six months, a year, two, even five years the inmate lives in his Adjustment Center cell almost continuously. He is caged there at least twenty-three hours a day and often twenty-four. He is supposed to be let out for exercise at least one-half hour per day and to shower once every five days, but frequently he is not allowed out for several days at a time. Most of his personal property is taken away from the inmate. His canteen privileges are non-existent or severely

6. Ibid.
9. Note 7, Supra.
10. Director’s Rule 4509(6), California Department of Corrections.
limited. He is deprived of most reading material. He is given almost no recreational, educational, vocational or psychotherapeutic program. He has only limited access to the prison physician and rarely obtains adequate medical care. (One inmate recently sent out a message asking for medical attention and received a note back telling him to “call for help when the blood is ½ inch thick on the floor.”)

The extreme severity of the physical conditions and restriction of experiences in themselves make the Adjustment Centers “emotion charged combustion chambers.” But the situation is compounded by the inmates’ fears of cruelty, violence and brutal treatment. Inmates relate that their personal property is mutilated or stolen by the guards. They claim that guards throw hot coffee on them. They describe beatings by guards and unwarranted use of tear gas and mace. They assert that racial hostility is deliberately provoked and fostered by guards and staff, both as an expression of their own racial prejudice and as a means of control; as illustration they describe numerous “set-ups,” wherein guards leave a prisoner’s cell door open so that other inmates, known to be hostile to him, can attack him during their exercise period, and other techniques by which conflict is provoked between different racial groups.

These allegations are often so outrageous as to defy belief, but the consistent and repetitive nature of the reports seems to authenticate them. Whether or not every one is true, there is no doubt but that the inmates live in constant anxiety for their safety and well-being. The former chief psychiatrist at Soledad, Dr. Frank Rundle, has stated of the Adjustment Centers: “I don’t think a place more destructive of a man’s mental health could be devised if we tried.” Dr. Robert Coles, well-known research psychiatrist and author, has claimed that O-Wing at Soledad exhibits a more extreme degree of deprivation than any of the jails he has visited in Georgia and Mississippi. It is estimated that at least 25 to 30% of Adjustment Center inmates are mentally ill to a severe degree and in need of hospitalization and treatment, rather than the extra-confinement and deprivation of the Adjustment Center. Other inmates are driven to extreme emotional disturbance by the conditions of life in the Adjustment Center. Reporter Bob Williams has described the following scenes as “sticking in his mind” after seeing some of the inmates during his visit to “the hole:”

First, the screaming men. The sound of a man screaming and screaming is terrifying and unforgettable. In many of these AC’s the men seldom stop screaming. . . . Then there is the sight of men wearing only shorts, pacing rapidly back and forth, back and forth in their cells in a frantic frenzy of aimless activity. Quietly going nowhere — fast. And the men with dozens of deep, scab-covered cuts, apparently self-inflicted with pieces of glass. And the desperate man who just hanged himself in his cell . . . And more. Much, much more. Yet the rage subsided suddenly when I would thrust out my hand and called one by name. Caught off guard he shook hands and became human for a moment or two. On several occasions men began to sob as they tried to describe the place to me.

The effects of isolation, monotony, and sensory deprivation are well known. As one of the many researchers in the field, Dr. Herbert Leiderman of Harvard Medical School, has stated, “Social isolation and restriction of sensations can produce profound mental aberrations in man.” He notes that a constant stimulus is considered equivalent to absence of stimulation. (Both conditions are present in the Adjustment Centers.) Prisoners of war recently returned from North Vietnam report that “the isolation and monotony of the prison . . . surpasses in psychological horror and human degradation all the beatings and rats and

13. Note 11, Supra.
diarrhea.” They add “if you think only in terms of physical torture you miss the subtlety of what we mean by inhumane treatment.”

All authorities recognize that punitive segregation is a potent weapon and may have disastrous consequences. Putting an inmate in the Adjustment Center cannot be considered a mere regulation for safe custody of prisoners, but one which can cause mental illness, induce suicidal tendencies, and drastically interfere with the possibility of rehabilitation. United States District Court Judge George B. Harris recognized this fact when he outlawed the use of strip cells as then maintained at Soledad Prison, commenting: “[this] type of confinement... results in a slow-burning fire of resentment on the part of the inmates until it finally explodes in open revolt, coupled with their violent and bizarre conduct.”

Similar consequences were noted by Bob Williams who saw the Adjustment Center as “filled with caged, angry screaming men” under “almost unbearable psychological pressures created by a repressive, mentally destructive environment.” One inmate, “a black youth of 20 with the face of a man almost twice his age, whispered to him, ‘If you bastards are ever stupid enough to let me out of here I’ll kill all of you for this... Then he cried uncontrollably, clenching the bars in both fists.”

In this context, the concept of rehabilitation is ludicrous; the question becomes the even more basic one of “elemental concepts of decency.” Yet, as now operating in the state of California, this drastic device for control and punishment is being unjustifiably and needlessly used in at least 80% of cases. It is estimated that perhaps only 20% of Adjustment Center inmates are truly violent. 25 to 30%, as stated above, are considered mentally ill. Of the remainder, some are confined for their own “protection,” some for medical observation or “pending investigation” for an alleged in-prison offense, and the rest, the majority, for disobeying some disciplinary rule. These may include “disrespect for authority” or “refusing to work, shave or participate in... education and vocational activities.”

No procedures exist to safeguard the rights of inmates and limit the use of the Adjustment Center to those prisoners who truly pose a danger to other inmates or prison personnel. Prisoners sent to the Adjustment Center “pending investigation” or for medical observation receive no hearing at all. Those confined for disciplinary reasons are “sentenced” by a disciplinary committee which even some prison personnel regard as a “kan-garoo court.” Because the hearing officers are in the same chain of command as are the guards who file the complaints, the committee hardly constitutes an impartial tribunal. The inmate receives no prior written notice of the charges against him and the circumstances surrounding the complaint. He is not allowed to confront or cross-examine witnesses against him. He is not allowed to call witnesses to testify in his behalf. He is not allowed to have an attorney or other person represent him before the committee. The committee is not required to give a decision based on substantial evidence or, indeed, on any evidence at all. The whole hearing process usually takes no more than five minutes. The inmate who is being sent to the Adjustment Center on “administrative segregation” status, rather than for violat-

17. Jordan v. Fitzharris, 257 F. Supp. 674 (N.D. Cal. 1966). Although some of the worst excesses of the strip cells were eliminated as a result of this suit, the basic conditions remain unchanged in both those cells and the rest of the Adjustment Center.
19. Note 17, Supra.
20. Note 18, Supra.
21. Ibid.
ing a particular rule, receives a similar “hearing” before a “classification committee.” In such cases no offense need even be alleged, and the inmate is confined to the Adjustment Center for an indeterminate period of time.

These denials of procedural protections repeatedly produce flagrant injustices. Several examples of typical cases demonstrate this:

Inmate D. B. entered the prison system at the Reception Guidance Center at Chino for thirty day examination. He was given pills to help him get to sleep and ease tension. He received no other medication. On August 14, 1970 he was transferred to the North Facility at Soledad. He remained there only one day before he was called into the Captain's office. He was asked if he had received medication while at Chino, and he admitted he had. Immediately afterward, the inmate was transferred to the Adjustment Center for observation by the hospital psychiatrist. He remained in the Adjustment Center for several months without ever being seen by the doctor.

Inmate R. C. was diagnosed as insane by three psychiatrists. However, he was kept in the Adjustment Center at Soledad for several years before attorneys succeeded in having him transferred to the Medical Facility at Vacaville.

Inmate M. S. was fully acquitted by a Monterey Superior Court of having assaulted a prison guard at Soledad. Upon being transferred to San Quentin, this inmate was told by the San Quentin prison classification committee that it didn't care what the jury had decided; the prison committee had found him guilty and he would be put in the Adjustment Center for two or three years.

Inmate J. R., sentenced for six months to five years for involuntary manslaughter by auto vehicle, was in the North Facility at Soledad for two weeks. At that time, friction developed in the prison between a group of Black Muslims and a group of Black Nationalists. J. R. made an attempt to keep the situation peaceful by bringing the two groups together. He was charged with “agitating” and was given fifteen days in the Adjustment Center. Three months later, this inmate was again charged with “agitating” and “inciting to riot”—he had been speaking to a group of blacks in the exercise yard. In his possession guards found what they called “hate literature.” This consisted of a book by Elijah Muhammad and notes on other books such as Crisis in Black and White by Charles Silberman, Before the Mayflower by Lerone Bennett, and The Lessons of History by Will Durant. He was sent to the Adjustment Center for six months as a result.

At the expiration of this punishment, inmate J. R. was returned to the general population for only three hours before being sent back to the Adjustment Center. During the three hours he had done nothing for which he could be punished. He spent the next three months in the Adjustment Center. (J. R. believes he was recommitted for his original offense of “agitating” and had been released only because prison authorities did not want the period of his stay in the Adjustment Center to be too long for a single offense.)

After being returned to the general population, J. R. was repeatedly thrown into the Adjustment Center for short periods for “suspicion;” sometimes he was told of what he was suspected, sometimes he wasn't. On several occasions, he was found in violation of a regulation which prohibited more than four blacks from congregating at one time. Over the next four years, J. R., who was transferred to San Quentin and then to Folsom, was repeatedly put into the Adjustment Center for various charges, including, several times, wearing his hair too long. At no time was he ever accused of committing a violent act against any prisoner or guard, nor did any demonstrations or disturbances ever take place as a result of his alleged “agitation.”

J. R. will be released from prison in August, 1971, his sentence having expired. The Adult Authority consistently refused to parole him because of his record as an “agitator.” There is no way to describe his stay in prison as “re-
habilitative;" on the contrary, the practice of segregating him for acts which threatened the security of no one has only embittered him and made him less likely to adjust when he returns to society. His case is not at all unique.

**Prison Authorities** throughout the country have rejected the extended and arbitrary use of punitive segregation in the "hole" so commonly practiced in California. The American Correctional Association's *Manual of Correctional Standards* states that, ordinarily, punitive segregation should not exceed fifteen days.\(^{23}\) The American Law Institute's Model Penal Code would allow segregation only "for a serious or flagrant breach of the rules determined after careful proceedings, for a period of thirty days."\(^{24}\) The Special Committee on Correctional Standards, appointed by the President's Commission on Law Enforcement and Administration of Justice, recommends that "confinement to disciplinary quarters should be for short periods and should not exceed thirty days."\(^{25}\) Behind these recommendations is the proposition that where an inmate does not respond quickly to punitive segregation, other techniques should be tried — more exposure to treatment personnel, experimentation with work programs, transfer to a different institution, etc.\(^{26}\) The considered opinion of recognized correctional authorities is that prolonged segregation is not only ineffective but serves to embitter the inmate and diminish the likelihood of his rehabilitation.

It is, therefore, clearly imperative that great caution and restraint be exercised in assigning an inmate to the Adjustment Center and that such assignment be for shortest amount of time possible. In California, however, the contrary is true — inmates are often sent to the Adjustment Center for unduly extended periods of time and for arbitrary and trivial reasons — for reasons not of institutional security, but of mere convenience (if not vindictiveness). With its harsh conditions of existence, the Adjustment Center system is perhaps the most outrageous feature of the state's correctional institutions.

It is also probably the most difficult to change, for the threat of "the hole" is the source of prison officials' power, or so they believe. The worse the Adjustment Center, the easier the commitment process, the more effective it is as a weapon, bludgeoning the convicts into passivity, docility, and submissiveness. The constant roadblocks erected in the path of a Soledad psychiatrist who attempted to treat Adjustment Center inmates in a therapeutic, rather than punitive, manner, the opposition to suits calling for due process in disciplinary proceedings, and the obvious hostility towards attorneys representing Adjustment Center inmates, are all evidence of a great resistance to any changes in the Adjustment Centers which would limit staff's power or improve conditions for the prisoners.\(^{27}\) Yet the effort to radically improve the Adjustment Centers must be made and may ultimately be successful. At the present time, no irrefutable claim can be made for the superiority of a single strategy — the battle should be waged on many fronts. This article can suggest and only briefly describe some possible avenues of reform.

The first, and in many ways the most attractive alternative, is through the courts. Some students of the problem have, in fact, already asserted that, despite the many problems inherent in reform through judicial proceedings, litigation is the one hope for immediate and effective action.\(^{28}\) The judiciary has been traditionally reluctant to interfere with

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27. Dr. Frank Rundle was finally fired in May 1971 when he refused to turn over confidential files on a mainline inmate accused of murdering an employee; this however, was only the last in a series of battles caused by employees' resentment of the psychiatrist for "being on the side of the inmates."
the operations of the prison system, maintaining, under the "hands off" doctrine, that the difficult task of handling convicted criminals should be left to those with expert knowledge in the field — prison administrators. However, in recent years, a number of judges, shocked by the flagrant abuse of human rights within the prisons, have begun to overcome that reluctance, and this area of the law seems ready for expansion. A thorough discussion of the history of litigation on behalf of prisoners, and the potential for future litigation, can be found in Establishing the Rule of Law in Prisons: A Manual for Prisoners' Rights' Litigation by William Bennett Turner.

Three suits are currently pending (June, 1971) in California challenging the administrative and disciplinary proceedings by which men are assigned to the Adjustment Centers. These suits ask for the establishment of traditional due process guarantees and procedures in the hearings.

Whatever the outcome of present litigation, a massive legal presence in the Adjustment Centers, in the form of concerned attorneys and law students, would be greatly desirable. Challenges to the lack of procedural safeguards, to violations of first amendment rights, to the over-all conditions of Adjustment Center life as constituting cruel and unusual punishment, as well as criminal defenses based on the diminished capacity theory, may all be helpful. Moreover, the availability of attorneys to A.C. inmates in itself may serve to curb the most extreme and blatantly lawless practices of the prison staff. A convict with access to an attorney has at least a slightly greater degree of power than a convict who is totally isolated (or one who has only relatives — most of whom have hitherto been equally powerless because of race and poverty — to fight for his rights and his safety).

Another obvious method for achieving reform is legislative action. State Senator Mervyn Dymally and Assemblyman John F. Dunlap have introduced a bill in the 1971 California legislature which would make drastic changes in the Adjustment Center and in the processes for assigning inmates to isolation or segregation. The bill would forbid placing a prisoner in "the hole" unless he had committed, or was likely to commit, serious violent misconduct. The prisoner would have a right to prior written notice of charges, the right to call witnesses in his behalf, the right to cross-examine, and the right to assistance by a law student, chaplain, staff member, or other inmate. No prisoner could be confined in the Adjustment Center for more than 30 consecutive days or for more than 60 days in any six month period without a court order, issued only after hearings with private or appointed counsel for the prisoner, declaring that the prisoner's presence in the general population would endanger his life or the lives of others. Moreover, the bill requires the prison to provide Adjustment Center inmates with three hours of daily exercise, recreational, educational, and therapy programs, library facilities, and frequent medical attention. It forbids punishing inmates by depriving them of the regular diet, bedding, or hygienic implements.

As of this writing, hearings had not yet begun on the bill. It faces the difficulties inherent in all attempts at legislative reform of the correctional system. Legislatures are sensitive to public opinion; public opinion has not, in the past, been sympathetic to prison reform. (The public appears to be changing and may, in fact, now be ahead of its representatives on this issue). Additionally, prisoners and the small prison reform groups which lobby on their behalf have lacked the economic and political power necessary for influencing legislative action.

32. SB 1610 and AB 2904.
33. For further discussion of this subject, see Schultz, The Role of the Eighth Amendment in Prison Reform, 38 Univ. of Chicago L.R., 647 (Spring 1971).
The possibility of meaningful reform through administrative action — that is, by the Department of Corrections itself — while not likely, cannot be ruled out as impossible, especially if the Department comes under intense pressure from the public. If professional and civic groups were to seek admission, vigorously and persistently, to the Adjustment Centers, were to demand investigations, were to flood their legislators and the press with letters concerning conditions in the A.C.'s, it is possible that the Department might ultimately yield and permit at least minimal reforms in the Adjustment Center system. There are few individuals within Corrections who are shocked and disgusted by the present conditions; their personal desires and their influence can be strengthened by the support of the public. And, ultimately, no reform measures — whether ordered by the courts or passed by the legislature — can be implemented without real and substantial cooperation on the part of prison employees, with firm enforcement from the top down.

Finally, a source for change in the Adjustment Center lies, of course, with the convicts themselves. It is too early to judge yet whether prisoners can, indeed, build themselves into a powerful class — traditionally, they have not only been unorganized and fragmented (a condition which authorities encourage), but their recent attempts at unified action have not won immediate gains. The work stoppages during the past year at Folsom, California Men's Colony (San Luis Obispo), and Susanville, and the hunger strikes in the Soledad and Folsom Adjustment Centers, while dramatically successful in the degree of unity and support that they achieved, did not result in swift resolution of any grievances, and prison officials were able to resist all calls for negotiations with the convicts or their representatives.

Yet the prisoners have built two permanent organizations — the Prisoner's Legal Union and the California Prisoners' Union — with which to struggle for recognition of their right to organize and to bargain for improved conditions. Attorneys can be a useful adjunct in this fight to secure a right which all other groups in this society enjoy, just as early labor lawyers, before the passage of the Labor Relations Act, protected fledgling unions and individuals arrested, prosecuted, and imprisoned for union activity. In the prison setting, this would include fighting reprisals against inmate organizers and members, such as transfers, loss of jobs, assignments to the A.C., or even beatings and set-ups.

The shortsighted refusal of prison officials to respond to peaceful attempts by convicts at achieving resolution of grievances, and Corrections' continuing practices of brutality, have driven some prisoners to violently attack the system and its representatives. The frequent stabbings at Soledad, particularly in the A.C., and the publicity surrounding those acts, has resulted in a greater change than any of the non-violent protests by prisoners and non-prisoners: the closing of Soledad's Adjustment Center. Apparently, the prison administration chooses to reinforce the idea that nothing can change without violence.

A state prisoner does not begin with much. He is confined behind foreboding walls, far from family and friends. He is deprived of normal sexual relationships. He has no freedom of movement. He has no privacy, and every detail of his daily existence is closely watched by his guards. The effects of incarcerating him in the Adjustment Center, where he is locked in his cell all day, where he is deprived of his possessions, where he is denied all social activities, where he is prevented from participating in programs which might educate him for an existence in the outside world, where he is deprived of medical care for physical and emotional problems, where he is subjected to an environment of constant noise, filth, and terror, where he is less likely to be considered for parole by the Adult Authority, are devastating. We can no longer tolerate this waste of human life.