

Solitary Panel

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To: Harvard Prison Legal Assistance Project

From: Jennifer Gann, E-23852

Kern Valley State Prison

P.O. Box 5103

Delano, CA 93216-5103

blackandpinkmembers@gmail.com

Re: Feb. 25th panel on Solitary Confinement

Dear distinguished friends,

Greetings from California! As a transgender woman prisoner and activist, I welcome this opportunity to contribute to the panel discussion on Solitary Confinement.

Initially, I was convicted for the crime of armed robbery and sentenced to seven years in state prison. Subsequently, however, that "7 years" was extended to an indeterminate term of 104 years-to-life under the draconian "Three Strikes" law for prison behavior (e.g. weapon possession, assault, etc.). I have now been incarcerated for over 22 years, including more than 14 years of experience in solitary confinement at Pelican Bay State Prison and other institutions, and never raped or killed anyone.

As a survivor myself, I can state from personal experience, there is no question that long-term isolation in prison "control units", under severe punitive conditions, is TORTURE! I've suffered beatings, food deprivation, inadequate medical and mental health care, and other forms of inhumane treatment similar to the abuses described in the case of Madrid v. Gomez, 889 F.Supp. 1146 (N.D. Cal. 1995).

Thanks to that legal victory, due in part to the expert testimony of Dr. Stuart Grassian, I was released from the Pelican Bay Security Housing Unit (SHU) in 2003, and my exacerbated mental illness improved after being provided acute psychiatric care for suicide attempts, post-traumatic stress symptoms, and Gender Identity Disorder.

Although my current prison circumstances have improved, and I now have the prospect of a sentence reduction under California's newly passed Proposition 36 (the "Three Strikes Reform Act of 2012"), thousands of other inmates continue to languish in long-term solitary confinement.

Since the Pelican Bay Prisoner Hunger Strike began in 2011, more than 12,000 prisoners in thirteen different California prisons have

participated in intermittent hunger strikes to protest the conditions of solitary confinement. At least three inmates committed suicide.¹

On February 2, 2012, inmate Christian Gomez died during a hunger strike at Concoran, which houses 1400 in the SHU, and an additional 350 in the Administrative Segregation Unit (ASU).²

The continued and expanded use of extended solitary confinement in control units across the United States, and particularly in California where the courts have found illegal and inhumane conditions, violates international human rights law, the Convention Against Torture (CAT), and the Standard Minimum Rules for the Treatment of Prisoners.³

Furthermore, in the case of transgender inmates, the use of non-disciplinary safety concerns or refusal of unsafe housing unit/cell assignments to justify placement in solitary confinement violates the Prison Rape Elimination Act of 2003 (PREA) national standards (recently adopted federal regulations of the U.S. Department of Justice).

In conclusion, I urge the esteemed panel members and audience

to please join the struggle to abolish control units in the United States, which hold at least 25,000 prisoners in isolation at various Supermax prisons, and an additional 50,000 to 80,000 in restrictive segregation units.⁴

The 2006 U.S. Report of the Commission on Safety and Abuse in American Prisons noted that beyond about 10 days of solitary confinement there's practically no benefit to be found and the harm is clear.

The Center for Human Rights and Constitutional Law has prepared a petition to the United Nations Working Group on Arbitrary Detention, Human Rights Council, United Nations General Assembly, with 22 main plaintiffs at different California prisons, ranging from one year in segregation up to 39 years in complete isolation based solely on a prisoners affiliations. Or associations.

Finally, I welcome anyone that may be interested to contact me through personal correspondence concerning this issue, or concerning my campaign for release. Specifically, I need your personal assistance and support for my individual legal defense case, to be moved to either a women's facility or other

Community-based housing that accommodates Trans-women, and eventually released.

Thank you.

Jennifer Gann

Jennifer Gann

Black & Pink - Leadership Circle⁵

Reference Notes

1. <http://prisonershungerstrikesolidarity.wordpress.com>.

2. Sal Rodriguez, "Inmate Dies During Hunger Strike at California's Corcoran State Prison"; <http://www.solitarywatch.com>.

3. Adopted by the First United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held at Geneva in 1955, and approved by the Economic and Social Council by its resolutions 663 C (XXIV) of 31 July 1957 and 2076 (LXII) of 13 May 1977.

4. See "Hellhole", The New Yorker, March 30, 2009.

5. Black & Pink is a Lesbian, Gay, Bi-Sexual, Transgender & Queer (LGBTQ) prisoner support and prison abolitionist group. Visit our website at: www.blackandpink.org.