



Recommendations for Reform:
The California Youth and Adult Correctional Agency:
Racism, Violence, Bigotry, and Gang/Intergroup Conflict

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California Performance Review Panel

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Points:

- Prison hate-motivated behavior is both a public health and a public safety issue.
- Intergroup conflict is a common occurrence in California prisons.
- Rampant hate-motivated behavior in California prisons makes other remediation tools far less effective.
- A climate of prison hatred may facilitate recruitment into a terrorist organization, including homegrown ones.
- Rape is commonly used to commit hate-motivated, antisocial behavior in prison, which, in turn, causes the release of infectious diseases into mainstream society when prisoners come home.
- The California Youth Authority appears to be providing an exclusive forum for the nazification of many unaffiliated Caucasian youth, as well as for many African-American and Latino youths to become hardened gang members.
- Gay men often become enslaved to entire groups inside California prisons for no other reason than because they are gay.
- Corrections staff have perpetuated hate-motivated behavior inside California prisons, both purposefully, and indirectly via chronic negligence.
- Lack of policy causes inconsistency on the part of staff and may foment race riots.
- California needs to enfranchise a sophisticated taskforce, capable of distinguishing fact from fiction, that can document the extent and nature of hate-motivated behavior inside our prison system, no matter who the perpetrators and facilitators may be.
- Recommendations are at the end of paper.

Conventional wisdom holds that prisons and jails are walled off and separate from the community. More and more, however, people are recognizing, that this is not true. Many ties connect the community with prisons and jails. For one, prisoners are constantly moving back and forth between corrections and the community. Problems or risky behaviors begun in prison or jail return with prisoners to the community after release.

– Centers for Disease Control, “HIV/AIDS Counseling and Testing in the Criminal Justice System;” August, 2001. –

Although, in the above quote, the CDC discusses a well-understood threat to social health – HIV/AIDS – their analogy certainly applies to prison racism, violence, and intergroup conflict. Not only is bias-motivated antisocial behavior inside the California prison system a public safety issue, it must be viewed as a public health issue as well. The system is at the point where virulent strains of racism and intergroup conflict are inoculated into the prisoners on a routine basis. Essentially, it is as if they enter the facility, hold out their arms, and receive a large dosage of a known, infectious, social toxin, which often leads to high tolerance, at times, immunity. At the first opportunity, the “hosts” then release the negative effects of the toxin into mainstream society via a variety of dysfunctions, regardless of whether s/he realizes that s/he has been infected. The end result almost always is some level of breakdown in the host’s life, family, community, or society-at-large. Suffering is basically guaranteed. There is a thriving strain of prison hate-toxin, and the current prognosis is terrible, but hopeful. As is the case with any public health issue, the first line of defense is solid research and documentation by a qualified taskforce, whose singular goal is to help all those affected, whether prisoner, staff, society, or innocent people victimized by the effects. The problem is, the way things stand today, both the California Department of Corrections and the California Youth Authority actually encourage hate to organize rather than to dissipate, thus making the system an actual danger to society. Yet, nobody should play the blame game.

Part 1: What is hate-motivated behavior?

For the sake of this paper, “hate-motivated behavior” encapsulates behaviors that are considered both hate crimes and hate incidents (the former being criminal, the latter being hateful but protected by the First Amendment). Aside from violence, hate-incidents become far more relevant in a prison system than outside the system since a target’s defenses are worn down by constant, inescapable harassment. Emotional duress from them can be traumatic.

Hate-motivated behavior can be described as any behavior that is specifically meant to victimize another person based upon that person’s group affiliation. Generally, hate-motivated behavior focuses upon race, creed, religion, sex, sexual orientation, disability, or national origin. However, given what occurs in our prison system, this author’s definition also includes behavior that targets an individual because of his/her area of origin. Often, Latino gangs target each other depending on whether they were born north or south of Bakersfield, or in Mexico. The term, “hate-motivated behavior” is in reference to antisocial behavior that targets people because of their sense of “otherness.”

Part 2: Why should we focus on hate-motivated behavior when reforming the system?

Prison hate-motivated activity poses a significant threat to both public safety and public health, and yet, there is no official guideline against it. The recommendations made by this author, therefore, are hoped to become the basis of a brand new policy.

To make it simple, I have offered just three bullet points to demonstrate how important it is to limit hate-motivated activity inside the California Department of Corrections and Youth Authority.

- *Prison hate may facilitate recruitment into a terrorist organization*

According to the Department of Justice (“A Review of the Federal Bureau of Prisons’ Selection of Muslim Religious Services Providers,” Office of the Inspector General, April, 2004), Muslim clergy, staff, and managers at the Federal Bureau of Prisons stated that chaplains, contractors, and volunteers are not the cause for radicalization amongst prisoners. The cause, they say, are other prisoners. Here is more from the same report which gives insight as to how the system itself may foment recruitment:

FBI counterterrorism officials stated that prisoners are logical targets for terrorist recruitment because they may be predisposed to violence, feel disenfranchised from society, desire power and influence, seek revenge against those who incarcerated them, be hostile towards authority and the United States, or cling to a radical or extremist Islamic “family”.

The FBI is rightfully aware that there are dangers of being recruited for terrorism in U.S. prisons, but they but do not seem to have a plan to thwart the sociological conditions inside the system that facilitate such recruitment, nor do they acknowledge that this nation has been victimized by domestic terrorism as well. There is no solid body of research that examines how prison hatred may foment terrorism against innocent civilians directly. However, there is strong reason to believe that, 1) disenfranchisement with one’s life, plus 2) threats to one’s personal safety (real or perceived), plus 3) a continuous flow of “us versus them,” propaganda may create a psychological doorway to be recruited into a terrorist organization. Nowhere are such conditions more prevalent than in a closed prison where one has very little options to counterbalance the indoctrination process or to protect him/herself as an individual. According to one former recruiter for a neo-Nazi organization, racist gangs have become very sophisticated in how they target seemingly vulnerable members. Many times, they themselves create perceptions of vulnerability; then they move in to offer protection. An atmosphere of frustration, coupled with inescapable social conditions, and belief that one’s group affiliation is of paramount importance, creates opportunities to feel defenseless in the face of “the despised other,” and leaves one psychologically more vulnerable to the influence of a savvy recruiter offering both protection and reasons to blame entire groups of people for one’s own miserable situation. New recruitment for terrorism cannot happen if social conditions are

not ripe for it. Preventive medicine works best. California would be wise to make note of this.

- *Prison hate-motivated behavior leads to post traumatic stress and social dysfunction*

The American Psychological Association states,

“There is overwhelming evidence that society can intervene to reduce or prevent hate-induced violence, especially among young people, which threatens and intimidates entire categories of people. The Surgeon General’s recently released report, Mental Health: Culture, Race, and Ethnicity, states that racial hate crimes may place individuals at risk for emotional and behavioral problems, such as post-traumatic stress disorder (PTSD), depression and anxiety. There is evidence that victims of hate crimes experience PTSD for a more prolonged period of time. This increased risk is most likely due to hate crimes being directed at who the person is, as compared with being the victim of a random crime. (<http://www.apa.org/monitor/nov01/ppup.html>).

PTSD may lead to a variety of social troubles, including occupational dysfunction, depression, poor anger-management, and familial problems. It is a simple process to understand – prisoners enter a racist (prison) system, become subjected to chronic hate-motivated behavior, and leave traumatized to the extent where they have lost additional social functionality instead of having been rehabilitated. Moreover, families too suffer from PTSD after learning how their family members cannot escape “us versus them” violence inside the system.

Furthermore, post traumatic stress disorder makes it nearly impossible for other programs to be effective. If one is constantly subjected to threats, intimidation, and violence because of his/her identity, it is very difficult to focus on remediation. We know that school bullying leads to poor grades. One can only imagine, therefore, how much more problematic trying to function in an enclosed racist system may be, particularly for youth. The system is thwarting its own stated goal, and helps ensure long-term negative social effects. Hate-motivated activity lowers efficacy of other remediation tools, whether drug rehabilitation, education, etc.

- *Rape as a hate crime spreads deadly diseases*

Interviews with former prisoners have provided this author with a solid body of anecdotal evidence that rape is commonly used by racist gangs to dominate members of other groups, whether in adult or youth facilities. Gang members often rape rivals specifically as a subjugation technique, which, in turn, makes an individual more vulnerable to offers of protection by a racist ingroup. Constant rape is a major cause for prison suicide attempts; but it also spreads infectious diseases into mainstream society, such as HIV/AIDS and Hepatitis, since most prisoners will not be incarcerated forever. In this regard, the equation is rather simple: Hatred motivates rape, releases deadly diseases into society upon prisoner release, and poses a significant threat to public health.

Part 3: What do we know about the nature of hate-motivated activity inside the California Youth and Adult Correctional Agency?

The first point to make is that no taskforce has gone into the California prison system to document the exact nature of hate-motivated behavior inside it. Statistical collection is of paramount importance. What we have, therefore, is substantial anecdotal evidence of the nature of the problem, only a small, but significant portion of which I have laid out in this paper.

- *Who are the hate-based gangs?*

There are many gangs inside the Department of Corrections and the Youth Authority that revolve around a principle of hatred for “the other.” A few examples are the Aryan Brotherhood, Nuestra Familia, and the Black Guerilla Family, although there are far more. Each of these listed gangs actually began inside the prison system and now has external members that influence mainstream society, thus posing public safety concerns. The first criterion to become a member of a racist gang is “appropriate DNA,” the second criterion is area of origin. Violence tends to be a preferred method of interaction between different race-based gangs whether inside or outside the prison.

- *Nazification*

Perhaps the most frightening allegation about the California prison system is that the Youth Authority (YA) provides a forum for the nazification of untold numbers of unaffiliated white youth where there otherwise would not be one (no doubt this also happens in the Department of Corrections, but the evidence this author collected on this topic pertains specifically to the YA). This is no exaggeration. Essentially, numerous testimonials suggest that Caucasian youth, with no racist affiliation, go into the system, and, far too often, leave with genocidal, antisocial ideology and symbolism. Many parents have complained about their children’s new swastika tattoos, (read: permanent racist markings). They state that, if not for the Youth Authority, their kids would not have adopted Nazi ideology. Staff at the YA know about the problem but do virtually nothing to thwart it. Although many youth become hardened into racist gangs inside the system, what makes nazification particularly dangerous is that the ideology itself is based upon a principle of genocide. Just the fact that the YA is implicated in the cultivation of Nazism should be enough reason to reform the system. However, there is more.

- *Staff-motivated bigotry and facilitation of prisoner bigotry*

One of the most notorious incidents took place in the year, 2000, at Corcoran State Prison where guards set up “gladiator fights” between members of rival race-based gangs, only to shoot at them as an intervention method.

Countless women have complained about harassment and victimization by male guards. Their body cavities are, at times, disrespected both sexually and during inspections, as if they are merely things to be used. Complaints, more often than not, go uninvestigated.

A corrections officer told this author about a recent incident at a facility where the Aryan Brotherhood severely assaulted a Jewish prisoner with the specific intention of committing an anti-Semitic hate crime. The fight was not over debts or territory. Staff not only witnessed the event, but they punished the Jewish victim by putting him in lockdown. Individual Jews in the system often are targeted for violence by Nazi gangs only because they are Jews, and because there are no Jewish gangs to protect them in prison, even though the staff, not other prisoners, should safeguard them. I have in my possession a letter from another victim of repeated hate crimes. Here is an excerpt:

Dear Mr. Rosenthal:

My name is <deleted>. I am a prisoner at <deleted>. I am writing to you because I am interested in what your institute does. Being Jewish myself I am a victim of numerous documented stabbings and fights with 20 or more individuals and hate groups.

This prisoner has been stabbed and beaten up repeatedly. His victimization is well documented and confirmed by the facility's rabbi, and yet, the system allowed this prisoner to be subjected to hate-motivated violence many times.

- *Anti-gay violence is rampant*

The problems gay men face in California prisons are so pandemic, they almost could be their own topic. Gay men inside the prison system basically seem to have an invisible sign on their backs that state, "rape me and declare me your territory." They are often enslaved to entire groups and given female names to delegitimize them as men, thus making them considered to be little more than property. They are routinely dehumanized. Gay men often have nowhere to turn for protection as gay men, not even the system. Violence and other forms of violation against them are commonplace.

Part 4: Recommendations

Prison hate-motivated violence, racialized gang-warfare, and bigotry are current realities in the system, all of which have caused certain methods, like racial segregation, to be put into practical use today. However, the system relies upon these methods because there is no solid policy against the perpetuation of hate-motivated prison behavior or bigotry, which makes simple, short-term solutions for security favored over long-term ones. We must, therefore, recognize today's situation as far less-than-ideal, while still guaranteeing immediate penological interests; and we must do it without worrying about who is to blame since blame is an unfair practice when there is no policy to follow. The point, therefore, is not to abandon all of today's inappropriate methods willy-nilly, because that would guarantee yet even more chaos, but to begin a process that will render today's methods inconsequential. Unfortunately, what appears reasonable for corrections in the short-term often has been proved to be counterproductive in the long-term. This is what happens when there is no official rulebook against prison hate-activity. Prisoners wind up making social policy.

Nevertheless, all is not gloomy. We do know what works so far. In many, but not nearly enough, cases, prisoners become permanently rehabilitated, turn their lives away from race-

based gang warfare and bigotry, and stay out of the system. Relevant programs can take various forms, whether secular, religious, or vocational. Three successful examples of these, respectively, are CGA (Criminals and Gang Members Anonymous), “Celebrated Recovery” by Saddleback Church, and residential probation treatment facilities that teach fire suppression and search and rescue methods. The Governor of California has different options for reform at his disposal which I have laid out for him.

Option 1: Reinvent the system

Decrease concentrated prison populations by creating more, smaller, facilities, and offering wider access to alternative sentencing options, such as vocational camps, for nonviolent offenders. In such situations, fewer prisoners will be housed together at a single facility which will make rehabilitative efforts more intensive and successful. At smaller facilities, there are fewer reasons to create a critical mass of hate or dissatisfaction, thus race riots will be nearly eliminated and there will be virtually no chance to be recruited into a terrorist organization, which will take a burden off federal and state agencies. At small facilities, smart reconciliation efforts can be very successful between rival gangs. This is the best option to take to lower incidents of hate-motivated activity and to increase public safety. It also will lower costs for other California institutions over time via less recidivism, and by creating new taxpayers by helping prisoners restructure their lives to make a positive contribution to society.

Option 2: Revamp the current system

- 1) Enfranchise a taskforce to document antisocial problems, and to advise reforms,
- 2) Allow pertinent research about radicalism,
- 3) Refine guidelines to help shape prisoner behavior appropriately (rather than manage it)
- 4) Screen all religious clergy thoroughly,
- 5) Enfranchise civilian oversight,
- 6) Enfranchise gubernatorial oversight.

1) Taskforce: The most important, and best, way the California Youth and Adult Correctional Agency can help reform the current California prison system is to enfranchise a sophisticated taskforce, with no political agenda, that will have complete access to each of our facilities. This taskforce should be allowed to conduct confidential interviews in order to determine what the social problems are inside our prisons, how to ensure that the system is socially healthy, and to guarantee that strong penological interests are still being met. Information will be kept confidential. The point is to ameliorate the system and guarantee everybody’s rights, not to seek out litigation or cast blame.

The taskforce must be given full access to all of our facilities to begin to document the nature of the problem of hate-motivated behavior inside our prisons, given its threat to public health and safety. Since there is no official policy or comprehensive documentation of extremism, racism, bigotry, and/or group conflict inside our prisons, their first task must be to gauge the true extent of the problem beyond anecdotal evidence. This is necessary in order to determine and institute a wise and comprehensive plan to lower antisocial hate-motivated activities across the board. Only a fact-finding taskforce can determine which programs work, and which are worth the money spent.

2) The taskforce also should begin to conduct research, based upon established ethical guidelines, into the process of radicalization in order to understand how one transforms into a hardened gang member, a Nazi, or a terrorist, whether international or domestic. Public safety interests demand a far better understanding of the radicalization process. We are not totally in the dark, however. Read the words of Dr. Aaron T. Beck, world renowned psychiatrist and founder of Cognitive Therapy, to understand how one can become a terrorist under general circumstances. Then imagine the magnified effects in a highly racially charged prison system:

*We all have internal representations of ourselves and other people. When we perceive ourselves, or our group, as threatened (often by a stigmatized minority), our internal representation of ourselves is usually one of goodness, and that of other people with whom we are in conflict with badness. Like the terrorists, we are disposed at these times to see ourselves as the victims victimized by the others ... **Over time, our view of the other person or group progresses from opponent to antagonist, to Enemy. We see the Enemy as dangerous, needing to be isolated punished, or eliminated.*** (Emphasis added by the author.)

(Prisoners of Hate: The Cognitive Basis of Anger, Hostility, and Violence. New York: Harper Collins, 1999).

It would be difficult to imagine any system that could facilitate the radicalization of one's views from *opponent* all the way to a dangerous *Enemy* more than an enclosed prison system where chances for both survival and victimization are often determined by race and religious affiliation. Research by a taskforce on the cultivation of radicalism inside the California prison system can be used to help understand the psychosocial process that helps develop many types of violent extremists, whether a terrorist or hardened gang member, and can help put California squarely on the cutting-edge of the prevention of hate crimes, gang warfare, and terrorism in a way that speaks directly to the causes.

3) Provide corrections staff with training and guidelines on non-intrusive methods that shape, rather than manage prisoners' behaviors so that staff become part of the state's rehabilitative efforts. These guidelines must be solid enough to remain effective during high turnover rates so that, at such times, policy is not determined by middle management who may wind up using inconsistent attitudes to manage prisoner behavior. Lack of solid policy leads to inconsistency and is believed to instigate riots. A policy designed to shape behavior ethically will also help humanize prisoners to staff – to be viewed as people with potential to reform rather than as losers – as well as help humanize prisoners to each other.

- One way to help lower incidents of prison hate-motivated behavior would be to refine the “rights and respect” rule also to include hate-motivated activity, so that any antisocial behavior on the part of a prisoner that is determined to be motivated by bigotry or racism will have higher penalties attached. This policy should be modeled after California's hate crimes enhancement statutes and is very doable. However, a policy such as this has much room for interpretation by staff, and could lead to abuse.

Solid guidelines must be written, and proper training on how to conduct them, is of paramount importance.

4) Strict oversight/screening of all religious clergy and volunteers, not just Muslims. The United States Department of Justice has decided to review its selection process for Muslim clergy alone, but this is not appropriate policy. California must meet its own interests, which means screening all religious clergy and volunteers better. The reason is clear: there are various non-Muslim philosophies that counteract with the goals of corrections. The (white) Christian Identity movement, a neo-Nazi group, encourages its practitioners to shun personal responsibility by blaming the United States government and Jews for their problems and for their incarceration (as does Militant Islam), which certainly leaves little room for rehabilitative efforts to take hold, and has severe practical and theoretical implications for society. Moreover, militant clergy and their representatives often use hateful literature as indoctrination tools, and use them to advocate violence against members of despised groups. Religious freedom absolutely must be guaranteed to prisoners, and access must be provided. Yet, religious freedom does not give one free license to invalidate the lives of other people. Religious/philosophical clergy and their volunteers need better screening across the board to determine that their goals are not to encourage violence against others.

5) Enfranchise independent civilian oversight of corrections staff, formed by community committees that come together under one large umbrella oversight organization, to help ensure that there are no chronic ethics- or rule violations, including fraternization. Fraternization between prisoners and staff leads to cover-ups and accusations of racial favoritism. Furthermore, there have been an extremely high number of allegations that staff members routinely neglect abuse committed by certain prisoners upon other prisoners because of the victim's group affiliation, and there are complaints about abuse at the hands of staff itself. If there were civilian oversight, the gladiator fights at Corcoran never could have taken place. Police oversight has had a demonstrable effect on lowering incidents of police misconduct. The same principle should hold true for corrections staff as well. The end result will be a higher level of professionalism by corrections staff, more consistency toward prisoners (including during rates of high turnover), and less stress on everyone. Moreover, these oversight committees can provide a real benefit to corrections officers by helping to protect them from false allegations of misconduct by prisoners. This should alleviate staff concerns that internal affairs audits will not be able to distinguish false allegations from valid ones.

6) Gubernatorial oversight of California's largest institution is a priority. Governor Schwarzenegger should immediately enfranchise a new deputy, Special Assistant to the Governor in Charge of Prison Affairs. This position will act as the governor's personal liaison between his office, prisoners, corrections staff, wardens, communities, victims' rights groups, etc., so that Governor Schwarzenegger always has his eyes and ears on our largest institution, and can have his opinions streamlined to those who should hear them, and vice versa. This person also should provide the governor with regular reports so that he is aware of any public safety issues coming out of our prisons. This position will help reduce far more costs to the state and will show truly enlightened governance. An on-sight representative on behalf of the governor will act as a powerful motivator for the system to

behave, and will show the staff, communities and victims that this governor is interested in their problems and has his own ear tuned into them, rather than gaining information elsewhere.

Conclusion:

Anecdotal evidence suggests that hate-motivated activity inside our prison system is profusive. Yet there is no policy against it although it poses a direct threat to public health and safety. It occurs against prisoners due to their classification, whether based upon race, religion, gender, sexual orientation, or area of origin. The system, in fact, has been accused of providing an exclusive forum for nazification. Often, staff and the system sanction hate-motivated behavior, either directly, via purposeful negligence, or ignorance from lack of policy. Countless race-based prison gangs started inside the system, then moved into mainstream society. A survival-based system in which “us versus them” hatred and personal disenfranchisement flourish also may create sociological opportunities to be recruited into a foreign or domestic terrorist organization. Moreover, rape is a common tool to commit a hate crime. This results in the spread of infectious diseases into society when prisoners are released. Post traumatic stress and its myriad of problematic symptoms, has become far too routine as a result of the system. The negative social consequences from hate-motivated prison activity are wide-spread and significant.

The good news is that, however bleak the system may seem to be in its current state, there are options available for reform. We either can reinvent the system so that fewer prisoners are housed together, or instigate significant programmatic change in order to make the current system healthier than it is now. Whatever the case, hate-motivated activity inside Adult and Youth Correctional facilities must be addressed by a taskforce of professionals to lower threats to public health and safety as soon as possible. It would be wrong to base a new public safety policy on anecdotal evidence. California deserves no less.

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