Statement For The Senate Judiciary Subcommittee on the Constitution, Civil Rights, and Human Rights

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from Maligi Frederick Tuitasi

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I was received in CDCR January 1994, Donovan State Prison reception center in San Diego. In April 1994 I transferred to Corcoran State Prison Level 4 mainline. In May or June of 1995 I was placed in SHU at Corcoran then shipped up to PBSP SHU Dec 1995. I been here in PBSP SHU since. I received a determinate criminal sentence of 20 years in 1993.

I know you hear this expression all the time: They’re in prison for a reason and we must have violated prison rules to be placed in solitary, we receive three meals a day which is what matters.

People outside don’t know what it’s like to serve time in the SHU: to have staff mistreat you and violate the U.S. Constitution each guard swore to uphold. At the end it all amounts to degrading treatment and torture of prisoners in the SHU. A lot of times you have to numb yourself in this hellhole not to lose your state of mind when in despair. The pain of abuse and torture is deep and it grabs your attention constantly to keep you grounded and so you don’t forget where you’re at.

In 2009 was given six more years, denied release out to the mainline, inactive status, because of a photo of a friend I came across in Newsweek. Prison officials allowed a journalist in to the SHU to interview him and take his picture. The Internal Gang Investigator (IGI) who searched my cell stated this, that what he found in my cell is a calling card for gang recruitment since I know the inmate well. The thing is this – nowhere in the CDCR manual is there anything that mentions a calling card, it doesn’t exist. The reporting correctional officer who wrote this up made this policy up himself. Can you believe this crap. This wasn’t hidden – it was in my personal property. How can this be a calling card, the picture was taken by a journalist who came into the prison to interview this inmate a good friend. No such thing exists as a calling card.

The guard who wrote the report added one lie on top of another. Does this make the journalist a gang associate since he came into the prison doing the interview and taking his picture? This is the type of abuse of practice that goes on here, something which seems to never end. Also, they used a drawing too with the calling card to deny my release to mainline. The drawing was of an Aztec culture warrior and a female, a nice collage. A copy was given to me by an artist inmate in the same pod with me years ago. Staff claims that the drawing has distinctive symbols, body markings, hand signs, and gang graffiti. Therefore – I must be a gang associate still active since I have such a drawing. I am nobody nor am I affiliated with any gang … I am just plain Freddy.

I came into the SHU from Corcoran with determinate SHU term, meaning I had a date to be released back to GP. After a cellie incident in 1996, my SHU release date was moved to 2002. When this date came around, the unit counselor at that time pulled me out saying I’m not going to the mainline, that I’m a threat to the security of institution and to other inmates. I then go to committee and was told I’d been given an indeterminate SHU term. I can debrief to get out of the SHU.

This above is the reason I was denied release to mainline. I’ll send you both papers of what I’m speaking. If you want you can send copies to the Assembly committee to show them how CDC staff here operate railroading inmates. I am up again for my inactive status in 2015. Believe me, they’ll come up with some more lies to hold me back here when that time arrives. The goal is to keep any cell here filled for as long as CDCR can get away with it.

Lots of inmates enter the SHU doing just a determinate SHU term and complete their sentence only to be told later we’re not leaving the SHU, you now have an indeterminate SHU term. You see how this process is repeated doesn’t stop, the SHU cells must stay filled annually to push CDC-CCPOA agenda. Most inmates are denied inactive review status behind artwork culture stuff like the copy of artwork I enclosed, or literature material. One paper enclosed it says I’m known aka Fred. This is my name, not no alias. Duh! On my birth certificate: Maligi Frederick Tuitasi. Staff fabricates lots of reports to keep inmates from going out to the GP. The (review) committee usually goes with IGI report 98% of the times, inactive/active status review. Talk about continued torture and CDC abuse, when does this end? How can the Assembly Committee not see where the real problem lies here?

For the past 10-15 years now it has been the artwork used against inmates to deny them inactive status review. Is this outright silly or what? The (California Public Safety) Assembly Committee needs to take a close look into this, it’s serious and will show the abuse of CDC authority and unprofessional behavior of decisions of those at the top who monitor and check all this. Where is the oversight and accountability? You don’t have to do anything to end up in SHU these days. You can have a SHU term of 10 years, doesn’t mean you are released back to the GP after, you’ll be held longer to fill that cell regardless if you been disciplinary free. A lot of prisoners have completed SHU terms but are still held years or decades later.

Most of the guys are in the SHU for nonviolence, either for what informants said about them, or held in SHU behind drawings and their names being found in other prisoners’ cells. Believe me, the rest of SHU inmates here, hundreds, have the same exact documents that staff wrote up. This shows an ugly CDCR pattern of abuse and violating our due process rights, and all the documents don’t lie, speaks for itself. Follow all the paper trail, there lies the truth the court and public cannot ignore!

Most inmates that are denied six-year inactive status for the past 10 years are behind artwork, your name found in another inmate’s cell inside a book, or simply sending regards to a friend in another pod. Staff write it up as gang activity or gang communication. I thought about something that’ll strengthen SHU inmates’ cause big time. Collect all the SHU six-year inactive denial forms from the past 15 years and you’ll see a disturbing pattern that is repeated continually by IGI staff and committee here, how both work together in railroading inmates. Once all this is established and proven, this gives SHU inmates more leverage, a bargaining chip against CDCR. This type of documentation needs to be collected by prison advocates and shown to legislators to really open up eyes. I think this move would really speed up CDCR implementing new changes because of pressure from the Legislature.

All this torture and punishment from PBSP staff over the years has scarred me deeply. Seems that no matter how much I program in the SHU and do good, it’s for nothing. And it hurts big time to think about this you know, but it is something I have to face, deal with it, and not let any negative emotions take over. My SHU term had been over in 2002, but was served with new papers that I been given an indeterminate SHU term, not going nowhere. The counselor at that time said this to me while handing me the paper – debrief and we’ll let you go. This is a CDC PBSP pattern: Inmates enter this SHU only serving a determinate sentence and when it’s up, the unit counselor breaks the news to the inmate: You are now stuck in the SHU. And you know the process to leave the SHU: snitch, parole, or die.

I ponder sometimes if I’ve become addicted to this pain of being abused and mistreated by CDCR and not have stood up to the maltreatment in the past till now. Some prisoners are broken in many places, but they’re not broken spiritually and we’re good beings no doubt. It’s easier for the public to focus on inmates because we’re incarcerated, than to focus on wrongful actions of CDCR: when the spotlight is shined on them anytime, it usually is ignored, swept under the rug fast. People in society have no clue to the ongoing abuse of prisoners in the SHU. Many people get involved in political matters, vote, yet do not know who sits on their board of education, their city council, and so on. They don’t know the people whose decisions affect their lives on a daily basis, yet they believe they are going to change the political debate from the top down.

I believe that most people in society not familiar with the political landscape in California, they probably think that more money is pumped in the educational department than the prison system. I at one time thought that most of California funds goes toward the educational department, of course I was shocked to learn later how wrong I was.

It’s difficult to not become angry about all the CDCR injustice and other sensitive issues of torture and neglect happening around the world. And when people we care about are being mistreated and threatened, it is hard not becoming angered and frustrated. To defuse this feeling of irritation you keep hope high and alive.

CDCR will naturally keep all SHU cells filled – this is their baby setup, what California is known for, prisons and SHUs. Where the money is for certain businesses connected. Inmates in SHU are taken to annual committee once a year, and ICC every 180 days, which is routine. When I went to annual committee last month, first time in 10 years I appeared. I went to see if I’m able to get approved to take a photo, and to ask what new SHU gang validation policies changes have been implemented if any, and when will changes come? Well, I was denied photo approval. And committee said 2012 some changes are coming in the SHU but wouldn’t elaborate. Most SHU inmates refuse to attend their annual committee because of the games and lies staff throw at us. So many inmates become frustrated at how staff fabricate reports to continually keep us in SHU, that prisoners don’t challenge this, do the paperwork fight it all the way via 602 feeling of defeat won so why even try.

I’m guilty of this too, just accepted being railroaded, didn’t pursue it farther through the 602 complaint process. This time around it is different, since the hunger strikes, I’m staying on top of things, also researching everything concerning inactive status, CDCR policies, whole area, becoming familiar with this.

Always know that some prisoners who have nothing to lose will always have an agenda mostly bad in terms of making their situation worse, and that’s exactly what CDCR wants—prisoners to react using prisoners’ own actions to use against them later. You hear a lot in SHU frustration how CDCR has held many prisoners in solitary for nothing, using fabricated reports over and over to deny release out to general population. This isn’t nothing new, it been taking place for decades now prisoners in SHU being railroaded.

This unfair and discriminatory CDC practice has been going on for decades. When does it end, when is CDCR going to cease this cruelty of punishment and inhumane torture and accept full responsibility? They have to present dubious evidence to keep the SHU cells filled or there wouldn’t be no jobs and SHU. Something to remember: The CDCR believe in their own one-sided reform – power, abuse, money, and to keep the prisons filled. Many guards in SHU think that because we’re in the SHU “worst of the worst,” our loved ones and friends who visit us must be bad people too. This is how guards CDCR promote their own manipulative agenda, to create chaos and fear using false propaganda intimidation tactics.

So, the mindset of some prisoners in the SHU is that good behavior and character the improvements are immaterial – the future doesn’t hold nothing for them worth fighting for, they’ll remain in this hell hole for the rest of their life. There are many in SHU with impeccable disciplinary records, but this doesn’t benefit them win their release to the general population.

Guards will make up crappy policies not because it’s CDCR regulations, but because they hear or have been observed other guards doing it. So, they just go along, sort of like conditioning. Some guards don’t know thoroughly the CDCR Title 15 policies. Prisoners in SHU don’t have to commit any CDC RVR (rules violation reports), guards will do it for prisoners, create false reports just like that, it’s nothing new, all the time this happens. We cannot let this create fear where we change parts of ourselves to satisfy guards. That’d be surrendering to abuse and living conditioned, my personal opinion.

For too long this has been happening, and the truth is out now. Times change, and CDCR has had lady luck on its side too long, the party is over for their cruelty and rogue inhumane policies. The good thing is this, CDCR revealed their own hand by the proposed draft (March 1 2012, Security Threat Group Management), that a lot of old ugly tactics used to keep prisoners inside the SHU, CDCR plans to not change. It’s on paper, their own words!

Two guards who escorted me to attorney visits, I asked if they read the new regulations, reply no. I mentioned SHU will be closed some day, one guard then responded what about their jobs? This made me think, is this the real cause to keep SHU full with inmates is to keep them employed, to feed the CCPOA (California Correctional Peace Officers Association) machine with money the more prison guards there are? Without Cali SHUs, the CCPOA power base becomes weaker and pocket lighter.

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I said to myself: How does one practice patience in prison, a world of broken lives, hurt, pain, misery, aggression, mistrust, egos clashing constantly? Prison is hell itself where lives die slowly and spirits languish after a while, nothing to live for.

The true significant of my life is to be a very worthy human doing good in the world. That’s my calling and I’m ready for society when I am set free, lots to do positive to engage in, places to travel, goals to reach, knowledge to learn and share, mainly just to live normal, something I never done. Shoot, I don’t even know how to fix a tie or fill out a tax form, or to operate a computer and cell phone. Where have I been?

Do I worry about getting out, returning to crime? I have overcome bad habits, also addiction of living in the fast lane not a care in the world. I lived the first half of my life as an unproductive lost soul and battered. I got all the wildness out of me first half of my life. The difference from the past and present is awareness and responsibility to myself, taking control of my life. This is the first time that I’ve felt inner change, appreciation, and awakening in my life, I’m proud to say. I can’t afford to return to prison, enough is enough, I surrendered to that street lifestyle put it behind where it belongs.

Do I think about returning to prison, no I don’t. All I think about now is my new life, to do good when released living life free and productive. I deprived myself of years in prison for what? Because I was immature, stupid, and I didn’t stop to breathe, reflect on my actions that hurt myself and others. The shadows of my past I have faced and won, and my old life it’s finished. There’s nothing there for Maligi. The past can never be again, it’s history.

I no longer long for old habits nor worry about returning to my past. My new life inner level has replaced the old habits, where discipline and richness to live in the moment doing good has won, taken over. Never have I been this connected with myself till now. Change, love, kindness, grace, understanding, forgiveness, patience and goodness start with ourselves and flow outward touching other people’s lives, brings progress to the world too. I’m mindful of all this today, as in the past I wasn’t, in which I won’t deny this.

They say, many critics, that prisoners in solitary and in prison are animals, also beyond rehabilitation. That inmates shouldn’t complain how staff treat them, accept it serve our sentence. I think of this a lot and I wonder if these same critics would surrender to abuse by the hands of co-workers or family members? Yes, we’re in prison because we violated the law made some bad decisions, but we’re also human beings worthy just as everyone out in society who have freedom.

When a person makes mistakes in life, it doesn’t mean he/she is stupid or a disgrace to society. There’s so much healing, growth, and awareness in mistakes, which can make one a better person changed at that.

The problem comes when we judge everyone continually, when we fail to do what’s expected be your own person treat others as you’d want them to treat you, last when we know change is free and is yours today and forever. All it takes is opening your heart to receive it.

You remove fear and barriers by knowing your personal self-worth living by your own principles, believing in your potential and purpose in life. Everyone faces one crisis or another in their life, but you’re in control in how you deal with it. You can be in a constant state of conflict, or a constant state of peace knowing because one area in your life isn’t too fulfilling it doesn’t make you less human or a failure. You’re okay, and you’ll get by no matter what curveball life hurls your direction.

There’s continuous improvement in life even during unpleasant times, it’s not the end of our goals and goodness in what we have to accomplish ahead. I’m in prison solitary since 1995, I was railroaded by staff placed in SHU, but it hasn’t broken me nor has my years spent in here resulted in bitterness toward CDCR. I won’t give them the satisfaction of that, to be angry at them, the truth is I’m happy today and faith stronger than ever shining brighter daily in a dark world, where staff some attempt to strip you of your human goodness and your sanity.

How can one be free while living in a hell where psychological abuse is constantly in your face? All you see in here is lost souls struggling to survive, not sink deeper into a place nobody wants to be. How can lost souls and the human spirit survive and flourish in solitary while your human existence is desensitized and debased around the clock?

My reply to this from personal experience is this: to know that good exists in you and use the situation to create a new you, one that is responsible and has emerged out to the other side more stronger and conscious for the first time. Not does this only benefit you, but you’ll be able to help others find his/her way in life through life adversity: To be a source of empowerment to everyone by your positive actions which creates an atmosphere of faith, hope, acceptance, humility, and a life of quality based on human respect.

Sincerely and with respect,

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