

22,000 USES OF FORCE



Hidden Violence of Militarized Weapons
in California Prisons and Jails

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**American
Friends
Service
Committee**

Introduction and background

California jails and prisons use force against prisoners to an extraordinary degree, frequently with militarized equipment such as rubber bullets, pepper spray, and tear gas—and the problem is getting worse.

In the three years of 2021-2023, state prison staff documented **22,315 uses of force against prisoners**. During that period, prison staff used rubber bullets 3,145 times against incarcerated people, tear gas 113 times, batons 1,226 times, and pepper spray a stunning 11,751 times – an average of more than 10 times every single day, on a population of just 95,000 people.¹

Prison and jail personnel’s use of militarized equipment is primarily and disproportionately carried out against people with mental illness. It is hidden from public view and faces little or no accountability, as procedural and legal avenues for incarcerated people who are subject to such violence are extremely limited. Weapons acquired by California prisons and jails are also expensive.

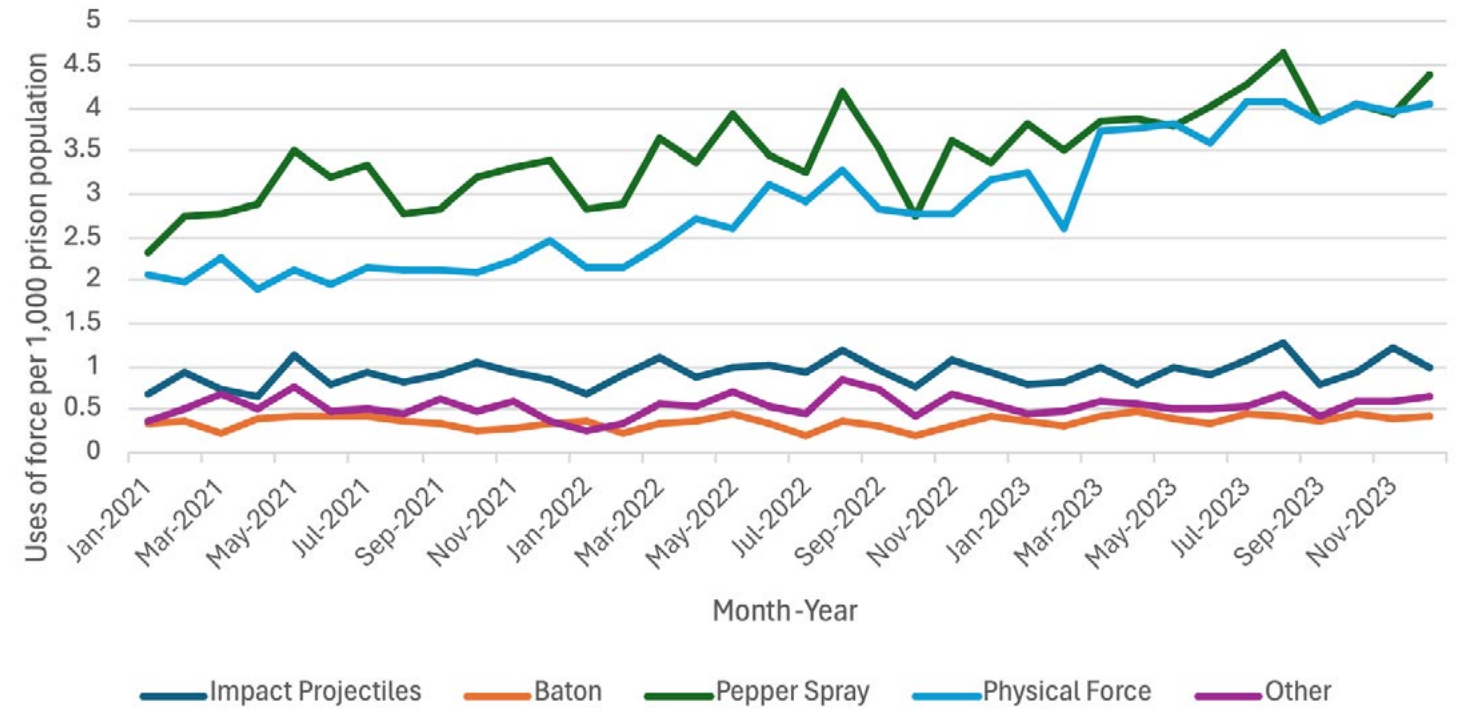
The California Department of Corrections and Rehabilitation (CDCR) reported using tear gas and launched projectiles in 2021-2023 – more than all other California agencies combined for which we obtained data. In that same period, Prisons also deployed Ruger Mini-14 assault rifles—which are banned for civilians in Canada²—multiple times, firing the rifle 13 different times, and firing warning shots on 16 occasions.³



Illustration of Ruger Mini-14. Overall length: 36". Barrel length: 16".

IN THE THREE YEARS OF 2021-2023, STATE PRISON STAFF DOCUMENTED 22,315 USES OF FORCE AGAINST PRISONERS

USES OF FORCE IN CALIFORNIA PRISONS BY TYPE OF FORCE (2021-2023)



Data source: CDCR

BACKGROUND

In 2021, California lawmakers passed AB 481, a state law that requires law enforcement agencies, including the CDCR and county sheriffs that operate jails, to publish the amount of military equipment owned by the agency and policies for authorized uses. County elected officials are further required to consider and decide each year, in a public meeting, on policies for the use of military equipment, including in jails, and on any new acquisitions proposed by sheriff departments.⁴

Military equipment use policies defined by AB 481 include several components for each type of equipment: a product description, quantity, capabilities, lifespan, purpose and authorized uses, initial and annual costs of the equipment, the rules governing use, training required to use it, and what independent entity will have oversight authority. This policy must be published on the agency’s website, and be defined for each model of military equipment.

CDCR published a page regarding its military equipment in April 2022,⁵ which listed types of equipment, training required, and referenced the agency’s policies for use of force.⁶ However, CDCR defied AB 481’s requirement to disclose the quantity of each type of military equipment it possesses, as well as the requirement for use policies for assault rifles and rifle munitions that the agency owns.

AB 481 also requires sheriffs and police departments to publish an annual report on their use of military equipment, the purposes of use, costs, and complaints about its use. Such annual reports allow the community and elected officials to assess policies and continued use of weaponry in jails. Nearly two years after this requirement went into effect, some sheriffs that run county jails still have published annual reports only partially, or not at all. **The weapons and policy for using violence against people in California jails remain mostly hidden.**

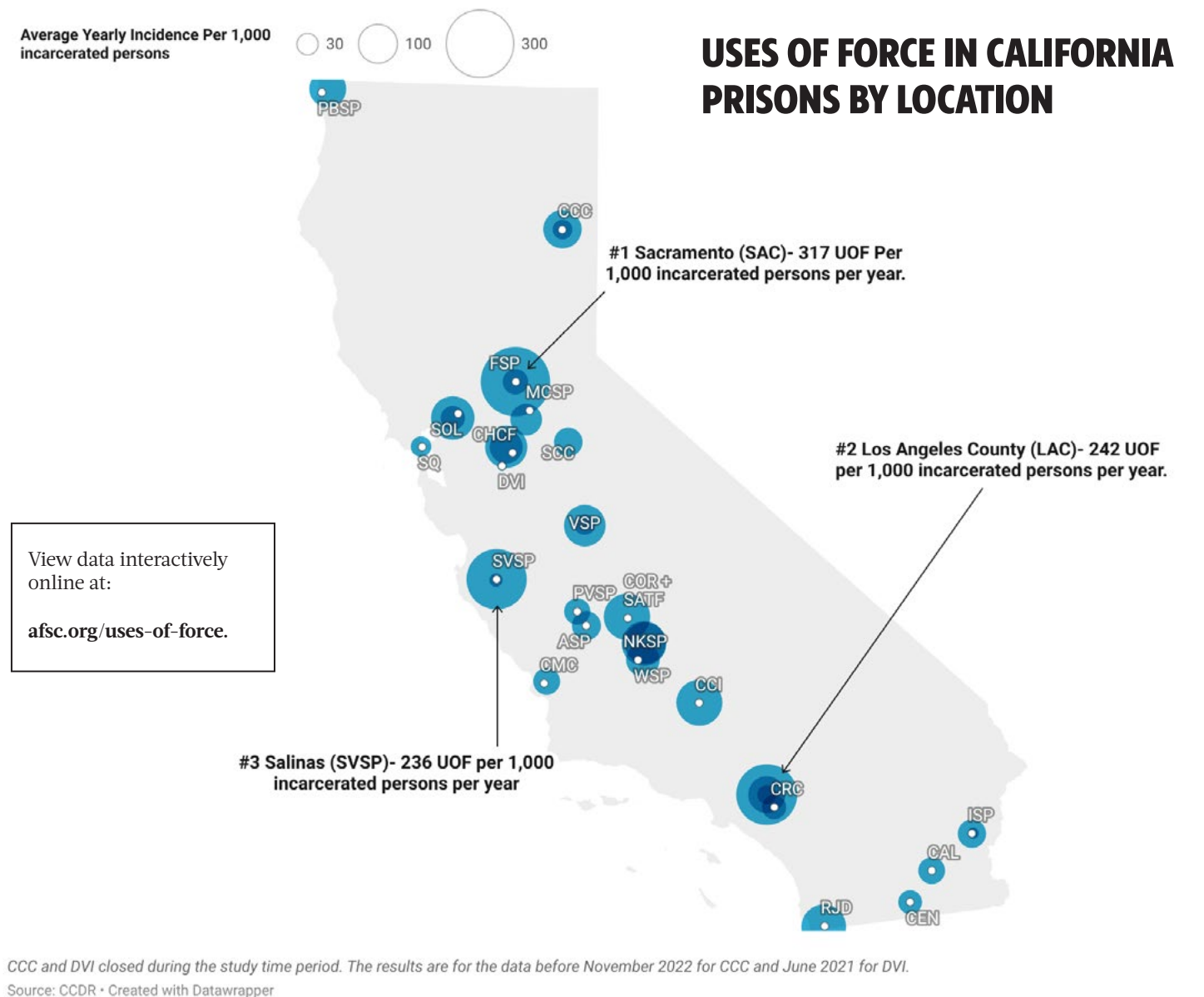
LACK OF TRANSPARENCY ON CIRCUMSTANCES OF USE OF FORCE

CDCR publishes data on the number of “documented uses of force” for every prison in California every month. According to the CDCR Operations Manual, uses of force by CDCR staff generate a series of documentation requirements, including Incident Report Forms.

Incident Commanders must also review Incident Reports and complete a CDCR 3010 form.⁷ Additionally, according to recently adopted departmental regulations, documentation should be reported using the IRT system or CDCR 837 forms.⁸

Yet, when AFSC requested copies of incident reports and incident review reports for 80 “documented uses of force” in four California prisons that CDCR reported having occurred in February 2023, CDCR denied the request, stating that the records were exempt because they constitute investigatory records of the agency.

As a result of CDCR’s lack of disclosures, the causes, circumstances, and impacts of thousands of uses of force in California prisons remain shrouded in secrecy, hindering efforts to reduce this violence.



ABBREVIATIONS FOR CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION (CDCR) FACILITIES

Acronym	Name of prison
ASP	Avenal State Prison
CAL	Calipatria State Prison
CCI	California Correctional Institution
CCWF	Central California Women’s Facility
CEN	Centinela State Prison
CHCF	California Health Care Facility, Stockton
CIM	California Institution for Men
CIW	California Institution for Women
CMC	California Men’s Colony
CMF	California Medical Facility
COR	California State Prison, Corcoran

Acronym	Name of prison
CRC	California Rehabilitation Center
CTF	Correctional Training Facility
CVSP	Chuckawalla Valley State Prison
FSP	Folsom State Prison
HDSP	High Desert State Prison
ISP	Ironwood State Prison
KVSP	Kern Valley State Prison
LAC	California State Prison, Los Angeles County
MCSP	Mule Creek State Prison
NKSP	North Kern State Prison
PBSP	Pelican Bay State Prison

Acronym	Name of prison
PVSP	Pleasant Valley State Prison
RJD	RJ Donovan Correctional Facility
SAC	California State Prison, Sacramento
SATF	California Substance Abuse Treatment Facility
SCC	Sierra Conservation Center
SOL	California State Prison, Solano
SQ	San Quentin State Prison
SVSP	Salinas Valley State Prison
VSP	Valley State Prison
WSP	Wasco State Prison

Violence is overwhelmingly against prisoners with mental health diagnoses

The use of force in prisons is heavily concentrated on people with a mental health diagnosis—who make up more than 77% of all uses of force in 2023,⁹ though only 35% of the California prison population has a mental health diagnosis.¹⁰

Moreover, prison staff are increasing their use of force on people with mental health diagnoses—from 4,449 times in 2021 to 6,964 times in 2023, an increase of more than 56%.

In seven facilities, more than 90% of uses of force in 2021-2023 were against people with mental health diagnoses. In two prisons with majority mental health populations, more than 97% of uses of force were against people with a clinically diagnosed mental illness. This data demonstrates further how the state’s failure to address the needs of people with mental illness leads not only to illness, preventable crises, and incarceration, but also to violence.

Dr. Mariposa McCall, a psychiatrist who worked for several years in California prisons, told National Public Radio that prison officer culture prioritizes security and compliance above all. That leads many officers to believe that people who are hurting themselves are actually trying to manipulate them and that people with mental health conditions are potentially dangerous.¹¹

USE OF FORCE ON INCARCERATED PERSONS LIVING WITH MENTAL ILLNESS IN CALIFORNIA PRISONS



Data source: CDCR

Jamelia Morgan of Northwestern University says, “Force runs through the way prisons manage people that don’t fit in. It’s how they maintain order.”¹²

Litigation in California has aimed to improve treatment of incarcerated people with mental health illness. But even after years of court-ordered measures, uses of force against the mentally ill in California prisons continue to be pervasive. Coleman v. Brown is a class action lawsuit initiated in 1990 on behalf of people in California prisons with serious mental illness. In 2013, it resulted in a federal court order to curtail the use of force against the mental health population in prisons, and new CDCR use of force policies in 2014.¹³

At that time, an expert witness reported that a third of California prisons had a rate of use of force incidents against mental health prisoners that was more than double their representative population.¹⁴ Yet, by 2021-2023, this was true of more than half of California prisons—that mentally ill people were more than twice as likely to be subject to uses of force than others in prison.¹⁵

“FORCE RUNS THROUGH THE WAY PRISONS MANAGE PEOPLE THAT DON’T FIT IN. IT’S HOW THEY MAINTAIN ORDER.”

—Jamelia Morgan, Northwestern University

Weapons purchases for prisons

From January 2022 through July 2023, CDCR spent more than \$21.8 million for its armory, including \$8.7 million for more than three million rounds of ammunition, according to documentation released in response to public records requests.

The prisons spent more than \$217,000 on over 100,000 paper and cardboard shooting targets, and over \$3.3 million on “riot control” masks and related equipment to protect staff from tear gas.¹⁶ Seven prisons and CDCR headquarters acquired 382 sets of leg irons, a type of restraint and captivity that has its American origins in slavery.¹⁷ CDCR also purchased dozens of Ruger and Colt assault rifles for six prisons during the same period.¹⁸ It acquired nearly 200 “laser sights” (cost: \$4,165 each) that are attached to firearms and used to accurately point a laser beam at a target.¹⁹ However, in its policies for implementation of AB 481, CDCR did not disclose the assault rifles in its inventory nor its policies for using them.

CDCR purchased more than 55,000 rounds of indiscriminate and dangerous “less lethal” multi-projectile munitions (many of them “Stingballs”), which disperse widely and that CDCR policy says are to “intended to be skipped or directly fired at the discretion of the operator.”²⁰ According to documents released in response to Public Records Act requests, most California prisons have purchased Stingball munitions.²¹ Stingballs, sometimes colloquially called “scattershot” munitions, are grenade-like spheres typically thrown into a space that release between 25 and 180 small rubber balls.²² Because they move in all directions, they are indiscriminate and cannot be accurately aimed at a person or to avoid the head and neck (which can cause brain injury or blindness) or other vulnerable parts of the body.²³

CDCR PURCHASED MORE THAN 55,000 ROUNDS OF INDISCRIMINATE AND DANGEROUS MULTI-PROJECTILE MUNITIONS, INCLUDING “STINGBALLS” THAT RELEASE DOZENS OF SMALL RUBBER BALLS AT HIGH VELOCITIES.

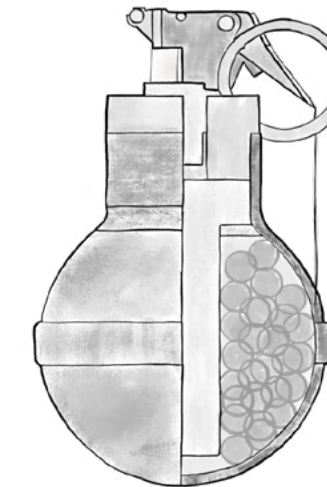
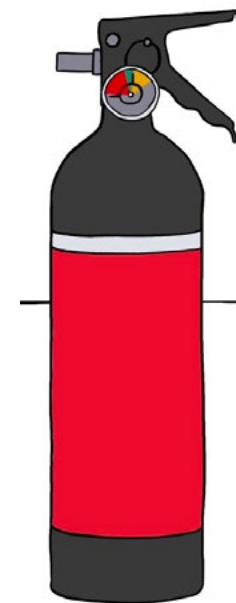


Illustration of DefTec 1087 “Stingball”.

Defense Technology Stinger® Grenade. On detonation, the device emits a sound at 175 decibels (louder than a firecracker) and projects dozens of rubber balls in a 50 foot radius.

MK-46
Height: 16.5in
Diameter: 4.25in



MK-9
Height: 9.15in
Diameter: 2.60in



Illustration of MK-46 pepper spray canister.

State prison staff use pepper spray in canisters in a range of potencies, range, and sizes, from smaller handheld ones to others as large as fire extinguishers.



Illustration of Colt LE6933 Firearm.

Colt assault rifles such as this purchased by CDCR were not disclosed in the agency’s AB481 disclosure of its equipment inventory.

Use of force and military equipment in jails

Militarized gear is also used in jails, though this use is much less well documented.

In Santa Clara County, sheriff deputies used tear gas 17 times in county jails in 2022-23 in order to force compliance with orders, mostly for not taking medication.²⁴

Tear gas, which is unlike the physically focused use of pepper spray, often spreads through a facility via vents or shared spaces, affecting prisoners and staff who were not involved in an incident.

Testimony from Santa Rita Jail in Alameda County indicates “less lethal” impact munitions are used against people with mental illness who may not understand what is happening or be able to effectively communicate their needs. One person who has spent considerable time incarcerated in Santa Rita told AFSC that the sheriff’s office began using Stingball scattershot munitions –known in the jail as “bumble bees” –in 2020.

The person described seeing a man with serious mental illness, who was in an isolation cell for several months and had been subject to a “bumble bee” attack. The man showed bruises four to six inches wide on his neck, chest, and legs. “They set it off in a 7 x 7 foot cell,” he said. “All those balls bounce off the walls at basically explosive speeds.”²⁵

In the Martinez jail in Contra Costa County, deputies reported using Stingballs four times in 2022, according to the sheriff’s office report on the use of mil-

itary equipment in 2022. The report did not indicate any threat to deputies or people incarcerated in Santa Rita during these uses of scattershot munitions. In one case, the objective was to get someone to take medications.

Contra Costa deputies also used other impact projectiles twice in the county’s jails, in one case striking a man “armed with a broom” with three projectiles.²⁶ An investigation into the use of force in Pennsylvania jails found that “when people in crisis are treated badly in jails, it’s often not due to an unethical corrections officer, but rather, a system poorly designed for people with these issues.”²⁷

All or nearly all sheriff departments possess assault rifles, as well, but do not reference policies for their deployment that are specific to the jails that they run.²⁸ Some county sheriffs have failed to disclose assault rifles in their AB481 policies, despite possessing them (including sheriffs in Imperial, Kings, Madera, Modoc, San Mateo, Santa Cruz, and Sonoma counties), or have not published any military equipment inventories (Alpine, Del Norte, and Humboldt counties).

Like other law enforcement agencies, county jailers and state prisons record incidents of use of force and injuries resulting from them, but do not document emotional trauma or consider it an injury. Yet, especially for people who already suffer from an underlying mental illness, the use of violence against them in a confined space can exacerbate illness or even psychosis. “What is little recognized is that if someone has mental illness, the trauma from a use of force can aggravate the pre-existing condition. It can trigger a psychotic episode or increase hallucinations,” according to prison mental health expert and psychiatrist Terry Kupers. “For someone who is depressed, it can cause more depression; if bipolar, more depression or mania; schizophrenia, more hallucinations and delusions.”²⁹

**“WHAT’S REALLY
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MENTALLY ILL
PEOPLE.”**

–Corene Kendrick,
ACLU National
Prison Project

What can be done?

People in prisons and jails who are subjected to excessive force, including in the use of militarized weapons, have little recourse.

Before turning to state or federal courts, they must exhaust their grievances within the prison system, which has multiple strict deadlines for filing, and multiple appeal processes that must be exhausted.³⁰

If people are able to reach the courtroom, they must demonstrate that the force used against them was excessive in violation of the Eighth Amendment and had malicious and sadistic intent to cause harm.³¹

This high standard is difficult to prove, as force is legally allowed when it is used to maintain or restore discipline inside a prison.³² Courts look at factors to determine whether force was excessive, such as the seriousness of an injury, the necessity for force under the circumstances, the relationship between the need and the amount of force used, the size of the threat, and the efforts made by prison guards to decrease the amount of force used.³³ State courts reject claims that fail to meet the very high standards of federal courts for excessive force claims.³⁴ As a result, despite a high volume of uses of force in California prisons, only a very small number result in any litigation, much less in relief.

AB 481 requires elected officials reviewing proposed military equipment policies to determine there is no cost-effective alternative to the use of militarized gear and that use policies for the equipment safeguard civil liberties. Although some agencies state that they undertake to de-escalate a situation before using weapons, CDCR and county law enforcement agencies provide little evidence of having investigated alternatives to the use of these weapons.

Some simple, low-cost methods are alternatives to using force in jails. A medical student who worked in one California jail shared an example of clinical staff in the jail who sought compliance from people with mental illness who refused to comply with needs such as taking a shower. These staff had success through offering incentives, including something as simple as offering them a Pop-tart in exchange for compliance.

CDCR has made purchases of military equipment worth millions of dollars despite the agency's noncompliance with state law AB 481, its brutal record, and its policy of firing on people in prisons with indiscriminate and dangerous weapons such as Stingballs. **Instead, the state should reinvest funds used for the militarized incarceration of people with mental illness into community-based treatment and housing.**

Recommendations

- American Friends Service Committee urges **journalists, advocates, researchers, and local and state government officials in California to investigate the pervasive use of violence against people in prison**, especially those with mental health diagnoses, in California prisons and jails.
- Specifically, **the California State Auditor should** perform an audit on the extent, causes, and consequences of the use of violence against people in California prisons and jails.
- **California and its county governments should** adopt and fund measures that provide adequate upstream (preventative) and crisis care and access to supportive housing for people who experience mental illness or substance use disorders.
- Because of CDCR's overwhelming use of militarized weaponry, **California lawmakers and the governor should** significantly reduce the agency's spending on this equipment in the \$19 billion CDCR budget proposed for 2024-2025.
- **The California Department of Justice should** instruct CDCR and county sheriffs to fully implement AB 481's requirements to publish policies for each type of military equipment the agencies possess, including disclosure of quantities of these weapons.
- **State lawmakers, as well as boards of supervisors in counties where sheriffs possess indiscriminate Stingball munitions, should** explicitly ban the use of these weapons in county jails and state prisons.

THE STATE SHOULD REINVEST FUNDS USED FOR THE MILITARIZED INCARCERATION OF PEOPLE WITH MENTAL ILLNESS INTO COMMUNITY-BASED TREATMENT AND HOUSING.

Acknowledgments

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John Lindsay-Poland coordinated the report, assisted by Jennifer Tu. Aija Suuta designed the report. Susannah Zietz created graphs and a map.

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ENDNOTES

1. This and other data on use of force in California prisons is drawn from CDCR's Compstat Incident Reports. Reports since 2021 are available at: <https://www.cdcr.ca.gov/research/compstat-incident-reports/>. Reports for 2019-2020 were obtained by AFSC through a Public Records Act request.
2. Aiello, Rachel (May 1, 2020). "More than 1K assault-style weapons now prohibited in Canada: PM Trudeau". CTV News. Archived from the original on May 1, 2020. Retrieved May 1, 2020.
3. Twelve of the incidents of staff firing Ruger Mini14 assault rifles were at High Desert State Prison, four at SAC, two at Pelican Bay, and one each at CCI and SOL.
4. Text of AB 481 is at: <http://afsc.org/ab481>
5. See <https://www.cdcr.ca.gov/ab481/>
6. See <https://www.cdcr.ca.gov/regulations/wp-content/uploads/sites/171/2023/05/2023-DOM.pdf>.
7. Sections 51020.17 and 51020.19.1 of the CDCR Operations Manual.
8. Section 3268.1, "Reporting and Investigating the Use of Force for Institution/ or Facility Staff", at <https://www.cdcr.ca.gov/regulations/wp-content/uploads/sites/171/2022/12/NCR-21-03-Final-Approval.pdf>.
9. This is an increase from 69% of use of force incidents reported by CDCR
10. See <https://public.tableau.com/app/profile/cdcr.or/viz/OffenderDataPoints/SummaryInCustodyandParole>.
11. Brett Sholtis, "In county jails, guards use pepper spray, stun guns to subdue people in mental crisis," National Public Radio, January 2, 2023, at: <https://www.npr.org/sections/health-shots/2023/01/02/1137208190/in-county-jails-guards-use-pepper-spray-and-stun-guns-to-subdue-people-in-mental>
12. Interview with authors, January 31, 2024.
13. Rosen Bien Galvan & Grunfeld, "California's New Use of Force Guidelines a Positive Step in Ending Harsh Treatment of Mentally Ill Prisoners," August 1, 2014, at: <https://rbgg.com/rbgg-comments-states-new-policies-use-force-solitary-confinement-prisoners-mental-illness/>
14. Declaration of Eldon Vail, Coleman v. Brown, 2:90-cv-00520, Document 4638-1, filed May 29, 2013.
15. CDCR's Compstat Incident Reports and CDCR, "In-Custody Major Mental Health Designations Source Data," at: <https://public.tableau.com/app/profile/cdcr.or/viz/OffenderDataPoints/SummaryInCustodyandParole>
16. California Department of Corrections and Rehabilitation, responses to California Public Records Act requests, January 12, 2022, at: <https://www.muckrock.com/foi/california-52/purchase-records-and-less-lethal-use-records-122395/> and August 9, 2023, at: <https://www.muckrock.com/foi/california-52/certain-equipment-purchases-since-january-1-2022-149417/>
17. These purchases were not new. In the years 2015-2021, CDCR purchased 1,337 sets of leg irons. CDCR public records request response January 12, 2022.
18. Mini-14s were for Salinas, Cal State Prison LA, CCI, CA Rehabilitation Center, Calipatria, Valley State Prison.
19. See video on Modular Advanced Weapon Laser - Direct Action, at: https://www.youtube.com/watch?v=A_P7QKuAFbc&t=2s.
20. On dangers of these munitions, see Physicians for Human Rights, *Lethal in Disguise: The Health Consequences of Crowd Control Weapons* at: <https://phr.org/wp-content/uploads/2018/09/lethal-in-disguise.pdf>. On CDCR policy, see <https://www.cdcr.ca.gov/regulations/wp-content/uploads/sites/171/2023/05/2023-DOM.pdf>.
21. Recent Stingball acquisitions by California state prisons include (facility, number, date): California Rehabilitation Center, 600, Sept 2022; Richard Magee, 400, Jan 2023; Richard Donovan, 350, June 2023; Cal State Prison LA, 200, October 2022; Pelican Bay, 40, March 2023.
22. See, for example, Defense Technology product description for the commonly used Stinger Grenade, at: <https://www.defense-technology.com/wp-content/uploads/2020/06/Stinger-Grenade.pdf>.
23. See Physicians for Human Rights and International Network of Civil Liberties Organizations, *Lethal in Disguise 2: How Crowd Control Weapons Impact Health and Human Rights*, 2023, at: <https://phr.org/our-work/resources/lethal-in-disguise-2/>; and United Nations Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, "Thematic study on the global trade in weapons, equipment and devices used by law enforcement," August 24, 2023, at: <https://www.ohchr.org/en/documents/thematic-reports/a78324-thematic-study-global-trade-weapons-equipment-and-devices-used>. See also AFSC, "Scattershot munitions", afsc.org/scattershot.
24. Lisa Fernandez, "Santa Clara County's use of tear gas at jail halts military equipment purchases," KTVU News, August 23, 2023, at: <https://www.ktvu.com/news/santa-clara-countys-use-of-tear-gas-at-jail-halts-military-equipment-purchases>
25. AFSC interview with person imprisoned in Santa Rita, May 2023.
26. Contra Costa County Sheriff's Office, "GC 7070 Defined Equipment Report," at: <https://www.cocosherriff.org/home/showpublisheddocument/554/638210418889070000>
27. Brett Sholtis, "In Pa. county jails, people with mental illness are routinely met with pepper spray and stun guns," WITF, October 12, 2022, at: <https://www.witf.org/2022/10/12/pennsylvania-jails-mental-illness-pepper-spray-stun-guns/>
28. Some sheriff departments have excluded assault weapons they possess from AB481 policies, on the basis that they are "standard issue weapons." However, because agencies that have such weapons and exempted them from oversight typically do not state this fact, we cannot determine whether all, or nearly all, sheriff departments have assault rifles.
29. Quoted in Human Rights Watch, *Callous and Cruel: Use of Force Against Inmates with Mental Disabilities in U.S. Jails and Prisons*, 2015, pp. 62-63, at: https://www.hrw.org/reports/usprisoner0515_ForUpload.pdf
30. See *Know Your Rights: The Prison Litigation Reform Act (PLRA)*, ACLU, https://www.aclu.org/sites/default/files/asset_upload_file79_25805.pdf; Information RE: Improper or Unlawful Use of Force by CDCR Staff, Prison Law Office 1.4 (June 2017), <https://prisonlaw.com/wp-content/uploads/2017/06/Use-of-Force-June-2017.pdf>.
31. See Hudson v. McMillian, 503 U.S. 1, 6-7 (1992).
32. Id. at 6.
33. Id. at 9.
34. See, for example, Garcia v. State, No. D071393, 2017 WL 5017409 (Cal. Ct. App. Nov. 3, 2017).



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