Assembly Bill 280 - California Mandela Act on Solitary Confinement
Assemblymember Chris R. Holden

SUMMARY

AB 280 provides a clear definition of what constitutes solitary confinement across all facilities, sets limits on how it can be used, and provides examples of alternatives to solitary confinement when individuals need to be housed individually. Additionally, this bill ends the use of solitary confinement for designated populations, including people who are pregnant, 60 years of age or older, or have serious disabilities.

BACKGROUND

Solitary confinement is one of the most severe and destructive practices found in detention facilities today. The World Health Organization, United Nations, and other international bodies have recognized solitary confinement as greatly harmful and potentially fatal. In 2016, the National Commission on Correctional Health Care issued guidance to correctional health officials explaining that a period of confinement beyond 15 consecutive days is "inhumane, degrading treatment, and harmful to an individual's health."[1] In 2015, the United Nations General Assembly ratified the Nelson Mandela Rules, prohibiting any period of segregation beyond 15 days and defining it as torture.[2]

Despite international solidarity to end the use of solitary confinement, the practice remains common in jails, prisons, and detention facilities in California. The misuse of solitary confinement in California prisons led to a legal action filed in 2012, when California prisons held nearly 10,000 incarcerated individuals in solitary confinement, including 1,557 who had been there for 10 years or more.[3]

Solitary confinement can have disastrous effects on those who experience it,[4,5,6] particularly those who belong to especially vulnerable populations, including the elderly, disabled, and even pregnant persons. For example, in 2018 a pregnant woman in the Santa Rita County Jail in Dublin gave birth alone in a solitary confinement cell. Instead of treating medical or mental health needs, solitary confinement is often used as an alternative to treatment, which only exacerbates existing medical and mental conditions.

In addition, solitary confinement has a disproportionate impact on communities of color. A 2015 report found that in California state prisons, Hispanic men make up 42 percent of the male population, but 86 percent of the male population in restricted housing.[7]

This problem is not limited to jails and prisons alone, but also affects immigrants in private, for-profit detention facilities. In May of 2020, a 74 year old Korean man took his own life after being placed in solitary confinement during the COVID-19 pandemic, in violation of the facility's own protocols related to mental health and welfare. In 2021, an individual sued the private for-profit operator of an immigration detention facility after being held in solitary confinement for 15 months, despite repeated requests to be rehoused.

As noted in the 2022 Assembly Public Safety analysis of AB 2632, "CDCR's repeated violation of the Ashker agreement demonstrates the need for statutory standards to govern the use of solitary confinement throughout the State." California must join the international community, and set clear standards and limits on the use of solitary confinement. This begins by

[1] National Commission on Correctional Health Care. (2016). Solitary Confinement (Isolation). Solitary confinement (isolation). Retrieved March 2, 2022, from https://www.ncchc.org/solitary-confinement.

[2] United Nations. (2016). United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules). A/RES/70/175 - e - A/RES/70/175 -desktop. Retrieved March 2, 2022, from https://undocs.org/A/RES/70/175.

[3] Landmark Agreement Ends Indeterminate Long-Term Solitary Confinement in California. (2015). Center for Constitutional Rights - Press Center. Retrieved March 2, 2022, from https://ccrjustice.org/home/press-center/press-releases/landmark-agreement-ends-indeterminate-long-term-solitary.

[4] Childress, S. (2014). Craig Haney: Solitary confinement is a "tried-and-true" torture device. PBS. Retrieved March 2, 2022, from https://www.pbs.org/wgbh/frontline/article/craig-haney-solitary-confinement-is-a-tried-and-true-torture-device/

[5] Jahangir, T. (2020, January 20). Solitary confinement is bad for the heart too. Massive Science. Retrieved March 2, 2022, from https://massivesci.com/notes/cardiovascular-health-comparison-solitary-confinement-prison-health/

[6] Smith, D. G. (2018, November 9). Neuroscientists make a case against solitary confinement. Scientific American. Retrieved March 2, 2022, from https://www.scientificamerican.com/article/neuroscientists-make-a-case-against-solitary-confinement/

[7] Association of State Correctional Administrators & Yale Law School. (2016). (rep.). Aiming to Reduce Time-In-Cell: Reports from Correctional Systems on the Numbers of Prisoners in Restricted Housing and on the Potential of Policy Changes to Bring About Reforms (p. 38).

recognizing that solitary confinement is torture, and setting uniform and consistent limits on how solitary confinement is used in all detention facilities.

Through this legislation, California can protect specific populations from torture, and provide a clear roadmap to end the use of solitary confinement.

EXISTING LAW

Existing law does not regulate the use of solitary confinement in detention facilities in California.

Penal Code Sec. 2697: Would set clear terms of use of solitary confinement within all detention facilities in California.

THE SOLUTION

AB 280 will:

- Ban solitary confinement for designated populations including;
    - Individuals with certain mental, physical and developmental disabilities
    - Pregnant people
    - People under 26 or over 59 years old

- Prohibit long-term solitary/segregated confinement by limiting the time spent in confinement to not more than 15 consecutive days, or 45 days total in any 180-day period;

- Require facilities to keep clear records on the use of solitary confinement in order to provide public transparency.

AB 280 does not eliminate individual housing when appropriate or necessary including after the 15-day solitary confinement limit. Instead, the bill allows individuals to be held in alternative housing units including transition pods or residential rehabilitation units if and when appropriate to ensure their safety and the safety of others, with access to out of cell time and support services.

This bill will allow California to join other states including New York and Colorado in ending solitary confinement for specific populations, and join the international community in recognizing that solitary confinement constitutes torture.

SUPPORT

Immigrant Defense Advocates (Sponsor)
NextGen California (Sponsor)
Disability Rights California (Sponsor)
California Collaborative for Immigrant Justice (Sponsor)
Prison Law Office (Sponsor)
Underground Scholars, UC Berkley (Sponsor)
Aging People In Prison - Human Rights Campaign
Alianza
Amnesty International USA
Asian Pacific Islander Legal Outreach
California Assoc. Of Mental Health Peer Run Organizations
California Catholic Conference
California Families against Solitary Confinement
California Immigrant Policy Center
California Innocence Coalition
California Public Defenders Association
California Rural Legal Assistance Foundation, Inc.
Californians for Safety and Justice
Coalition for Humane Immigrant Rights
Communities United for Restorative Youth Justice
Community Interventions
Council on American-Islamic Relations, California
DBSA California
Dolores Huerta Foundation
Dolores Street Community Services
Ella Baker Center for Human Rights
Faith in Action Bay Area
Families United To End LWOP
Forward Impact DBA Represent Justice
Freedom for Immigrants
Friends Committee on Legislation of California
Glide
Grip Training Institute
Immigrant Legal Defense
Immigrant Legal Resource Center
Indivisible Ca Statestrong
La Defensa
Law Foundation of Silicon Valley
Lawyers' Committee for Civil Rights of the San Francisco Bay Area
League of Women Voters of California
Legal Services for Prisoners with Children
Loyola Law School Anti-Racism Center

Mental Health Advocacy Services
National Association of Social Workers, California Chapter
National Religious Campaign against Torture
Oakland Privacy
People's Budget Orange County
Plymouth United Church Of Christ - Oakland
Public Law Center
Psychologists for Social Responsibility
Robert F. Kennedy Human Rights
Root & Rebound
San Francisco Public Defender
Santa Cruz Barrios Unidos Inc.
Santa Cruz Climate Action Network
SCDD
Secure Justice
Siegel, Yee, Brunner & Mehta
Sister Warriors Freedom Coalition
Smart Justice California
Sonoma Immigrant Services
Steinberg Institute
T'ruah: The Rabbinic Call for Human Rights
The Arc and United Cerebral Palsy California Collaboration
The Coelho Center for Disability Law Policy and Innovation
The Transformative In-Prison Workgroup
Uncommon Law
Underground Scholars Initiative at the University Of California, Irvine

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