

# Assembly Bill 2632 - California Mandela Act on Solitary Confinement

## Assemblymember Chris R. Holden

### SUMMARY

AB 2632 provides a clear definition of what constitutes solitary confinement across all facilities, and sets limits on how it can be used. Additionally, this bill ends the use of solitary confinement for vulnerable populations, including those with disabilities, pregnant women, and other vulnerable populations.

### 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."<sup>1</sup> 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.<sup>2</sup>

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.<sup>3</sup>

The destructive impact of solitary confinement can have disastrous effects on those who experience it,<sup>4,5,6</sup> particularly those who belong to vulnerable populations, including the elderly, disabled, and even pregnant women. 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.<sup>7</sup>

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

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

<sup>2</sup> 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>.

<sup>3</sup> 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>.

<sup>4</sup> 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/>

<sup>5</sup> 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/>

<sup>6</sup> 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/>

<sup>7</sup> 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).

facility after being held in solitary confinement for 15 months, despite repeated requests to be rehoused.

California must join the international community, and set clear standards and limits on the use of solitary confinement. This begins by 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 vulnerable populations from torture, and provide a clear roadmap to end the use of solitary confinement.

## **EXISTING LAW**

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**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**

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AB 2632 will:

- Ban solitary confinement for vulnerable populations including;
  - o Individuals with disabilities
  - o Pregnant women
  - o Youth and elderly
- Prohibit long-term solitary/segregated confinement by limiting the time spent in confinement to not more than 15 consecutive days, or 20 days total in any 60-day period;
- Require facilities to keep clear records on the use of solitary confinement in order to provide public transparency.

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

## **SUPPORT**

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Immigrant Defense Advocates (Sponsor)  
NextGen California (Sponsor)  
Disability Rights California (Sponsor)  
Initiate Justice (Sponsor)  
California Collaborative for Immigrant Justice (Sponsor)  
Prison Law Office (Sponsor)

**Contact: Franklin Porter, Legislative Aide**

[Franklin.Porter@asm.ca.gov](mailto:Franklin.Porter@asm.ca.gov)