

Berkeley Underground Scholars

Immigrant Defense Advocates

The Cost of Solitary Confinement

Why Ending Isolation in California Prisons Can Save Money and Save Lives

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INTRODUCTION

Solitary confinement stands as one of the most dire human rights issues of our time. Solitary confinement exacts significant human and fiscal costs. Prolonged solitary confinement has also been determined to constitute torture.

There is wide ranging evidence from national experts that solitary confinement is not only more expensive than other forms of confinement, but also increases violence, recidivism and overall costs to our society. Individuals subject to solitary confinement are less likely to be released on parole, and more likely to be rearrested, prolonging a cycle of incarceration and the high costs associated with it.

A reduction and overall elimination of solitary confinement would lead to savings, both in terms of costs but also, most importantly, human life. [Studies on the reduction of solitary confinement](#) and its impact on **incarcerated individuals and facility staff** have shown “improvements in their health and well-being, enhanced interactions with one another, and less exposure to violence.”

This report focuses on the fiscal impact of proposed legislation to limit solitary confinement in California, and examines arguments put forward by correctional authorities opposing legislative change. **This report recognizes that the most significant goal in eliminating solitary confinement is to protect human dignity and life. This report also recognizes that the issue of mass incarceration and solitary confinement is fundamentally tied with the issue of racial justice.** In 2007 [Amnesty International](#) noted that 71% of people in secure housing units (SHU) in California were either Black or Hispanic.

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STOP SOLITARY CT
#HALTsolitary Campaign

Executive Summary

Using facts and data from the Governor’s Budget, the California Department of Corrections and Rehabilitation’s (CDCR) own estimates on the costs of solitary confinement, and reports issued by the Office of Inspector General, we are able to provide clear evidence that a reduction of solitary confinement will lead to savings for the state of California.

1. Estimated Savings From Limiting Solitary

Confinement- Using the Governor’s budget from 2016 and cost estimates provided by CDCR, we estimate between \$60 million to \$300 million in savings annually from the bill

According to the [California Legislative Analyst’s Office](#), the reduction of solitary units leads to net savings for the state: “Because security housing units require more custody staff than most other units, these conversions would result in net savings.”

2. CDCR’s Fiscal Analysis Is Counter to The Facts-

Changes undertaken by CDCR based on the *Ashker v. Brown* settlement document clear fiscal savings from limiting solitary confinement, and demonstrate that CDCR is capable of repurposing existing space

As a result of the *Ashker v. Brown* Settlement, CDCR has already begun to transition some high-security units in CDCR to general population and special needs yards and has undertaken construction to provide programming space in facilities that need it. All costs associated with this transition have been covered by the massive savings generated by this transition.

3. CDCR Has Space and Resources-

CDCR has an estimated 9,000 specialized beds and already has significant resources that can be dedicated to programming to reduce the use of solitary confinement.

The projected decline in CDCR’s future population, coupled with CDCR’s significant investments in programming and rehabilitation will allow CDCR to implement the Mandela Act with minimal fiscal impact.

I. Estimated Savings From Limiting Solitary Confinement: Between \$60 & \$300 Million Annually

This Report estimates the Mandela Act would save, at a minimum, an estimated **\$61,129,600 annually** based solely on a conservative estimate of the cost associated with solitary confinement.

We believe that this is a conservative estimate. We arrived at this estimate using the following assumptions.

- An average of 4,000 individuals in solitary confinement at any given time.
- A 70% reduction in this population as a result of the Mandela Act.¹
- According to CDCR, holding someone in solitary confinement costs at least 18% more than the general population.
- The current annual cost per individual in CDCR custody is \$106,131, [according to the LAO](#).
- It costs at least \$125,234 to hold someone annually in solitary confinement.

The total savings of \$61 million annually is a conservative estimate, and does not factor in additional potential future savings discussed below. Researchers from other states including [New York](#) and [Connecticut](#) have published cost savings reports with similar conclusions.

This projected saving is supported by prior budgets released by the Governor, including a 2016 budget which estimated more than \$50 million in total savings as the result of transitioning 469 special housing units (SHU) to sensitive needs beds. **Based on this calculation, a transition of 70% of 4,000 beds (2,800) would result in nearly \$300 million in savings.**

The total projected savings both annually and over the course of five and ten year projections should be more than enough to cover any projected costs associated with increased programming associated with the Mandela Act.

¹ 70% is a conservative cost, assuming individuals in solitary confinement cannot remain there beyond 15 consecutive days, and no more than 45 days total in a 180-day period

Additional Projected Savings

The Mandela Act will likely generate substantial additional savings to the state, though a precise cost estimate is difficult to provide without additional data. Conservative estimates place the total savings from immediate and future savings at between **\$10 to \$50 million dollars**, including significant savings related to medical and mental health care borne by the state and communities.

Reduction in violence & medical costs - The Mandela Act will save money by reducing violence, medical costs, and mental health care costs in prisons. [The Resolve to Stop Violence Project \(RSVP\)](#) in San Francisco jails provides an important example of how a reduction in solitary confinement can lower violence and lead to fiscal savings. The RSVP program provided individuals the ability to spend full days out of cell, with congregate rehabilitative and anti-violence programming. The program reduced violence in San Francisco jails, reduced reincarceration, and created significant financial savings. **For every \$14 spent per person per day on programming, there was \$4 saved per person per day based on a reduction in medical costs, including those associated with violent incidents.** As a result, we can see how increased programming would result in long term financial savings and returns to CDCR.

Savings from increased parole - [Numerous studies](#) have shown that individuals in solitary confinement are less likely to be granted parole. It would follow then, that a reduction in the use of solitary would increase parole rates. Using a conservative estimate, if the Mandela Act causes an 8% increase in releases, it would result in substantial savings in excess of \$20 million dollars per year. ²

Savings from decreased recidivism - [According to a 2020 study](#) people who have spent even limited amounts of time in solitary have a 5% to 7.5% increase in the likelihood of being convicted of a new crime after release. Release directly from solitary confinement strongly correlates with an increased risk of recidivism. [According to the ACLU](#), research from California suggests that rates of return to prison are 20% higher for people in solitary confinement. Using

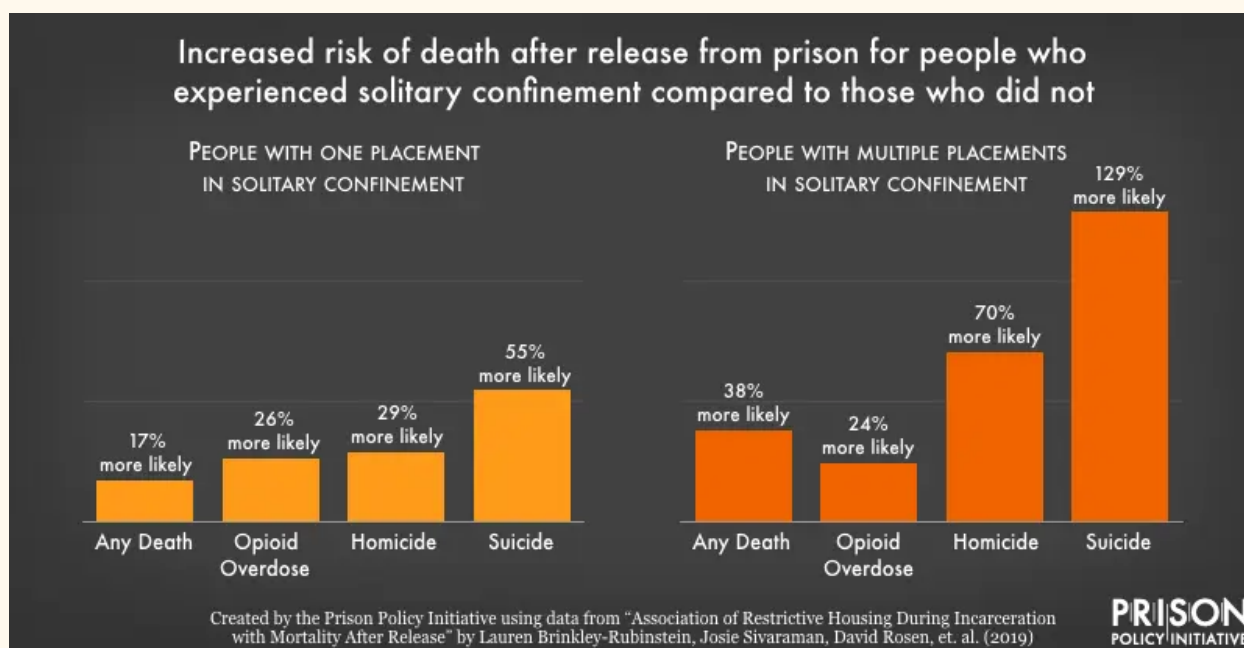
² Estimates an increased release of 193 individuals, based on 13,745 parole suitability hearings and 2,418 grants in the years 2019-2020. See <https://www.ksby.com/news/in-depth/newsom-reversed-parole-decisions-in-129-cases-during-first-2-years-in-office>

this data, even conservative estimates on savings related to reduced recidivism would likely be in the tens of millions. [According to CDCR](#), programs "provide the necessary value, maximizing use of state funds, creating a safe prison environment, and effectively reducing recidivism."

Savings in reduced litigation - The Mandela Act would provide clear and comprehensive regulations to be followed in prisons, and would reduce the amount of monetary payments made as the result of litigation against the state. Even assuming some litigation pursuant to the passage of the bill, it would likely pale in comparison with the reduction in legal costs associated with existing legal challenges related to solitary confinement on an annual basis.

Saving Human Lives

Above all, solitary confinement harms people. It damages communities and ends lives. [Recent studies](#) have shown that solitary confinement increases the risk of premature death, even after release.



[A health expert study](#) focused on solitary confinement found that due to reductions in medical costs, ending solitary confinement for 25,000 people in supermax facilities across the country would save \$155 million over a lifetime (or \$6,200 per person on average). Using this calculation, we can estimate tens of millions of savings alone based on the reduced exposure to solitary confinement by thousands of individuals in CDCR custody.

[In California prisons in 2004](#), 73% of all suicides occurred in isolation units—though these units accounted for less than 10% of the state’s total prison population. These suicides are tragic and preventable.

Case Study in Practice: New York’s Closes Prisons After Limiting Solitary

In 2021, New York passed the HALT Act, a bill that provides similar protections to the Mandela Act. Prior to passing the HALT Act to limit solitary confinement, the Partnership for Public Good released a cost report that estimated a savings of approximately \$132 million for the state annually. Prior to that in depth cost analysis, the Governor of New York [falsely claimed](#) that the HALT ACT would require construction and cost a billion dollars to implement.

Since HALT has passed, New York has actually [CLOSED six prisons](#), including a supermax prison dedicated to solitary confinement, based in part on the passage of the bill, and the reduced need for high security facilities.

For a more detailed examination of the fiscal savings in New York from the reduction of solitary confinement, consult the following report by the Partnership for the Public Good. [Save Money, Save Lives: An Analysis of the Fiscal Impact of the HALT Solitary Confinement Act](#).

II. CDCR's Fiscal Analysis Is Counter to The Facts

CDCR did not provide a timely fiscal analysis to the Assembly Appropriations Committee, but in correspondence with legislators it made the following claims:

“CDCR estimates the fiscal impact of AB 2632 (Holden) to potentially be **high hundreds of millions up to billions of dollars in cost**...Based on the requirements in the bill for out-of-cell programming, which includes recreation time, the department estimated it would need to increase the space for exercise yards by approximately 50% and double the space for programming.

The Department estimates that to **double the programming space at each institution** would have a one-time fiscal impact of \$775M, and to expand exercise yards would have a one-time fiscal impact of \$256M-\$512M...

At a minimum, the Department estimates an increase in custody staffing required to effectively implement the bill at \$6.5M at each institution. Across the 31 institutions, this would total approximately \$200M in ongoing cost. The Department also estimates significant, but unknown, costs associated with litigation."

The cost estimate provided by CDCR cannot withstand a review of the facts. As detailed below, CDCR has demonstrated its capacity to transition SHU and other secure housing units effectively, in a manner that leads to substantial overall savings. CDCR began this process in 2016, and has already implemented significant changes at facilities like Pelican Bay State Prison to accommodate reduced use of solitary confinement and increased programming. According to the Governor's budget and the LAO, these transitions have **SAVED the state tens of millions of dollars**. The record shows that **converting space from solitary saves money, and creates space that can be repurposed**.

Historical Precedent

Governor Brown's 2016 Budget

In March of 2017, the [California Legislative Analyst's Office](#) provided the following analysis of the Governor's budget, noting more than 50 million dollars in savings as the result of the conversion of SHU beds in CDCR. Not only did the conversion of SHU units save the state tens of millions of dollars, it also resulted in the creation of 64 additional special needs beds.

“The Governor’s budget proposes to reduce General Fund support for CDCR by \$42.4 million in 2016-17 and by \$8.3 million in 2017-18 to account for net savings from the conversion of various housing units. According to the administration, a significant driver of conversions proposed in 2016-17 and 2017-18 is the implementation of the 2016 Ashker v. Brown settlement, which made the criteria for housing inmates in security housing units more stringent. (Security housing units are used to house inmates who the department considers to be the greatest threat to the safety and security of its institutions.) For example, at California Correctional Institution in Tehachapi, the administration is proposing to convert 469 security housing beds to 533 sensitive needs beds, which are reserved for inmates who cannot be housed in the general population due to concerns for their safety. **Because security housing units require more custody staff than most other units, these conversions would result in net savings.**”

The conversion of security housing beds into sensitive needs beds is the precise type of conversion that would take place under the Mandela Act, with CDCR transitioning beds that were traditionally used for solitary confinement, to beds that allow for programming and out of cell time. This analysis from the budget shows that this type of conversion not only results in significant financial savings, but that it also yields additional bed space. **This historical precedent, taken directly from the Governor’s budget and in response to the Askher settlement, provides a direct and clear contradiction to the fiscal costs put forth by CDCR.**

Repurposing Space for Programming



Gardens and other rehabilitative programs have transformed the former SHU at Pelican Bay State Prison. (Photo and caption courtesy of CDCR)

CDCR has also undertaken important efforts to repurpose space in various facilities pursuant to the *Ashker* litigation. The state has converted space previously used for SHU units to programming space, at minimal costs. According to a statement provided by CDCR entitled “[Pelican Bay Facility D transforms into rehabilitative environment](#),” the agency touted its ability to transform what was once high security space, into space for successful programming.

“Several rooms have been changed to accommodate programming spaces. Education classrooms have recently been built in what was known as the old SHU property room.”

The Education Department has also seen a shift in the climate and culture of Facility D. Before transforming the SHU, incarcerated students were provided education services under a cell-study model. This offered limited interaction between teachers and students along with fewer

resources. Students were only allowed to leave their housing units when assessments were scheduled. To complete the tests, they were escorted to the visiting holding cells.

“I have seen a dramatic increase in educational opportunities for the incarcerated population at PBSP,” said Joe Cummings, Supervisor of Correctional Education.

“The expanded programming has encouraged creativity and vision in areas that were often considered impossible to serve. With the increased availability of technology in education and the expansion of vocational programs, the incarcerated population is being given the knowledge and tools for success when they parole, helping to ensure they will be productive members of society,” said Cummings.

Conversion of Facility D Yard

CDCR’s fiscal analysis claimed that it would need to expand yard access at every single CDCR facility. This claim is untrue, not only because there is no basis to assume that every facility would need to expand yard access, but because some facilities have already begun this process. Notably, the facilities that have undertaken this process have done so with modest costs.

The most notable example of this comes from Pelican Bay, with a budgetary request in 2019, to construct a recreation yard for Facility D at Pelican Bay State Prison (PBSP). The PBSP Facility D Security Housing Unit (SHU) was repurposed to a level II housing unit. The proposed yard would provide “the necessary space to participate in recreational and physical education programs.” The total funds requested for this conversion [were 3.9 million dollars](#).

This case study is particularly important as the Pelican Bay facility is one of the three CDCR facilities that have more than 350 specialized needs beds. As noted, only three facilities in all of CDCR have such high populations of specialized beds, providing a more realistic scope of facilities that may need to repurpose space.

The fact that CDCR has already begun the process of repurposing space in these facilities, and has committed significant funds for programming in their budget as a whole, provide further evidence as to minimal fiscal impact presented by the bill.

2009 OIG report

In 2009, the [Office of the Inspector General of California](#) estimated a savings of \$10.9 million if prisons prevented unnecessary overuse of solitary confinement. This number is an estimate of savings that would follow simply from CDCR complying with existing regulations governing the use of solitary confinement. This estimate is consistent with projections of savings if the state significantly reduces solitary confinement.

III. CDCR Has Space and Resources

To understand the current landscape of solitary confinement in CDCR, it is important to highlight a number of important facts on the issue of solitary confinement.

CDCR’s current and future budget projections already largely account for both increased physical space as well as the programming necessary to reduce solitary confinement.

- **CDCR Population is Falling:** CDCR is currently experiencing a downward trend in population, with estimated reductions leading to the closure of prisons and overall savings in costs and budget.
- **CDCR is Investing in Programming:** In addition, CDCR and the Governor have committed to investing in and “improving rehabilitation and reentry programs” with the [Governor’s budget](#) including **\$546.9 million** from the General Fund for rehabilitative programs—nearly double the funding level in 2012-13.
- **CDCR Population is likely overestimated:** [According to the LAO](#), the Governor’s “...proposed budget overestimates the inmate population and associated funding in 2022-23, potentially by several thousand inmates and **roughly \$100 million.**”

Unfortunately, there is limited data available to provide a complete overview of the use of solitary confinement in California prisons. The following data is based on what limited information CDCR has made public.

According to [published reports](#), CDCR has almost 9,000 specialized beds, which include Security Housing Unit, Administrative Segregation Unit, Psychiatric Services Unit, and other solitary confinement beds.

CDCR has more than enough beds to accommodate any shifts in the use of solitary confinement, **without resorting to extensive construction**, including enough beds to provide individuals with options for special housing needs.

A detailed breakdown of facilities and specialized beds is provided below. It is important to note that the majority of CDCR facilities have fewer than 200 specialized beds. **These facilities would likely experience very limited changes in terms of custodial arrangements if solitary confinement was reduced. These facilities should not need to undertake construction to accommodate increased programming access.**

Offender Demographics

Table 1.8: In-Custody Specialized Bed Populations

In-Custody Population (Percent is of the Total In-Custody Population)	12/31/2018 Total	12/31/2018 Percent	12/31/2019 Total	12/31/2019 Percent	12-Month Change
Administrative Segregation Unit	2,953	2.3%	2,888	2.3%	- 2.2%
Long Term Restricted Housing ¹	118	0.1%	237	0.2%	+ 100.8%
Protective Housing Unit	6	0.0%	5	0.0%	- 16.7%
Psychiatric Services Unit	212	0.2%	168	0.1%	- 20.8%
Security Housing Unit	494	0.4%	396	0.3%	- 19.8%
Short Term Restricted Housing ¹	1,067	0.8%	858	0.7%	- 19.6%
Total Offenders in Specialized Beds	4,850	3.8%	4,552	3.7%	- 6.1%

¹ Correctional Clinical Case Management System offenders who are housed in Short Term Restricted Housing or Long Term Restricted Housing receive increased time outside of their cell.

Table 1.8.1: In-Custody Specialized Bed Populations by Institution as of December 31, 2019

In-Custody Population	Administrative Segregation Unit	Long Term Restricted Housing	Protective Housing Unit	Psychiatric Services Unit	Security Housing Unit	Short Term Restricted Housing	Total
Avenal State Prison	0	0	0	0	0	0	0
California City Correctional Facility	51	0	0	0	0	0	51
California Correctional Center	137	0	0	0	0	0	137
California Correctional Institution	69	0	0	0	0	0	69
California Health Care Facility, Stockton	43	0	0	0	0	0	43
California Institution for Men	65	0	0	0	0	0	65
California Institution for Women	15	0	0	5	31	0	51
California Medical Facility	136	0	0	0	0	0	136
California Men's Colony	187	0	0	0	0	0	187
California Rehabilitation Center	0	0	0	0	0	0	0
California State Prison, Corcoran	238	182	5	0	45	103	573
California State Prison, Los Angeles County	69	0	0	0	0	78	147
California State Prison, Sacramento	64	55	0	163	0	100	382
California State Prison, Solano	139	0	0	0	0	0	139
California Substance Abuse Treatment Facility	0	0	0	0	0	84	84
Calipatria State Prison	54	0	0	0	0	0	54
Centinela State Prison	90	0	0	0	0	0	90
Central California Women's Facility	97	0	0	0	0	0	97
Chuckawalla Valley State Prison	73	0	0	0	0	0	73
Correctional Training Facility	67	0	0	0	0	0	67
Deuel Vocational Institution	205	0	0	0	0	0	205
Folsom State Prison	107	0	0	0	0	0	107
High Desert State Prison	0	0	0	0	0	117	117
Ironwood State Prison	0	0	0	0	0	0	0
Kern Valley State Prison	81	0	0	0	0	95	176
Mule Creek State Prison	110	0	0	0	0	0	110
North Kern State Prison	107	0	0	0	0	0	107
Pelican Bay State Prison	157	0	0	0	320	98	575
Pleasant Valley State Prison	0	0	0	0	0	106	106
RJ Donovan Correctional Facility	130	0	0	0	0	0	130
Salinas Valley State Prison	65	0	0	0	0	77	142
San Quentin State Prison	88	0	0	0	0	0	88
Sierra Conservation Center	140	0	0	0	0	0	140
Valley State Prison	22	0	0	0	0	0	22
Wasco State Prison	82	0	0	0	0	0	82
Total Offenders in Specialized Beds	2,888	237	5	168	396	858	4,552

Conclusions

- **The Mandela Act will save the state of California money, will provide increased opportunities for rehabilitation, and will most importantly save the lives of individuals in our state.**
- **Far from being unworkable, historical data and precedent have shown that when the state reduces solitary confinement it saves money. This fact is indisputable, both in California and in other states. The Mandela Act is consistent with CDCR's own internal investment in rehabilitation and programming, and can be effectively implemented given the shrinking prison population and surplus budget forecasted for CDCR in the future.**
- **CDCR's fiscal analysis of the bill presents a bad faith attempt to mislead the legislature about the fiscal impacts a reduction in solitary confinement would have. Far from raising costs, the reduction of solitary confinement would result in net savings, both in the short term and especially for the future health and safety of all Californians.**