September 8, 2022

The Honorable Gavin Newsom
1303 10th Street, Suite 1173
Sacramento, CA 95814

RE: AB 2632 (Holden)- The California Mandela Act on Solitary Confinement Request for Signature

Dear Governor Newsom,

We are writing to you as sponsors and supporting organizations of AB 2632, the California Mandela Act on Solitary Confinement. We believe that a comprehensive solution is required on the use and regulation of solitary confinement in jails, prisons, and immigration detention facilities in the state of California. AB 2632 provides a comprehensive solution to the issue of solitary confinement, consistent with the progressive values and scientific facts related to the impacts of isolation in carceral settings.

The bill establishes a clear definition of what constitutes solitary confinement and sets limits on how it can be used. Further, this bill ends the use of solitary confinement for special populations, including people with disabilities, pregnant women, youth, elderly, and other specific populations.

We believe that this bill is not only an important human rights issue, but provides a pathway towards ending a practice that is destructive, harmful and expensive. New York and Connecticut are among a number of states that have passed similar legislation, and it is imperative for California to set clear standards as a leader on this issue.

We have attempted to address concerns put forward about the California Mandela Act and reiterate our responses to the most common issues cited by our opposition.

The first is to address the misrepresentation that AB 2632 somehow eliminates the use of protective custody, or limits its use to only 15 days. The opposition has sought to conflate the use of single cell housing with solitary confinement. Our bill does not limit the use of protective custody in any manner, nor does it force individuals to return to the general population if they commit acts of violence. Our bill requires facilities to provide individuals in protective custody sufficient out of cell time, so that they do not end up being functionally in solitary confinement.
when they are housed in an individual cell.

Furthermore, if an individual commits an act of violence, the bill does limit the use of solitary confinement to 15 days, but provides clear guidance that upon the 15-day limit, the individual may be transferred to an individual cell away from the general population. We believe that transferring an individual to a specialized unit would allow the facility to deescalate and rehabilitate that individual, as opposed to perpetuating isolation that will likely only continue a cycle of violence.

In addition, concerns have been raised about the costs of implementing this bill. **Despite claims by the California Department of Corrections and Rehabilitation (CDCR) that this bill would carry significant costs, there is evidence that limiting solitary confinement would save the state tens of millions of dollars.** This claim is supported by the following evidence:

According to the Legislative Analyst’s Office (LAO), in the 2017-18 Budget, Governor Jerry Brown believed that a conversion of beds used for solitary confinement would lead to significant savings.

- “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.**

- Using this past example of savings, and assuming that the Mandela Act could lower solitary confinement rates by 70%, advocates have estimated that the state could save as much as $300 million, by diverting 2,800 high security beds, to lower security individual units. This savings would be more than enough to offset any potential costs associated with the bill.

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^1 Office of the LAO The 2017-18 Budget California Department of Corrections and Rehabilitation https://lao.ca.gov/Publications/Report/3595
According to the LAO, it costs CDCR $106,131 to incarcerate an individual in California annually.\(^2\) According to CDCR’s prior estimates, holding an individual in solitary confinement can cost at least 18% more. Based on these figures, advocates have released a cost analysis that estimates CDCR would save more than $60 million annually by reducing the use of solitary confinement by 70%.

In addition to these annual savings, advocates estimate that the state can save up to $300 million in costs related to decreased violence, health care costs and recidivism, and savings associated with higher parole rates. 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.\(^3\) 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.\(^4\) Using this data, even conservative estimates on savings related to reduced recidivism would likely be in the tens of millions.

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. We have included a breakdown of facilities used by CDCR, with information related to the number of specialized beds in each facility. This breakdown is important to understand the impact of the Mandela Act on these facilities, and to underscore that many of these facilities house a limited number of individuals in solitary confinement. As a result, those facilities will face very minimal impacts, and should not require construction.

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.\(^5\) This number is an estimate of savings that would follow simply from CDCR complying with existing regulations governing the use of solitary confinement.

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.\(^6\)

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\(^2\) https://lao.ca.gov/policyareas/cj/6_cj_inmatecost
\(^3\) https://www.prisonpolicy.org/blog/2020/10/13/solitary_mortality_risk/
\(^4\) https://www.aclu.org/sites/default/files/assets/stop_solitary_briefing_paper_updated_august_2014.pdf
\(^6\) https://www.prisonpolicy.org/blog/2020/10/13/solitary_mortality_risk/
For the above reasons, we respectfully urge you to sign the bill into law. Please do not hesitate to contact me with any questions or concerns.

Sincerely,

/s
Jackie Gonzalez
Policy Director
Immigrant Defense Advocates (Sponsor)

/s
Lisa Knox
Legal Director
California Collaborative for Immigrant Justice (Sponsor)

/s
Margot Mendelson
Legal Director
Prison Law Office (Sponsor)

/s
Adriana Sanchez-Ochoa
Deputy Director
NextGen California (Sponsor)

Cc: Franklin Porter, Office of Assemblymember Chris Holden

Organizations Signed on in Support of this Letter

1.) California Families Against/Abolish Solitary Confinement
2.) Unlock the Box Campaign
3.) California Rural Legal Assistance Foundation (CRLA Foundation)
4.) Coalition for Humane Immigrant Rights (CHIRLA)
5.) Public Counsel
6.) La Raza Community Resource Center
7.) Alianza Sacramento
8.) VIDAS Legal Services (North SF Bay Area)
9.) Latin Advocacy Network (LATINAN)
10.) Dolores Street Community Services
11.) Community Justice Alliance
12.) El Concilio Family Services
13.) Haitian Bridge Alliance
14.) Indivisible San Francisco
15.) Indivisible Sacramento
16.) Fair Chance Project
17.) FUEL~Families United to End LWOP
18.) Indivisible CA StateStrong
19.) Wellstone Democratic Renewal Club
20.) Underground Scholars Initiative
21.) Public Law Center
22.) Freedom for Immigrants
23.) Friends Committee on Legislation of California
24.) Justice and Diversity Center of the Bar Association of San Francisco
25.) WKF Giving Fund
26.) Alianza Sacramento, CEO
27.) Stand Together Contra Costa
28.) Centro Legal de la Raza
29.) End Solitary Santa Cruz County
30.) Change Begins With ME (Indivisible)
31.) Los Angeles Human Rights Initiative
32.) Pangea Legal Services
33.) Aging People in Prison Human Rights Campaign
34.) Zealous
35.) Alameda County Public Defender's Office
36.) San Fernando Valley Indivisible
37.) Ella Baker Center for Human Rights
38.) Open Immigration Legal Services
39.) The San Francisco Public Defender’s Office
40.) Community Legal Services in East Palo Alto
41.) Law Foundation of Silicon Valley
42.) Heather Wise Attorney at Law
43.) Central American Resource Center --CARECEN SF
44.) Centro Legal de la Raza
45.) Immigrant Legal Resource Center
46.) Innovation Law Lab
47.) Immigrant Legal Defense
48.) NorCal Resist
Washington Post Editorial Board – California has the chance to limit solitary confinement. It should take it.

New York Times – Will California Restrict Solitary Confinement?

Associated Press – California may be 1st to ban solo confinement for immigrants

LA Times – California moves to limit solitary confinement of inmates

San Francisco Chronicle – California puts some of its most vulnerable prisoners in solitary confinement. A state bill would change that

SF Bay View – ‘The Mandela Act’ defines and limits solitary confinement in CA

OC Register: Editorial Board - California should pass Assembly Bill 2632 to limit solitary confinement

OC Register: Op-Ed by Sal Rodriguez - Gov Newsom Should Sign AB2632 to Stop Torture in California’s Prisons

San Francisco Chronicle: Op-ed by Kevin McCarthy – I spent more than a decade in solitary confinement. Trust me, it’s torture

Sacramento Bee: Op-ed by Asm. Chris Holden – California prisons must end cruelty of solitary confinement

KnockLA – ‘Mandela Act’ Could Be First Step Toward Abolishing Solitary Confinement in California

LA Times Column – Solitary confinement is shrouded in secrecy and open to abuse. Why does California allow it?

Capitol Weekly – Call it what you like, but solitary confinement equals torture

La Opinion – Presionan para poner fin al confinamiento prolongado en solitario en prisiones y cárceles de California

Sacramento Bee – California considers restricting solitary confinement. It’s ‘cruel,’ lawmaker says

KQED News – Segment on AB 2632

KALW – New bill aims to curtail the use of solitary confinement in California prisons

LAist – Organizers Rally To Call For Restrictions On Solitary Confinement

Guardian – Nearly 50,000 people held in solitary confinement in US, report says

KQED News – ICE Overusing Solitary Confinement in California, Lawmakers Worry

The Daily Californian – ‘Torture’: AB 2632 could limit use of solitary confinement

KTVU – California passes bill banning long-term solitary confinement in prisons and jails
## Offender Demographics

### Table 1.8: In-Custody Specialized Bed Populations

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

\(^1\) 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

<table>
<thead>
<tr>
<th>In-Custody Population</th>
<th>Administrative Segregation Unit</th>
<th>Long Term Restricted Housing</th>
<th>Protective Housing Unit</th>
<th>Psychiatric Services Unit</th>
<th>Security Housing Unit</th>
<th>Short Term Restricted Housing</th>
<th>Total</th>
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<td>Avenal State Prison</td>
<td>0</td>
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<td>0</td>
<td>0</td>
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<td>California City Correctional Facility</td>
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<tr>
<td>California Correctional Center</td>
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<td>137</td>
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<tr>
<td>California Correctional Institution</td>
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<td>California Health Care Facility, Stockton</td>
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<td>43</td>
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<td>California Institution for Men</td>
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<td>0</td>
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<td>California Institution for Women</td>
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<td>California Medical Facility</td>
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<td>California Men's Colony</td>
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<td>California Rehabilitation Center</td>
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<td>California State Prison, Corcoran</td>
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<td>5</td>
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<td>California State Prison, Los Angeles County</td>
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<td>California State Prison, Sacramento</td>
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<td>California Substance Abuse Treatment Facility</td>
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<td>0</td>
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<tr>
<td>Calipatria State Prison</td>
<td>54</td>
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<tr>
<td>Centinela State Prison</td>
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<tr>
<td>Chuckawalla Valley State Prison</td>
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<td>73</td>
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<tr>
<td>Correctional Training Facility</td>
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<td>67</td>
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<td>Deuel Vocational Institution</td>
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<tr>
<td>Folsom State Prison</td>
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<td>107</td>
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<td>High Desert State Prison</td>
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<tr>
<td>Ironwood State Prison</td>
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<td>Kern Valley State Prison</td>
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<td>Mule Creek State Prison</td>
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<td>0</td>
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<td>North Kern State Prison</td>
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<td>Pelican Bay State Prison</td>
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<td>98</td>
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<td>106</td>
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<td>RJ Donovan Correctional Facility</td>
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<td>Salinas Valley State Prison</td>
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<td>San Quentin State Prison</td>
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<td>Wasco State Prison</td>
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<td>0</td>
<td>0</td>
<td>0</td>
<td>82</td>
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<tr>
<td>Total Offenders in Specialized Beds</td>
<td>2,888</td>
<td>237</td>
<td>5</td>
<td>168</td>
<td>396</td>
<td>8584,552</td>
<td></td>
</tr>
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</table>

Office of Research: December 2019