



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.”**¹
- 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.

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

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

⁵ Special review Management of the California Department of Corrections and Rehabilitation's Administrative Segregation Unit Population Office of the Inspector General David R. Shaw Inspector General State of California January 2009 <https://www.oig.ca.gov/wp-content/uploads/2019/05/Management-of-the-California-Department-of-Corrections-and-Rehabilitation-Administrative-Segregation-Unit-Population.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

Media List for AB 2632 (Hyperlinks included)

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](#)

LaOpinion- [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

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

Office of Research

December 2019

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Chart provided by CDCR "OFFENDER DATA POINTS OFFENDER DEMOGRAPHICS FOR THE 24-MONTH PERIOD ENDING DECEMBER 2019" - Available at https://www.cdcr.ca.gov/research/wp-content/uploads/sites/174/2021/11/201912_DataPoints.pdf