

Assembly Bill 2632 - California Mandela Act on Solitary Confinement

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SUMMARY

AB 2632 provides a clear definition of what constitutes solitary confinement across all facilities, and sets limits on how it can be used. 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.” 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.

Despite international solidarity to end the use of solitary, the practice remains common in jails, prisons, and detention facilities in California. The misuse of solitary 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.

The destructive impact of solitary confinement can have disastrous effects on those who experience it, 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. Solitary confinement is often used as an alternative to treatment and accommodation for individuals with special needs or disabilities, often exacerbating their 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.

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.

California must join the international community, and set clear standards and limits on the use of solitary confinement. This begins by recognizing that recognize that solitary confinement is torture, and setting uniform and consistent limits on how solitary 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

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

THE SOLUTION

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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