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 others.

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 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.

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. 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.

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 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**

*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**

**AB 2632** will:

- Ban solitary confinement for vulnerable populations including:
  - Individuals with intellectual disabilities
  - Pregnant women
  - Youth and elderly
- Prohibit long-term solitary/segregated confinement by limiting the time spent in confinement to not more than 15 consecutive days, or 45 days total in any 180-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**

Immigrant Defense Advocates (Sponsor)  
NextGen California (Sponsor)  
Disability Rights California (Sponsor)  
Initiate Justice (Sponsor)  
California Collaborative for Immigrant Justice (Sponsor)  
Prison Law Office (Sponsor)  
8th Amendment Project  
A New Way of Life Re-entry Project  
Alliance of Californians for Community Empowerment  
ACLU California Action  
Advancement Project  
Alliance for Boys & Men of Color  
Alliance San Diego  
Asian Americans Advancing Justice - California  
Asian Pacific Environmental Network (APEN)  
Bend the Arc: Jewish Action  
Black Women for Wellness  
Bread for The World  
Breast Cancer Prevention Partners  
CA Now  
Cal Voices (formerly Norcal Mha)  
California Attorneys for Criminal Justice  
California Calls  
California Catholic Conference  
California Domestic Workers Coalition  
California Donor Table  
California Employment Lawyers Association  
California Environmental Justice Alliance  
California Environmental Voters  
California Food and Farming Network  
California for Safety and Justice  
California Immigrant Policy Center  
California Innocence Coalition: Northern California Innocence Project, California Innocence Project, Loyola Project for The Innocent  
California Labor Federation  
California League of United Latin American Citizens  
California Low-income Consumer Coalition  
California Pan - Ethnic Health Network  
California Public Defenders Association  
California Reinvestment Coalition  
Californians for Safety and Justice  
Center for Responsible Lending  
Center on Juvenile and Criminal Justice  
Center on Race, Poverty & the Environment  
Child Care Law Center  
Coalition for Humane Immigrant Rights (CHIRLA)  
Community Legal Services in East Palo Alto  
Consumer Attorneys of California  
Council on American-Islamic Relations, California  
Courage California  
Defy Ventures  
Drug Policy Alliance  
Earthjustice  
Ella Baker Center for Human Rights
Environment California
Equal Rights Advocates
Equality California
Essie Justice Group
Freedom 4 Youth
Fresno Barrios Unidos
Friends Committee on Legislation of California
Grace
Health Access California
Housing Now! CA
Immigrant Legal Resource Center
Indivisible CA-39
Indivisible CA State Strong
Indivisible Marin
Indivisible Sacramento
Indivisible SF
Jesse's Place Organization
Latino Coalition for a Healthy California
Law Foundation of Silicon Valley
Leadership Council for Justice and Accountability
League of Women Voters of California
Legal Aid at Work
Legal Services for Prisoners with Children
Lutheran Office of Public Policy - California
Mental Health Advocacy Services
Mexican-American Legal Defense and Ed Fund
Mujeres Unidas Y Activas
Naral Pro-choice California
National Alliance on Mental Illness (NAMI-Ca)
National Association of Social Workers, California
Oakland Privacy
People's Collective for Environmental Justice
Pico California
Planned Parenthood Affiliates of California
Policy Link
Power California
Public Advocates
Root & Rebound
Santa Cruz Barrios Unidos INC.
Seiu California
Sierra Club California
Smart Justice California
The Transformative In-prison Workgroup
The Young Women’s Freedom Center
Tides Advocacy
Ufcw - Western States Council
Uncommon Law
Underground Scholars Initiative, UCSD

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