

# California Mandela Act on Solitary Confinement

## SUMMARY

Every year thousands of individuals in California are held in solitary confinement in prisons, jails and detention facilities. This practice continues despite established research and evidence that solitary can cause irreparable harm to a person's mental and physical health. International human rights bodies and leading health experts have denounced the use of solitary confinement as a form of torture. At present California not only continues to use solitary confinement, but it lacks consistent standards and transparency around how solitary is used in various facilities. This bill 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 an international commitment 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 had nearly 10,000 incarcerated people in solitary confinement, including 1,557 who had been there for 10 years or more.

The destructive impact of solitary confinement can have disastrous impacts on those who experience it, particularly those who belong to vulnerable populations, including the elderly, disabled, and even pregnant women. In 2018 a pregnant woman gave birth alone, while kept in a concrete solitary confinement cell in the Santa Rita County Jail in Dublin. For individuals with disabilities, solitary confinement can be used as an alternative to treatment and accommodation, and can often exacerbate 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.

Immigrants in detention are also subject to prolonged solitary confinement. An investigation by the Department of Homeland Security’s Office of the Inspector General found that private detention operators had kept immigrants housed at the Imperial Regional Detention Facility in solitary confinement for 22 to 23 a day, including some individuals kept in this state for 300 days. In 2021, an individual sued the

for-profit operator of the facility after being held in solitary confinement for 15 months, despite repeated pleas to be rehoused. In May of 2020, a 74 year old Korean man took his own life after being placed in solitary confinement at the Mesa Verde detention facility, in violation of the facility's own protocols related to mental health and welfare.

## **THE NEED FOR THE BILL**

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 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.

## **SOLUTION**

This bill would ensure the following:

- Ban solitary confinement for vulnerable populations including;
  - Individuals with 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 20 days total in any 60-day period;
- Require facilities to maintain records related the use of solitary confinement, and ensure that these records are subject to transparency and oversight.

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)

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