



March 25, 2022

Assemblymember Reginald Byron Jones-Sawyer, Chair  
Assembly Public Safety Committee  
Legislative Office Building  
1020 N Street, Room 111  
Sacramento, CA 95814

**RE: Support for AB 2632 (Holden)**

Dear Assemblymember Jones-Sawyer,

The California Innocence Coalition writes in support of AB 2632 (Holden), the CA Mandela Act on Solitary Confinement. AB 2632 is an important step in ending the use of solitary confinement in California. There is an established consensus among experts, advocates, and those who have first-hand experience on the issue: solitary confinement is torture and can have permanent deleterious effects on the health of an individual. Many states have passed laws to limit the use of solitary confinement, and it is important that California joins them, as well as the international community, in regulating this practice.

AB 2632 provides a clear definition of what constitutes solitary confinement across California prisons, jails, and detention centers, while also setting limits on how it can be used. Further, this bill ends the use of solitary confinement for special populations, including those with disabilities, pregnant women, youth, elderly, and other special populations.

The California Innocence Coalition consists of the three innocence projects in California: the California Innocence Project, the Northern California Innocence Project and the Loyola Project for the Innocent. The mission of our projects is to protect the rights of the innocent by litigating their cases to bring them home and to promote a fair and effective criminal legal system by advocating for change in California laws and policy. Collectively, the California Innocence Coalition has won the freedom of over 70 wrongly imprisoned individuals who collectively lost over 800 years in prison for crimes they did not commit.

Solitary confinement is one of the most severe and destructive practices found in carceral settings today. The World Health Organization, United Nations, and other international bodies have recognized solitary confinement as greatly harmful and potentially fatal. 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.<sup>1</sup>

Despite international demands to end the use of solitary confinement, 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.<sup>2</sup>

Arturo Jimenez was just 18 years old when he was wrongfully convicted of murder and sentenced to life. His conviction was based on a single eyewitness identification by a young woman in the backseat of a car who saw the shooter for only a moment. This single witness later revealed that her identification was the product of police pressure. In addition, the real shooter, who was now deceased, confessed to multiple people that he had committed the very murder that convicted and wrongfully incarcerated Arturo. In 2021, the court reversed Arturo's conviction and found him factually innocent. But despite what would appear to be the specter of justice for Arturo, nothing could give him back the 25 years of his life he lost wrongfully convicted. His most formative years... a half dozen of which were spent in solitary confinement.

The destructive impact of solitary confinement can have disastrous effects on those who experience it. Imagine the impact compounded on a man, like Arturo, who should not have been in prison in the first place. The impact is devastating, deep, and forever lasting.

In addition to being a human rights issue, this is also a racial justice issue. Solitary confinement has a disproportionate impact on communities of color, and has long been used as an instrument of harm against racial minorities in jails and prisons. A 2015 report found that in California state prisons, Hispanic men, like Arturo, make up 42 percent of the male population, but 86 percent of the male population in restricted housing.<sup>3</sup>

This problem is not limited to jails and prisons alone, but also affects immigrants in private, for-profit detention facilities. In California, more than 90 percent of immigrants are held in for-profit detention facilities, run by corporations who routinely harm those that they are tasked with detaining. An investigation by the federal government into the Imperial Regional Detention Facility found that individuals were routinely placed in solitary confinement for 22 to 23 hours a day, with some being held in these conditions for more than 300 days.<sup>4</sup> 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<sup>5</sup>. 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.<sup>6</sup>

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<sup>1</sup> "The United Nations Standard Minimum Rules for the Treatment of Prisoners" (United Nations Office on Drugs and Crime, 2015), [https://www.unodc.org/documents/justice-and-prison-reform/Nelson\\_Mandela\\_Rules-E-book.pdf](https://www.unodc.org/documents/justice-and-prison-reform/Nelson_Mandela_Rules-E-book.pdf).

<sup>2</sup> "Landmark Agreement Ends Indeterminate Long-Term Solitary Confinement in California," Center for Constitutional Rights, accessed March 21, 2022, <https://ccrjustice.org/node/5215>.

<sup>3</sup> Juleyka Lantigua-Williams, "The Influence of Race on Solitary Confinement," *The Atlantic*, December 5, 2016, sec. Politics, <https://www.theatlantic.com/politics/archive/2016/12/race-solitary-confinement/509456/>.

<sup>4</sup> See report by the Office of the Inspector General - ICE Needs to Address Prolonged Administrative Segregation and Other Violations at the Imperial Regional Detention Facility, Published December 2020, <https://www.oig.dhs.gov/sites/default/files/assets/2020-12/OIG-21-12-Dec20.pdf>

<sup>5</sup> Andrea Castillo, "ICE Said a 74-Year-Old Was Too Dangerous to Release. He Died of Apparent Suicide," *Los Angeles Times*, May 20, 2020, sec. California, <https://www.latimes.com/california/story/2020-05-20/immigrant-ice-detention-suicide-coronavirus>.

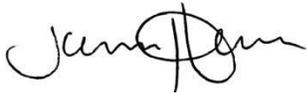
<sup>6</sup> ICE held a man in solitary confinement for more than a year. He's suing under a new California law, *Los Angeles Times*, Oct 14 2021, <https://www.latimes.com/california/story/2021-10-14/ice-lawsuit-california-solitary-confinement-detention-citizen>

California must join the international community, and states like New York, New Jersey, Washington, and Colorado in setting clear standards and limits on the use of solitary confinement. Through this legislation, California can protect vulnerable populations, and provide a clear roadmap to end the use of solitary confinement.

For the above reasons, we respectfully urge your “AYE” vote on AB 2632 (Holden) when it comes before you in the Assembly Public Safety Committee. Please do not hesitate to contact us with any questions or concerns.

Sincerely,

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The California Innocence Coalition



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Cc: Franklin Porter, Office of Assemblymember Chris Holden