Key Reforms to California's Use of Solitary Confinement

When Ashker v. Governor *of California was filed as a class action in 2012, California held thousands of prisoners in solitary confinement, in Security Housing Units (SHU). Hundreds of these prisoners had been isolated for decades. They spent nearly 24-hours-per-day in cramped cells, often without windows, and were denied phone calls, all physical contact with visitors, and recreational, educational, and vocational programming. Additionally, many of the prisoners languishing in SHUs were there not due to any rule infraction, but because of their alleged affiliation with a gang, often based on the evidence as innocuous as having supposedly gang-related artwork or tattoos.*

In 2012, CCR joined the lawsuit originally filed by prisoners in the SHU at Pelican Bay State Prison to challenge this practice. In September 2015, the case was settled, and far-reaching reforms were ordered. These reforms are expected to dramatically reduce the number of prisoners currently detained in the SHU and limit the way SHU confinement is used going forward.

*This landmark settlement will **effectively end indeterminate, long-term solitary confinement in California state prisons**, fundamentally altering all aspects of this cruel and unconstitutional regime. Ultimately, it is the result not merely of litigation, but of a widespread community effort led by prisoners and their families.*

Key reforms include:

● Prisoners will no longer be sent to solitary based solely on gang affiliation, but rather based on specific serious rules violations. The *Ashker* settlement ends California's status-based practice of solitary confinement, transforming it into a behavior-based system.

● Under the system challenged in the lawsuit, Prisoners validated as gang affiliates used to face indefinite SHU confinement, with a review for possible release to general population only once every six years, at which even a single piece of evidence of alleged continued gang affiliation led to another six years of solitary confinement. That evidence was often as problematic as the original evidence used to send them to SHU – for example, a book, a poem, or a tattoo that was deemed to be gang-related.

Under the settlement, California will generally no longer impose indeterminate SHU sentences. Instead, after serving a determinate sentence for a SHU offense, prisoners whose offense is related to gang activity will enter a two-year, four-step, step-down program to return to the general prisoner population. Prisoners will receive increased privileges at each step of the step-down program.

● California will review all current gang-validated SHU prisoners within one year of the settlement to determine whether they should be released from solitary under the settlement terms. The vast majority of such prisoners are expected to be released.

● Virtually no prisoner will ever be held in the SHU for more than 10 continuous years.

● California will create a modified general-population unit for a very small number of prisoners who repeatedly violate prison rules or have been in solitary over 10 years but have recently committed a serious offense.. As a high-security but non-isolation environment, this new unit allows prison administrators to begin to balance the humanity of the prisoners with the security of the prison, creating a realistic alternative to long-term solitary for the minority of "hard cases." Prisoners held in this unit will be allowed to move around the unit without restraints, will be afforded as much out-of-cell time as other general population prisoners, and can receive contact visits.

● Prisoners themselves will have a role in monitoring compliance with the settlement agreement. Prisoner representatives will meet regularly with California prison officials to review the progress of the settlement, discuss programming and step-down program improvements, and monitor prison conditions.

For more detail on each of these reforms, please review our "Summary of Ashker v. Governor of California *Settlement Terms."*