

April 25, 2014

Senator Kevin de León
Chair of Senate Appropriations Comm.
State Capitol, Room 5108
Sacramento, CA 95814

Senator Loni Hancock
State Capitol, Room 2082
Sacramento, CA 95814

Senator Jerry Hill
State Capitol, Room 5064
Sacramento, CA 95814

Senator Ricardo Lara
State Capitol, Room 5050
Sacramento, CA 95814

Senator Alex Padilla
State Capitol, Room 4038
Sacramento, CA 95814

Senator Darrell Steinberg
State Capitol, Room 205
Sacramento, CA 95814

Senator William Monning
State Capitol, Room 4066
Sacramento, CA 95814

Senator Mark Leno
State Capitol, Room 5100
Sacramento, CA 95814

Re: S.B. 892 (solitary confinement)

Dear Senators de León, Hancock, Hill, Lara, Padilla, Steinberg, Monning and Leno:

This letter is submitted on behalf of the undersigned organizations and individuals.

The California Families Against Solitary Confinement (CFASC) and the Center for Human Rights and Constitutional Law (CHRCL), which represents approximately 450 California prisoners in solitary confinement, as well as several other organizations, have previously communicated to Senator Hancock concerns with certain provisions in S.B. 892 with specific suggested amendments. To date we have not received any response indicating whether Senator Hancock will seek to amend her bill to address these matters.

We are writing to explain our concerns with S.B. 892 that now comes before the Senate Appropriations Committee. We are respectfully requesting that consideration of S.B. 892 be delayed for a few weeks to allow greater input and discussion about the intended and unintended consequences enactment of the bill will cause.

While well-intentioned, S.B. 892 fails to reform the widely condemned, inhumane, and outdated “gang validation” policy of the California Department of Corrections and Rehabilitation (CDCR). Although the bill contains some positive provisions, it fails to include critical provisions needed to bring California law in line with modern prison security trends adopted in many other states (with successful results) and worse it institutionalizes “gang validation” as a basis for long-term solitary confinement *for prisoners who have engaged in no serious wrong-doing while serving their sentences*. The cost of this program is estimated to be \$44 million/year while (1) perpetuating the inhumane treatment of prisoners, (2) compromising the goal of rehabilitation, and (3) causing hundreds of “validated” prisoners to suffer severe physical and mental disabilities (with added costs of treatment).

We are most concerned with the provisions of S.B. 892 that will memorialize into state law the widely condemned and outdated policy of the CDCR of placing inmates in SHUs for mere alleged gang association *without any actual incidents of misconduct*. Gang validation practices have been criticized by prison reform advocates throughout the country, the United Nations Special Rapporteur on Torture, American Bar Association, Amnesty International, the U.S. Government and members of Congress. While the bill proposes an indefinite number of “step down” programs for “validated” prisoners after several years to be released from solitary confinement, both prisoners and prison security experts believe the proposed step-down program will be ineffective as proposed in SB 892. CDCR already follows a similar step-down program but only a relatively small number of “validated” gang members have been released from solitary confinement through the program. Prisoners and prison reform experts likewise agree that the minimal efforts in S.B. 892 to “improve” the due process rights of prisoners will be costly to the State while having little to no practical effect on prisoners’ rights. Overall, S.B. 892 will leave California with the largest population of prisoners in solitary confinement than any country in the world or state in the United States at enormous cost to the taxpayers.

From a budget standpoint, enactment of S.B. 892 in its present form will increase the incidence of costly litigation challenging the law, likely lead to further costly hunger strikes by prisoners in solitary confinement, cost the taxpayers \$44 million/year for maintaining prisoners in solitary confinement based on mere alleged gang membership, and cause untold additional medical costs as hundreds of these prisoners suffer mental and physical disabilities due to their confinement in segregated housing units. In contrast, Assembly Bill 1652, introduced by Assembly Member Ammiano, is far narrower in what it attempts to achieve, is far better drafted to achieve reforms in solitary confinement and gang validation practices in California, and would save about \$50 million/year in prison costs.

We respectfully request that the Senate Appropriations Committee delay consideration of S.B. 892 for a few weeks to evaluate whether amendments can be made that will save costs and potentially close the gap between the S.B. 892 and A.B. 1652

We urge you to please contact Dolores Canales, California Families Against Solitary Confinement, (714) 290-9077 and Peter Schey, President, Center for Human Rights and Constitutional Law, 323-251-3223, to discuss whether consideration of S.B. 892 may be postponed for 2-3 weeks so that experts and family members may provide additional input for consideration by the Senate Appropriations Committee. Thank you for your consideration.

Respectfully,

California Families Against Solitary Confinement
Center for Human Rights and Constitutional Law
Center for Prisoner Health and Human Rights
Centro Legal de la Raza
Community Futures
Council on American-Islamic Relations - California (CAIR)

Families to Amend California's Three Strikes (FACTS)
Hermandad Mexicana Humanitarian Foundation
Homeboy Industries
Homies Unidos
Interfaith Communities United for Justice and Peace
International Longshore and Warehouse Union, Local 13 (ILWU)
Justice Now
League of United Latin American Citizens
Mexican American Political Association (MAPA)
Students Against Mass Incarceration (UC)
William C. Velasquez Institute
Father Gregory Boyle, Executive Director, Homeboy Industries
Rabbi Joshua Brumbach, Ahavat Zion Synagogue, Beverly Hills, CA.
Dolores Canales (son incarcerated in Pelican Bay SHU)
Dennis R. Childs, Ph.D., Associate Professor, University of California, San Diego
Maria Elena Durazo, Executive Secretary-Treasurer, Los Angeles County Federation of Labor (AFL-CIO)
Mike Farrell (Actor-Activist)
Mike Garcia, President, Service Employees International Union- United Service Workers West (SEIU-West)
Irene Huerta (spouse incarcerated in Pelican Bay SHU)
James Lafferty, Executive Director, National Lawyers Guild – Los Angeles Chapter
Sharon Martinas (prison reform advocate)
Sister Elisa Martinez, MSW
Heidi L. Rummel, Co-Director of Post-Conviction Justice Project (PCJP)
Kimberly Starr (prison reform advocate)
Sarah Torres (prison reform advocate)
Kimberly Rohrbach (prison reform advocate)
Beth Witrogen (life partner incarcerated in Pelican Bay SHU)

///