



# LIZ ORTEGA

## Assemblymember, District 20



### AB 701

### FACT SHEET

#### Bill Summary

AB 701 directs the California Department of Justice (DOJ), in collaboration with the California Department of Corrections and Rehabilitation (CDCR) and the Board of State and Community Corrections (BSCC), to conduct a study on solitary confinement. The study will collect data on:

- the frequency and duration of solitary confinement in all detention facilities for a 9 month period
- demographic data on individuals placed in solitary confinement
- instances of self-harm occurring during or shortly after solitary confinement.
- reasons for solitary confinement
- the conditions of confinement, including access to meaningful human interaction, out-of-cell time, recreation, and mental health services.

#### Existing Law

Allows for people who are an “immediate threat to the safety of the incarcerated person or others, endangers institution security, or jeopardizes the integrity of an investigation of alleged serious misconduct” to be placed in solitary confinement. [California Regulations Title 15, Division 3, Chapter 1, Subchapter 4, Article 7 Sections 3335 - 3349].

#### Background

Solitary confinement—the practice of isolating individuals in a cell for 17 or more hours per day—has been widely recognized as harmful to mental and physical health. Multiple studies have shown that prolonged solitary confinement increases risks of psychological distress, self-harm, and suicide. For example, a study of more than 200,000 people released from prison found that those who had spent any time in solitary were 78% more likely to die from self-harm than incarcerated people who were never placed in solitary confinement.<sup>1</sup> Research has documented that the stress, sensory deprivation, and lack of meaningful social contact in solitary can lead to lasting adverse effects on brain function and emotional well-being.<sup>2</sup> International bodies have weighed in as well. The United Nations Nelson Mandela Rules recommend that solitary confinement beyond 15 days should be considered a form of torture—a stance that underscores the human rights implications of prolonged isolation.<sup>3</sup>

Solitary confinement imposes significant financial burdens, increasing administrative, medical, and recidivism costs. For example, the Pelican Bay State Prison estimated substantial differences in average annual housing costs: \$58,324 for General Population inmates, \$70,641 for Security Housing Units, and

<sup>1</sup> <https://vera-institute.files.svcdcdn.com/production/downloads/publications/the-impacts-of-solitary-confinement.pdf>

<sup>2</sup> Ibid

<sup>3</sup> [https://www.unodc.org/documents/justice-and-prison-reform/Nelson\\_Mandela\\_Rules-E-ebook.pdf](https://www.unodc.org/documents/justice-and-prison-reform/Nelson_Mandela_Rules-E-ebook.pdf)

\$77,740 for Administrative Segregation Units.<sup>4</sup> Furthermore, a meta-analysis revealed a correlation between solitary confinement and elevated rates of recidivism and re-incarceration<sup>5</sup>, which was estimated to cost California \$1.9 billion in 2021.<sup>6</sup> Adding to the financial strain, a separate study projected that ending solitary confinement for 25,000 individuals in super-max units would result in an additional \$155 million in future healthcare expenditures and a loss of 5,673 quality-adjusted life years.<sup>7</sup> Despite these concerns, California continues to employ solitary confinement extensively in jails, prisons, and private detention centers.

Beyond the financial implications, research consistently demonstrates that segregated confinement fails to enhance safety within correctional facilities.<sup>8</sup> Multiple studies on segregated confinement demonstrate that its use does not decrease misconduct or violence, including staff assaults, and therefore does not improve the safety of its facility.<sup>9</sup>

### **Need for AB 701**

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There is currently no uniform statewide data collection on the use of solitary confinement, making it difficult to assess its full impact. This lack of data prevents policymakers from identifying potential inconsistencies, abuses, or systemic patterns in the application of solitary confinement. Past data collection efforts have proven value, as demonstrated when judges required data to be collected pursuant to the settlement in *Ashker v. Governor* and found that staff at Pelican State Bay Prison had relied on unreliable and false information to justify sending individual to solitary confinement.<sup>10</sup>

Assembly Bill 701 mandates a comprehensive study on the use of solitary confinement in all prisons, jails, and private detention facilities across California across a nine month period. The bill requires the collection of critical data, including the duration, rationale, and conditions of solitary confinement, as well as demographic information on affected individuals. The bill would also require monthly public reporting of preliminary findings and a final report submitted to the Governor and Legislature. The study will provide transparency and inform policy decisions aimed at ensuring humane treatment, responsible spending of taxpayer funds, and public safety.

### **Support**

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The California Mandela Campaign (sponsor)  
Next Gen California  
Disability CA  
California Families Against Solitary Confinement  
Immigrant Defense Advocates  
Unlock the Box  
National Religious campaign Against Torture  
Disability Rights California  
California Collaborative for Immigrant Justice  
Robert F. Kennedy Human Rights  
Haitian Bridge Alliance

### **For More Information**

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<sup>4</sup>[http://www.cdcr.ca.gov/COMIO/Uploadfile/pdfs/Pelican Bay.pdf](http://www.cdcr.ca.gov/COMIO/Uploadfile/pdfs/Pelican_Bay.pdf)

<sup>5</sup> 10.1177/1524838020957983

<sup>6</sup> <https://csgjusticecenter.org/publications/the-cost-of-recidivism/>

<sup>7</sup> <https://doi.org/10.1007/s11606-019-05103-6>

<sup>8</sup> <https://perma.cc/BCJ3-HYK3>

<sup>9</sup> [https://vera-institute.files.svdcn.com/production/downloads/publications/solitary-confinement-misconceptions-safe-alternatives-report\\_1.pdf](https://vera-institute.files.svdcn.com/production/downloads/publications/solitary-confinement-misconceptions-safe-alternatives-report_1.pdf)

<sup>10</sup> <https://www.motherjones.com/criminal-justice/2019/02/california-ashker-brown-solitary-confinement-status-appeal/>