

POLITICS

Bill to ban solitary confinement for pregnant inmates now allows it. Its backers want a veto

By **Bob Egelko**, Courts Reporter

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Advocates for women in California prisons were backing legislation that would have banned solitary confinement of pregnant inmates – until the author, under pressure from prison officials, amended it to allow them to be held in solitary for up to five days.

Jacqueline Larma/Associated Press

Advocates for women in California prisons were backing legislation that would have banned solitary confinement of pregnant inmates – until the author, under pressure from prison officials in Gov. Gavin Newsom’s administration, amended it to allow them to be held in solitary for up to five days. Now many of its former supporters have changed sides.

“This bill is not a first step in the right direction, it is a step backward — a dangerous move that could subject more vulnerable populations to forcibly endure the cruelty of solitary confinement,” said Gina Clayton-Johnson, executive director of Essie Justice Group, an advocacy organization for female prisoners that was the lead sponsor of the original bill, AB2527. “Solitary confinement of pregnant people belongs on the list of inhumane and immoral activities that should be banned, not limited.”

Others that have withdrawn their support include the California Public Defenders Association, Disability Rights California and the prisoners’ rights group Initiate Justice Action, said Hamed Yazdin Panah of Immigrant Defense Advocates, another opponent of the amended bill.

But the bill’s author, Assembly Member Rebecca Bauer-Kahan, D-Orinda, said any limits on solitary confinement would be better than the unlimited lockups

allowed under current law.

“As a legislator who has made protecting women a top priority every year, I refuse to leave incarcerated pregnant people without protections,” she said in a statement. “But I also understand the difficulty of the State’s budget this year and what must be done to continue to make progress on this critical issue.

“I have so much respect for those working on these issues and I see this bill as a first step in reforming solitary confinement. AB2527 simply sets a new minimum standard, where none currently exists”

About 3,000 of California’s 92,000 prisoners are in solitary confinement, kept in windowless concrete cells for more than 22 hours a day, fed through a lot and excluded from job training and other programs. Prison officials say most inmates held in solitary have committed dangerous offenses behind bars, but some are kept there for their own security, according to the state’s reports.

The United Nations’ chief official on issues involving torture has concluded solitary confinement for more than 15 days amounts to torture.

Legislation that would have limited solitary confinement to 15 days in California prisons and jails, and prohibited it for pregnant women, was vetoed in 2022 by Newsom, who said it would have endangered inmates and staff. A bill setting 15-day limits for state prisons, AB280 by Assembly Member Chris Holden, D-Pasadena, was approved by both legislative chambers this year, but Holden dropped it last month after learning that another veto was likely.

Opponents of both measures included the prison guards' union, the California Correctional Peace Officers Association, which contributed \$1.75 million to Newsom's successful campaign against a Republican-sponsored effort to recall him from office in 2021.

After Bauer-Kahan's AB2527, banning all solitary confinement of pregnant women, passed the Assembly on a 63-2 vote last month, she told Politico, "To be pregnant, to remain healthy, I really, truly believe that restrictive housing shouldn't be part of the equation."

But after meeting with representatives of the Department of Corrections and Rehabilitation, which runs the prisons in Newsom's administration, Bauer-Kahan accepted an amendment that would allow officials to place a pregnant prisoner in solitary for up to five days for security reasons. That is the version of the bill that won final passage last week.

Sixty-six advocacy groups, including Disability Rights California, the California Public Defenders Association, Amnesty International USA and the California Rural Legal Assistance Foundation, expressed their dismay last week in an open letter to Newsom and Bauer-Kahan.

"Pregnant individuals should never be placed in solitary confinement," they wrote. "They deserve an environment that minimizes stress and provides adequate medical care and oversight, not one that isolates and endangers them."

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Bob Egelko has been a reporter since June 1970. He spent 30 years with the Associated Press, covering news, politics and occasionally sports in Los Angeles, San Diego and Sacramento, and legal affairs in San Francisco from 1984 onward. He worked for the San Francisco Examiner for five months in 2000, then joined The Chronicle in November 2000.

His beat includes state and federal courts in California, the Supreme Court and the State Bar. He has a law degree from McGeorge School of Law in Sacramento and is a member of the bar. Coverage has included the passage of Proposition 13 in 1978, the appointment of Rose Bird to the state Supreme Court and her removal by the voters, the death penalty in California and the battles over gay rights and same-sex marriage.
