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Criminal Justice Issues and Prisoners' Rights

<https://solitarywatch.org/2016/02/29/after-california-releases-gang-affiliates-from-solitary-confinement-costs-and-violence-levels-drop/>

Campaign and Advocacy

close

Search

close

close

by [Sal Rodriguez](#) | February 29, 2016

Significant reductions in California's use of solitary confinement in state prisons are expected to save the state millions of dollars, perhaps even more if state lawmakers heed the advice of the state's nonpartisan Legislative Analysts Office (LAO). Contrary to warnings by Governor Jerry Brown and others, the reductions in isolation also appear to be coinciding with a measurable reduction in violence in California's prisons.

With the state prison systems use of segregation units down by over 50 percent in the past three years, the Governor's proposed budget for the next fiscal year estimates savings of up to \$28 million by converting underutilized segregation units for different uses.

In October 2012, there were 3,923 individuals in Security Housing Units, which are long-term segregation units, and 7,007 in Administrative Segregation Units, which are typically shorter-term segregation units. As of January 28, 2016, the California Department of Corrections and Rehabilitation reports there are just 2,211 people held in SHUs and 2,643 in ASUs. These reductions have been most significant in the SHU, where, historically, individuals spent years, even decades, in solitary confinement because of real or suspected gang affiliation. Due to prisoner-led hunger strikes and a federal lawsuit against the practice of isolating prisoners purely due to gang affiliation, California has since moved away from this, turning instead towards a system that reserves SHU terms for behavior rather than simple affiliation.



On September 1, 2015, CDCR announced it had reached a settlement agreement with hunger strike leaders who filed a federal class-action lawsuit, known as *Ashker v. Brown*, against long-term solitary confinement. Under the terms of the settlement, CDCR cemented its move away from isolating people solely on the grounds of gang affiliation and established a review system to evaluate whether those in the SHU actually need to be there. This reduced ability to isolate gang affiliates apparently has prison officials and those in the Governor's office concerned. Governor Brown is calling for nearly \$6 million in additional spending on gang monitors, arguing the reduction in solitary confinement may lead to an increase in gang activity.

According to the administration, these positions are needed to handle workload from an anticipated increase in gang activity related to the new segregated housing policies required by the *Ashker* settlement, reports the LAO. Specifically, the department plans to use the additional positions to monitor the activities of gang members released to the general population. However, the LAO argues the [state] has not established a clear nexus between the policy changes and the increased workload suggested by the Governor, and recommends legislators reject this additional spending.

The Governors proposal to spend \$5.8 million to beef up CDCRs Investigative Services Unit (ISU) which, among other investigative functions, monitors gang activity, is predicated on assumptions that are simply lacking in evidence. It is clearly true that CDCR is isolating fewer and fewer prisoners for gang affiliation. But it is also true that these reductions have been going on for several years now, and further, CDCR is still engaged in the practice of isolating people for behaviors that are deemed to have a nexus to gang activity.

The reduction in Californias use of solitary confinement has been an ongoing process for several years now, beginning in 2012 when CDCR, in response to prisoner-led hunger strikes in 2011 protesting long-term solitary confinement the SHU, began revising SHU policies and implemented a Step Down Program to transition people out of the SHU. As part of that process, CDCR established a system in which a Departmental Review Board (DRB) began reviewing all individuals in the SHU to determine whether it made sense to keep them in SHU or simply release them to the general population.

As Solitary Watch repeatedly reported over the years, the DRB consistently endorsed the vast majority of gang validated prisoners for release to the general population. By June 12, 2015, there were 1,274 reviews conducted in SHUs and ASUs. Of them, 910 were released or endorsed to release to the general population and 321 were placed in various levels of the Step Down Program. At no point did state corrections officials ever raise alarm bells about increased gang activity in the state prison system as a consequence.

It is true that releases from solitary have accelerated in the past six months. Last summer, CDCR developed revised policies governing ASUs, providing for, among other things, shorter terms and greater due process, resulting in a sharp drop in ASU populations across the state.

At this point, however, there is still no evidence that either the Governors administration or CDCR can point to indicate an association between these policy changes and an escalation in problems, something noted by the LAO. [T] the department has been unable to provide a detailed analysis which indicates the specific workload increases that will result from the policy changes, the LAO reports. The LAO goes on to note that key metrics that would suggest more investigators are needed are actually headed in a positive direction. For one, the state prison population continues to decline, the result of state efforts to come into compliance with a U.S. Supreme Court order to reduce the prison population and an assortment of ballot initiatives which have further reduced the number of prisoners. And secondly, the number of assaults on inmates and staff has decreased from about 8,500 in 2012 to about 1,200 in 2014.

In other words, California prisons are overall far less violent than they have been in the recent past. Taken together with the absence of evidence that the end of CDCRs old policy of isolating people for gang affiliation will lead to a spike in gang activity, the LAO recommends turning down the Governors proposal to increased funding for the ISU. We recommend that the Legislature reject the administrations proposal for \$5.8 million to fund increased staffing for the ISU because the proposal lacks sufficient workload justification, particularly in light of recent declines in other ISU workload, concludes the LAO.

Sal Rodriguez was Solitary Watchs first and most prolific intern. Based in Los Angeles, he served as an editorial writer and columnist for the Orange County Register and the Press-Enterprise, and is now the opinion editor for the Southern California News Group.

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by [Juan Moreno Haines](#)

October 25, 2022

by [Solitary Watch Guest Author](#)

October 13, 2022

by [Vaidya Gullapalli](#)

September 29, 2022

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This is very exciting! It certainly does not speak poorly to the motivations or goals of Governor Brown and others who were concerned about safety issues, but it is a wonderful result that violence is decreasing and the state is able to save money as well. Focusing on safety for everyone is very important. It is commendable that Governor Brown and others raised safety concerns. It is a nice surprise for all of us that these changes that have been made to implement more humane and effective practices are making things safer and are also fiscally beneficial.

If there is money that Governor Brown would like to devote to making communities more peaceful, there are probably a number of constructive options, both in prisons and in the community. This particular proposal may or may not be helpful, but opportunities to improve educational offerings for people in prison, develop vocational training programs in prison, help people address issues such as anger management or substance abuse that they may struggle with sometimes, would quite possibly be very helpful. If programs could be implemented in the community, this would be even better. Prevention is much better than trying to pick up the pieces once things have fallen apart.

I am so happy to see that California has been able to reduce violence in prisons, reduce costs, and has likely spared a lot of people some

truly excruciating and horrible pain from the effects of social isolation. This is something that Governor Brown, prison administrators, correctional officers, advocates and many others should justifiably be very proud of. Determining the best ways to invest funds that have been saved by implementing humane and effective practices is an exciting opportunity to help people be happier and live positive lives. While this way may or may not not be the best way, there are many other great options. I am so impressed with what California is accomplishing in changing its prisons.

Just as more careful (or even sparing) use of solitary within prisons is very reasonably associated with a reduction in stress and escalated conflict among prisoners and between prisoners and staff, more careful use of incarceration in the society generally especially if the change is associated with expansion of supportive programs and community investment can be expected to have a parallel positive effect on public safety.

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