

# Center For Constitutional Rights

## Criminal Justice Issues and Prisoners' Rights

<https://ccrjustice.org/home/blog/2018/02/26/back-court-solitary-confinement>

### Public Facing Advocacy Writing

The CCR blog

The [landmark, class action settlement](#) in CCRs case challenging long-term solitary confinement, [Ashker v. Governor of California](#), brought widespread reform to the practice of solitary in California prisons. Under the settlement, nearly 1500 prisoners were released into general population. However, hundreds of these transfers were to extremely restrictive prison cells that essentially mirror conditions in the Security Housing Units (SHUs) from which the prisoners were released, thus violating the most basic terms of the settlement. Last Friday, lead counsel with CCR, Jules Lobel, [argued in court](#), urging the judge to order the California Department of Corrections and Rehabilitation (CDCR) to comply with the settlement and ensure that new conditions do not mirror conditions in the Security Housing Units (SHUs), but provide real changes. Below are excerpts from prisoner declarations provided to the court describing prisoners experiences in the new, Level IV general population units.

#### Michael Thomas

I am not assigned to a job, vocational training program, or educational program. I have been on a waiting list for a job since December 2015, and I am still waiting today. My total average daily out-of-cell time [has been] just under 1 hour including the time I spend waiting in line for medication. When I was in SHU at Corcoran, I typically had out-of-cell time for 3.5 hours a day, 3 times per week. It was very consistent and rarely cancelled. Thus, I believe my average daily out-of-cell time for one month in Corcoran SHU was greater than my average daily out-of-cell time at KVSP

#### Anthony Mendiola

The inconsistency of the programming at KVSP has left me anxious and upset. When yard [time] is scheduled, I put other things aside and prepare to leave my cell; when it is cancelled, which is frequent, I feel frustrated and disappointed. I feel anxious because there is no reliable schedule, and I never know what is going to happen the next day. I value my time outside on the yard, where I can exercise and breathe fresh air; without it, I feel less healthy, physically and emotionally. I feel like I have been forgotten by CDCR, and it depresses me: management and staff either do not see the negative impact of the lack of programming and out-of-cell time, or do not care.

#### Noe Martinez

For example, as of September 19, 2017 the last time my section had yard [time] was on September 11, 2017. We were scheduled to go on September 13, 2017, but it was cancelled with no reason given. We were scheduled to go on September 15, 2017, but it was a down day, presumably for staff training. We were scheduled to go on September 18, 2017, but it was cancelled again with no reason given.

#### Joel Lopez

Conditions for me have improved incrementally. I am now assigned to school, the Substance Abuse Program, and a journaling class; yard time is longer and a day room recently opened. However, programming is still regularly cancelled or shortened. There is still not enough programming for all inmates who want it, and many inmates remain unassigned and therefore locked in their cells for about 22 hours (or more) a day, many days per week. There are still no vocational training programs available.

#### Michael Herrera

During [one average month] I was allowed to leave my cell only 7 days during the month. On 5 days, I left my cell for yard time, for a monthly total of 9.25 hours. On 4 days, I left my cell to use the day room, for a monthly total of 6.25. On 3 days, I left my cell to use the phone, for a monthly total of 45 minutes. On 2 days, I left my cell to shower, for a monthly total of 35 minutes.

#### Francis Clement

Out-of-cell time is cancelled or restricted on a regular basis. Day room and yard time are irregular. All meals are eaten in-cell. In Ad-seg, there is no programming, including no jobs, no educational or vocational programs, and no self-help. [G]eneral population is not much different. I believe my out of cell time in Ad-Seg was greater than the out-of-cell time for many inmates in general population.

#### Luis Esquivel

There are not enough jobs, vocational training programs, or educational programs for all prisoners who want them, and I have been on a waiting list for two years. When I inquired of the Inmate Assignment Office about my lack of job assignment after one year of waiting, I was told that I was on the waiting list and I would be assigned when my name is reached and I meet the criteria for an open position. [The officer] could not tell me where I was on the waiting list. She also informed me that eligibility for certain positions may depend on factors such as custody level, skills, and ethnic breakdowns. That was one year ago, and I am still waiting. Because I am not assigned to

regular full-time programming, I have few opportunities to leave my cell on a regular basis. Showers and telephone calls, which are supposed to be available every other day, are infrequent, and we must choose one or the other. Currently, at dinner time, we leave our cells to pick up food, but must return to our cells to eat. I leave my cell for 20-25 minutes for breakfast, and many days, this is my only out-of-cell time. (Lunch is a brown box picked up at breakfast.)

### **Kelvin Cannon**

The conditions in general population at Corcoran are similar to SHU, and my experience was likewise similar. There was very limited out-of-cell time, so there was limited opportunity for social interaction, intellectual stimulation, and fresh air. I had few phone calls and showers. Yard and day room were regularly cancelled. I ate most meals in my cell. Corcoran general population conditions are worse than SHU in that the program is highly dysfunctional and irregular, resulting out-of-cell time.

[View the discussion thread.](#)

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