

Center For Constitutional Rights

Criminal Justice Issues and Prisoners' Rights

<https://ccrjustice.org/home/blog/2017/11/22/two-years-after-end-indefinite-solitary-confinement-california-struggle>

Public Facing Advocacy Writing

The CCR blog

Two years ago, a settlement in our case, [Ashker vs. Governor of California](#), ended the practice of indefinite solitary confinement in California, resulting in the transfer of over 1,600 men into general population. At the time, the plaintiff representatives, who had led three historic hunger strikes of people locked away for decades in solitary confinement, issued a joint statement [saying](#). The prisoners human rights movement is awakening the conscience of the nation to recognize that we are fellow human beings. . . . Achieving our goal of fundamentally transforming the criminal justice system and stopping the practice of warehousing people in prison will be a protracted struggle.

Their point remains prescient; this week, we [filed a motion](#) detailing ongoing constitutional violations against *Ashker* class members on the part of the California Department of Corrections and Rehabilitation (CDCR), and we [released a report](#) with Stanford researchers about the continuing mental health consequences these men have suffered since their release underscoring that the torture of solitary confinement doesn't end when the cell doors open.

Since the *Ashker* settlement, we've shared writings every month from people formerly held in solitary confinement who were released to general population. They have described the wonders of experiences of which they were deprived for decades, like [hugging their mothers](#), [holding hands](#) with loved ones, [feeling the warmth of the sun against their skin](#), [marveling at the night sky](#), and [enjoying soda and ice cream](#). But they've also expressed feelings of [numbness](#), [anxiety](#), and an [inability to connect with others](#), compounded by [a dearth of proper support](#) to address these mental health challenges and for many, [retaliation by CDCR officials](#).

Together, our filing and report address these issues head-on.

Our motion details how CDCR continues to violate class members due process rights. CDCR is systematically using unreliable, fabricated, or improperly disclosed confidential information to find class members guilty of various conspiracies and send them back to solitary. The settlement created a Restricted Custody General Population unit, where many class members were transferred, but CDCR has made those conditions abysmal. And CDCR is using unconstitutional gang validations to bar people from the opportunity to get parole. So, even though the settlement ended *indefinite* solitary confinement, we're seeing how CDCR has taken up various tactics to put people back in *long-term* solitary and retaliate against them otherwise.

What's more, the men released from indefinite solitary confinement are not receiving the mental health care and support they need. After the settlement, hundreds of class members were transferred to Level IV prisons, where conditions are similar to the SHU and many are spending the same or *more* time isolated in their cells than when they were in indefinite SHU. The interviews for our report echoed the writings we've seen from class members over the last two years. They share a range of potentially permanent effects, including: mood deterioration and depression, intense anxiety, emotional numbing and dysregulation, cognitive impairments, modifications in perception of time, physical health ailments, feelings of estrangement from family and friends, and diminished capacity for socialization. They describe their experiences as overwhelming sensory overload, like taking a kid from a baby pool and throwing him into the ocean, and like going to Mars.

What few mental health services exist for people released to general population are largely staffed by CDCR meaning that they expect class members to vulnerably disclose the severe mental health issues they are facing to staff from the same entity that has tortured them for decades. Many choose to not participate in these services because they do not trust them. Instead, class members are asking for the provision of mental health services in the form of independent psychiatric care and/or peer-led or peer-facilitated support groups, which is a primary recommendation of the report.

As we affirm the historic victory of the *Ashker* settlement, we recognize that the work to defend this hard-won battle continues, and will continue to work alongside people in prison to end the inhumane conditions that persist. As the prisoner representatives said in a [statement](#) marking this two year anniversary: We must stand together, not only for ourselves, but for future generations of prisoners, so that they don't have to go through the years of torture that we had to. . . We need all prisoners young and old to make our collective outcry public to ensure that the victory that we have won is not reversed by CDCR behind closed doors. . . We cannot allow our victories to be nullified by CDCR's abuse of power, and may have to commit ourselves to non-violent peaceful struggle if CDCR continues on its present path.

[View the discussion thread.](#)

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