Most Popular

1. Target to close 3 Bay Area stores next month, citing rampant retail crime
2. 'He was like a zombie': These hikers were struck by lightning on...
3. Why S.F. NIMBYs are about to lose all their power to stop new...
4. S.F. to ramp up clearing homeless encampments after new court guidance
5. California high-speed rail project scores $202 million federal grant....

Subscribe Sign In

EXCLUSIVE OFFER | Only 25¢ for Unlimited Digital Access. ACT NOW

US & WORLD // CALIFORNIA

'It's torture': Solitary confinement tests limits of California prison reform

For the second time in two years, the state Legislature supported a bill to limit solitary confinement. But it won't yet reach the desk of a past skeptic — Gov. Gavin Newsom.

Annie Sciacca
Sep. 26, 2023



Before Hakim Owen studied social welfare and public policy at UC Berkeley through its Underground Scholars program, he experienced solitary confinement for months at a time in California prisons. He now advocates for ending the practice, which he calls torture.
Stephen Lam/The Chronicle

Hakim Owen describes his two stints in solitary confinement as "the darkest moments" in his life.

First imprisoned in California at age 18 for a probation violation after being arrested for marijuana possession in the late 1990s, Owen would go on to experience solitary confinement for months at a time at the Salinas Valley and Corcoran state prisons.

“Solitary looks like people self-mutilating, people screaming all night, people kicking and banging on doors all night — it’s torture,” Owen said, adding that during his time there, two people died by suicide while in solitary confinement. Others injured themselves to have a chance to get medical help and human interaction, he said.

EXCLUSIVE OFFER | Only 25¢ for Unlimited Digital Access. ACT NOW

Now 47 and studying social welfare and public policy at UC Berkeley’s “prison-to-school pipeline” Underground Scholars program, Owen is one of many survivors of solitary confinement advocating for an end to the practice.

Two years after New York legislators passed a law to limit solitary confinement in that state, California has once again fallen short of doing something similar.



Hakim Owen walks along Bancroft Way in Berkeley on Friday. An advocate for abolishing solitary confinement, which he experienced while incarcerated in California prisons, Owen and his fellow advocates have faced opposition from Gov. Gavin Newsom and law enforcement unions.
Stephen Lam/The Chronicle

A bill introduced by Assembly Member Chris Holden, D-Pasadena, to restrict the number of days people could be held in solitary passed both houses of the state Legislature this past session. It was the second time a bill to limit solitary confinement has done that. But Holden pulled the bill before it reached a so-called concurrence vote that might have sent it to the governor's desk, instead holding it over as a two-year bill that can be taken up in the 2024 legislative session.

More Reading

California prisons can still cooperate with immigration officials after Newsom veto
Read Now



The backstory of that viral article on listening to Taylor Swift in prison
Read Now



That, advocates say, will allow for more time to negotiate with Gov. Gavin Newsom, who vetoed a previous version last year.

Reached Sept. 15, the governor's office referred the Chronicle to his veto message for last year's bill.

"Segregated confinement is ripe for reform in the United States — and the same holds true in California," Newsom wrote, while noting that the bill "establishes standards that are overly broad and exclusions that could risk the safety of both the staff and incarcerated population within these facilities."

The California Department of Corrections and Rehabilitation maintains that there is no "solitary confinement" in state prisons, but rather various forms of "restricted" housing, to which people are assigned based on their behavior or safety concerns.

In his veto, Newsom ordered the department to write new regulations for its use of those forms of confinement. Those regulations are expected to be made public this year.

The status of the Holden bill and other prison-related legislative proposals paint a picture of a state at odds: Advocates, formerly incarcerated people, their families and many lawmakers have demonstrated their support for reform of the state's carceral systems. But they face pushback from more moderate or conservative corners and California's still powerful law enforcement unions. And, sometimes, from Newsom himself.

California's rate of incarceration is below the national average — 259 people per 100,000 residents, compared with the national rate of 350 per 100,000 residents — according to data from the Sentencing Project, a prison reform advocacy organization. But the state has a much higher rate of disparity between incarcerated Black and Latino people and white people.

The most recent bill attempting to limit solitary confinement, the California Mandela Act (Assembly Bill 280), would prohibit detention facilities — including jails, prisons and private or public immigration detention facilities — from holding people in solitary or "segregated" confinement for more than 15 consecutive days and no more than 45 days total in a 180-day period.

The bill would ban solitary confinement altogether for people who are pregnant or postpartum, have a physical or mental disability, are younger than 26 or older than 59. The bill defines "segregated confinement" as confining a person in a cell or holding space — alone or with other people — with "severely restricted activity, movement, or minimal or no contact with persons other than custodial staff for more than 17 hours per day."

New York's law limits the use of solitary confinement of more than 17 hours per day that can exceed three days, and it altogether bans segregated confinement for more than 15 days.

Tulare County Sheriff Mike Boudreaux, president of the California State Sheriffs' Association, which opposes the California bill, spoke about fears that the proposed changes could interfere with a detention facility's ability to isolate people who cause problems.

Boudreaux said solitary confinement can be necessary to keep conflict to a minimum.

"I have to put it in the simplest way possible: If you put crayons in a box, the green crayons maybe won't get along with red crayons," Boudreaux said. "If you put inmates together, they won't always get along."

He insisted that most detention facilities follow or surpass state-mandated rules about recreation and time spent outside cells, but acknowledged that the current three hours per week of required recreation time could probably be increased.

But ultimately, he said, "jail is not supposed to be a luxury suite."

Jails and prisons across the state have faced scrutiny and legal action for not meeting constitutional standards for treatment of inmates, however.

In 2020, a federal judge approved a settlement agreement for a class-action lawsuit against Sacramento County that accused the county jails of regularly locking people alone in dark, cramped cells for more than 23 hours a day.

And both Contra Costa and Alameda counties were put under court decrees in 2020 and 2021 following lawsuits over their allegedly poor mental health services and lack of outside time for incarcerated people.

Boudreaux and his department also were hit with a class-action lawsuit, launched by the American Civil Liberties Union, alleging the overuse of "solitary-like" confinement during COVID outbreaks in late 2020.

Those who have been in solitary confinement describe being denied regular exercise or recreation, or even time for laundry or other necessary tasks.

Owen said that during one of his stints in solitary, he could not get out of his cell for 10 days to call his family when his grandmother died.

Hakim Owen was admitted to UC Berkeley through its Underground Scholars program, which aims to bring formerly incarcerated individuals to higher education. He is studying public policy and social welfare.
Stephen Lam/The Chronicle

The process for putting incarcerated people in segregated confinement is often simply at the discretion of correctional officers, Owens and others said.

He said he was confined multiple times for infractions such as verbally "disrespecting" an officer or refusing a work assignment. While there is a process to appeal a solitary lockup, people are often placed in segregated confinement while that process moves forward.

Kelly Turner, 55, said she was locked in solitary confinement for as long as 24 months during her 13 years in the Central California Women's Facility in Chowchilla. She was sentenced in 1997 to 25 years to life for forging a $146.16 check to a department store. Normally that crime carries a three-year sentence, but her sentence was harsher because it was her third nonviolent offense under California's Three Strikes Law, which has since been reformed.

Turner said she and others were sent to segregated confinement for infractions such as making alcohol in prison and fighting.

She said they were locked in an isolated cell, often next to people struggling with their mental health. Turner said she heard constant banging and screaming, and sometimes had feces thrown into her cell.

“We are sentenced to prison to serve out our time — we’re supposed to be protected, not further abused or oppressed,” said Turner, who has — since her 2009 release on an appeal — founded a nonprofit and operates a program for young women facing homelessness in Merced County. “When we are sent to solitary confinement for whatever misbehaviors we are found or thought to have created while incarcerated, the confinement is torturous.”

Studies have found that solitary confinement has been associated with increased anxiety, depression, paranoia and aggression.

Eduardo Dumbrique, who served 24 years for a first-degree murder charge in Los Angeles County for which he was later exonerated and declared innocent, spent 13 years total in solitary lockup.

Released in 2021, Dumbrique is working as an apprentice at the Peace and Justice Law Center, an Orange County nonprofit that provides legal services and policy advocacy related to criminal legal system reform. But he’s still trying to overcome the mental trauma of the experience, he said — a challenge when issues like claustrophobia or other struggles present themselves each day.

“It weighs on me strongly,” Dumbrique said, noting that incarceration even in the general population portion of a facility is still very much a punishment. “But solitary confinement, in contrast, is torture.”

Annie Sciacca is a freelance reporter based in Oakland.

Sign up for the Morning Fix newsletter

Top headlines from The Chronicle’s newsroom

Email

SIGN UP

By signing up, you agree to our Terms of use and acknowledge that your information will be used as described in our Privacy Policy.

Written By
Annie Sciacca

VIEW COMMENTS

Top of the News

Target to close 3 Bay Area stores, citing rampant retail crime

Target said it would close three stores in the Bay Area, citing unsustainable retail crime.

BY NORA MISHANEC, ROLAND LI

Here's why philanthropist Daniel Lurie thinks he can win S.F. mayor race

BY J.D. MORRIS

Breed wants mandatory drug screening, treatment for S.F. welfare recipients

BY ST. JOHN BARNED-SMITH

These hikers were struck by lightning on Yosemite's Half Dome

BY CLARE FONSTEIN

This is the best mac and cheese you can find in the Bay Area

BY CESAR HERNANDEZ

ABOUT

Our Company
Terms of Use
Privacy Notice
CA Notice at Collection
Your CA Privacy Rights (Shine the Light)
DAA Industry Opt Out
Careers
Advertising

NEWSROOM

Ethics Policy
Our Use of AI
Endorsement Process
News Tips
Newsroom News

CONTACT

Customer Service
FAQ
Newsroom Contacts

SERVICES

Subscriber Services
e-Edition
Reprints & Permissions
Corporate Subscriptions
App
Archives
Membership
Place an Obituary
Store
Subscription Offers
sfgate.com

Your Privacy Choices (Opt Out of Sale/Targeted Ads)

HEARST newspapers

©2023 Hearst Communications, Inc.