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Streamlined harmonized Hancock-Ammiano bill we and community-based organizations, prison reform experts and faith-based and labor leaders from throughout California would strongly support in a joint letter to Senators and Assembly members. This has only 3 parts we consider essential to rational legislation for this term and could be expanded upon next term after data collection from CDCR.

Peter Schey (323-251-3223).

An act to amend Section 2933.6 and to add Sections 2933.7, 2933.8 and 2933.9 to the Penal Code, relating to state prisons. The people of the State of California do enact as follows:

SECTION 1. The Legislature finds and declares the following:

- (a) Prisons serve a vital role in California's public safety and criminal justice system. The prison system also is an increasingly expensive government program.
- (b) The mission of the Department of Corrections and Rehabilitation is to enhance public safety through safe and secure incarceration of the most serious and violent offenders, and to provide effective parole supervision and rehabilitative strategies for the successful reintegration of offenders into our communities.
- (c) The criminal justice system must be transparent and include performance measures that hold it accountable for its results in protecting the public, reducing reoffending, and conserving taxpayers' money.
- (d) Currently, California places an offender in a setting isolated from the general prison population solely because the offender is a gang member. An offender is labeled a gang member or gang associate through a process that is completely internal within the department and that is not subject to any systematic independent oversight.
- (e) An offender in the Security Housing Unit is locked in a cell for up to 23 hours a day. These offenders are typically given minimal outdoor time alone in small, separately secured yards, and eat their meals in their cells. An offender in a Security Housing Unit cannot make phone telephone calls and has very limited access to family member visits.

(f) As of February 27, 2014, there were 2,483 offenders serving indeterminate terms in the Security Housing Unit and 1,466 offenders serving determinate terms in the Security Housing Unit in California state prisons.

(g) As of February 27, 2014, there were 39 offenders who had been in the Security Housing Unit for more than 25 years, and 46 offenders who had been in the Security Housing Unit for more than 20 years. According to the department, the average time an offender spends in the Security Housing Unit is 6.8 years.

(h) Mental health professionals and researchers have found that offenders in solitary confinement, especially for an extended time, suffer from a number of psychological and psychiatric illnesses. Those illnesses include aggression, chronic insomnia, anxiety, panic attacks, extreme paranoia, and an offender often exhibits the signs and symptoms of psychosis, including hallucinations.

(i) Long-term segregated housing as a prison management strategy should be used only as a last resort and should be limited in duration.

SECTION 2. Section 2933.6 of the Penal Code is amended to read:

2933.6. (a) Notwithstanding any other law, a person who is placed in a Security Housing Unit, Psychiatric Services Unit, Behavioral Management Unit, or an Administrative Segregation Unit for misconduct described in subdivision (b) is ineligible to earn credits pursuant to Section 2933 or 2933.05 during the time he or she is in the Security Housing Unit, Psychiatric Services Unit, Behavioral Management Unit, or the Administrative Segregation Unit for that misconduct.

(b) This section applies to the following offenses:

- (1) Murder, attempted murder, and solicitation of murder. For purposes of this paragraph, solicitation of murder shall be proven by the testimony of two witnesses, or of one witness and corroborating circumstances.
- (2) Manslaughter.
- (3) Assault or battery causing serious bodily injury.
- (4) Assault or battery on a peace officer or other nonprisoner which results in physical injury.
- (5) Assault with a deadly weapon or caustic substance.
- (6) Rape, attempted rape, sodomy, attempted sodomy, oral copulation, or attempted oral copulation accomplished against the victim's will.
- (7) Taking a hostage.
- (8) Escape or attempted escape with force or violence.
- (9) Escape from any departmental prison or institution other than a camp or reentry facility.
- (10) Possession or manufacture of a deadly weapon or explosive device.
- (11) Arson involving damage to a structure.
- (12) Possession of flammable, explosive material with intent to burn any structure or property.
- (13) Solicitation of assault with a deadly weapon or assault by means of force likely to produce great bodily injury, arson, or a forcible sex act.

(14) Intentional destruction of state property in excess of four hundred dollars (\$400) during a riot or disturbance.

c) ~~This~~ *Subdivision (a) of this* section does not apply if the administrative finding of the misconduct is overturned or if the person is criminally prosecuted for the misconduct and is found not guilty.

(d) An inmate may only be assigned to a Security Housing Unit for an offense specified in subdivision (b).

SECTION 4. Section 2933.8 of the Penal Code is added to read:

2933.8. Corroboration of in-custody informant.

(1) An inmate shall not be placed in security housing for longer than 30 days based on the uncorroborated testimony of an in-custody informant. The testimony of an in-custody informant shall be corroborated by other evidence that connects the inmate with the commission of the act alleged to warrant placement in security housing to which the in-custody informant testifies. Corroboration is not sufficient if it merely shows the commission of the act alleged to warrant placement in a security housing. Corroboration of an in-custody informant shall not be provided by the testimony of another in-custody informant unless a preponderance of the evidence shows that the in-custody informant has not communicated with another in-custody informant on the subject of the testimony.

(2) As used in this subsection, “in-custody informant” means a person, other than a percipient witness, accomplice, or coconspirator, whose testimony is based on statements allegedly made by the inmate while both the inmate and the informant were held within a state penal institution or correctional institution. Nothing in this section limits or changes other requirements for corroboration of accomplice testimony prescribed by any other provision of law.

SECTION 3. Section 2933.7 of the Penal Code is added to read:

2933.7. (a) Commencing July 1, 2015, the department shall collect the following data relating to offenders being housed in the Security Housing Unit or Psychiatric Services Unit:

- (A) The offender’s gender, age, mental health status, and race.
- (B) The date the offender was placed in the Security Housing Unit or Psychiatric Services Unit and the date of release.
- (C) The reason the offender is serving a Security Housing Unit term.
- (D) The number of visits from persons other than staff that the offender was provided while serving a term in the Security Housing Unit or Psychiatric Services Unit.
- (E) The number of phone telephone calls the offender was provided while serving a term in the Security Housing Unit.
- (F) Whether the offender attempted to commit or committed suicide.
- (G) Any disciplinary action taken against the offender, and the result of that action.
- (H) Whether the offender was paroled directly out of the Security Housing Unit or the Psychiatric Services Unit into the community.
- (I) The number of administrative appeals filed by offenders in the Security Housing Unit or

Psychiatric Services Unit, the subject matter of the appeals, and the outcome of the appeals.

(b) Commencing January 1, 2017, and biennially thereafter, the Office of the Inspector General shall use the data described in subdivision (a) to prepare a report to the Legislature that includes, but is not limited to, the following information:

- (1) The number of offenders placed in the Security Housing Unit term or in the Psychiatric Services Unit.
 - (2) The average length of time offenders serving a Security Housing Unit term spent in the Security Housing Unit or the Psychiatric Services Unit, or both.
 - (3) The number of suicide attempts made by offenders in the Security Housing Unit and the Psychiatric Services Unit.
 - (4) The number of suicides by offenders in the Security Housing Unit and the Psychiatric Services Unit.
 - (5) The number of offenders in the Security Housing Unit and the Psychiatric Services Unit who were paroled directly out of the Security Housing Unit and the Psychiatric Services Unit into the community.
 - (6) The number of disciplinary actions taken against offenders in the Security Housing Unit and the Psychiatric Services Unit, the type of actions, and the outcomes of the disciplinary actions.
 - (7) The number of visits by persons other than staff to offenders in the Security Housing Unit and the Psychiatric Services Unit.
 - (8) The number of telephone calls provided to offenders in the Security Housing Unit and the Psychiatric Services Unit.
 - (9) The number of administrative appeals filed by offenders in the Security Housing Unit or the Psychiatric Services Unit, the subject matter of the appeals, and the outcomes of those appeals.
- (c) The report required by subdivision (b) shall be submitted in compliance with Section 9795 of the Government Code.

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