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California's Prisons Must End Racially Discriminatory Practices
Race-based Lockdowns Are Routine and Widespread in CDCR Institutions

BERKELEY, California (July 14, 2010) – Today the Prison Law Office demanded that the California Department of Corrections and Rehabilitation (CDCR) end its practice of imposing racially discriminating lockdowns. A copy of this letter is available at www.prisonlaw.com.

California's prisons regularly discriminate against prisoners based on race by subjecting entire racial groups to illegal lockdowns. Lockdowns severely restrict prisoners' ability to access medical care, religious services, and other essential services, and reduce or eliminate prisoners' ability to see their families. When members of a racial group are involved in a security-related incident, CDCR prison administrators often respond by locking down all members of that racial group for extended periods of time, regardless of whether the individuals affected by the lockdown pose any security risk.

The Prison Law Office reviewed CDCR documentation of all security-related lockdowns imposed in men's prisons statewide between January 1 and June 30, 2009, and found that more than 100 of the 379 lockdowns were imposed and maintained on an entire racial group. There is no evidence that CDCR ever assessed whether the individuals affected by the lockdown in fact posed a security risk. The lockdowns in the sample lasted an average of 109 days; thus, prison staff typically had almost four months to make individualized risk determinations but did not do so.

The State's rationale for its policy – that maintaining lockdowns that last for months on entire racial groups is necessary to preserve security in the prisons – does not pass constitutional muster. Prison lockdowns on the basis of race violate the Equal Protection Clause of the United States Constitution unless such a policy is narrowly tailored to achieve a compelling state interest. Where race was the only connection between the perpetrators of an incident and the prisoners subjected to lockdown, long-term race-based prison lockdown have already been found to be discriminatory. *Richardson v. Runnels* (9th Cir. 2010) 594 F.3d 666, 671; *Johnson v. California* (2005) 543 U.S. 499, 515.

The Prison Law Office, a non-profit legal organization, has successfully challenged many unlawful conditions of confinement on behalf of California prisoners.

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